

Ordinance 94-01
An Ordinance Enacting A General Pretreatment Program,
Regulating Use of Sewers and
Providing Penalties for Violations Thereof
in the Sanitary District of Decatur, Illinois

PREAMBLE

WHEREAS, Title III of the Clean Water Act of 1977, as amended, (33 USC, Sec. 1251, et seq. hereafter "Act") and regulations promulgated thereunder relating to the development by publicly owned treatment works of general pretreatment programs requires the Sanitary District of Decatur (hereafter "SDD") to develop and implement such a general pretreatment program; and

WHEREAS, the Board of Trustees of the SDD has determined that the general pretreatment program as set forth in this Ordinance regulating the use of sewers complies with the Act and regulations; and

WHEREAS, the Board of Trustees of the SDD has determined that this Ordinance is necessary for the public health, safety, and welfare.

NOW, THEREFORE, be it ordained by the Board of Trustees of the SDD, County of Macon, State of Illinois:

PART 100

GENERAL PROVISIONS

Section 101.100 **ENACTMENT**

Pursuant to the requirements of the Act and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970 as amended (Ch. 111 1/2, ILL. Rev. Stat. 1983, Sec. 1001, et seq.), and in accordance with Sanitary District Act of 1917, (Ch. 42, ILL. Rev. Stat. 1983, Sec. 298.99 et seq.), the following Ordinance is hereby enacted by the Board of Trustees of the SDD. (The SDD is hereafter referred to as "The Publicly Owned Treatment Works" or as "the POTW".

Section 100.105 **PURPOSE AND POLICY**

This Ordinance regulates the use of sewers, private wastewater disposal, and the discharge of wastewater into the POTW wastewater system. The Ordinance sets forth uniform requirements for discharges into the wastewater collection and treatment system for the POTW.

The objectives of this Ordinance are:

- I. To regulate private wastewater disposal systems;

- II. To prevent the introduction of pollutants into the POTW wastewater system that will interfere with the operation of the POTW wastewater system, including interference with its use or disposal of municipal sludge;
- III. To prevent the introduction of pollutants into the POTW wastewater system which will pass through the treatment works or otherwise be incompatible with such works;
- IV. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; and
- V. To prevent the introduction of pollutants into the POTW wastewater system which will pose a health threat to sewer workers.

Section 100.110 JURISDICTION

This Ordinance shall apply to the POTW and to persons outside the POTW, who are, by contract or agreement with the POTW, Users of the POTW.

Section 100.115 EFFECTIVE DATE

The effective date of this Ordinance shall be _____.

Section 100.120 RIGHT OF REVISION

The POTW reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the POTW.

Section 100.125 SEVERABILITY

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

Section 100.130 CONFLICT

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

Section 100.135 ADMINISTRATION

Except as otherwise provided herein, the Executive Director of the POTW shall administer, implement, and enforce the provisions of this Ordinance.

PART 200

ABBREVIATIONS AND DEFINITIONS

Section 200.100 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
FOG	Fats, Oils, and Grease
IEPA	Illinois Environmental Protection Agency
IPCB	Illinois Pollution Control Board
IU	Industrial User
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works, owned by the SDD
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act (42 USC 6901 <u>et seq.</u>)
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

Section 200.110 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases used in this Ordinance shall have the following meanings:

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

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

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

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

"Biochemical Oxygen Demand (BOD)" means the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in Standard Methods 17th ed. method number 5210.

"Bypass" means a direct discharge to sewer of untreated industrial wastewater where provisions for treatment are available.

"Chemical Oxygen Demand (COD)" means the quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures as described in Standard Methods 17th ed. method number 5220.

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

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

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

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

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

"Director" means the Director of IEPA.

"Executive Director" means the chief administrator of the POTW.

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

"Fats, Oil, or Grease (FOG)"

"Total" - means any substance of animal, vegetable, or mineral origin that shows a positive yield when using a generally accepted analytical method for the determination of FOG.

"Non-Polar" - means any of the Total FOG substances that are not absorbed by silica gel.

"Fecal Coliform" means any number of bacteria common to the intestinal tract of man and animals whose presence in water is an indicator of fecal pollution.

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

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

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

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

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

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

"Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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

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

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

"New Source" includes 1) construction at a site where no other source is located; 2) process or production equipment causing discharge is totally replaced; 3) production or waste stream generating processes of the facility are substantially independent of an existing source at the same site. A start of construction shall be determined when 1) installation/assembly of facilities or equipment begins; 2) significant site preparations begins for installation/assembly; 3) owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment.

If National Categorical Pretreatment Standards are not applicable, "New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the remodeling (if that remodeling could result in the assigning by the POTW of a new Standard Industrial Classification Code) or the construction of which commences after the effective date of this Ordinance.

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

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

"Person" means any individual, partnership, firm, company, corporation, association, society, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" means the intensity of the acid or base condition of a solution, calculated by taking the logarithm base 10 of the reciprocal of the hydrogen ion concentration expressed in gram-moles per liter of solution.

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

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

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

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

"Pretreatment Standards" means for any specified pollutant, prohibitive discharge standards as set forth in Section 300.105, specific limitations on discharge as set forth in Section 300.110, the State of Illinois pretreatment standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

"Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

"Publicly Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act, owned by the SDD. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW treatment plant regardless of ownership, but does not include sewer, pipes, and other conveyances not connected to the POTW treatment plant. The term also means SDD, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Respondent" means any person that has been charged by the POTW with an ordinance violation.

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

"Self-Monitoring" means sampling and analyses performed by the industrial user to ensure compliance with the permit or other regulatory requirements [40 CFR 403.12 (b) and (g)].

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

"Significant Industrial User" (SIU) shall mean any discharger that: 1) is subject to a categorical pretreatment standard under 40 CFR Part 403; or 2) discharges an average of 25,000 gallons per

day of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewaters); or 3) discharges an amount constituting 5 percent or more of the average dry-weather hydraulic or organic capacity of the treatment plant; or 4) is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f)(6)).

"Significant Violation" means a violation of this Ordinance which remains uncorrected 90 days after notification of such noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Sections 500.115, 500.120, or 500.130.

"Significant Noncompliance (SNC)" means any one or more of the following:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH)
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 500 of this Ordinance to halt or prevent such discharge.
- (E) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (H) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

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

"Slug" means any discharge of water or wastewater which in concentration of any given pollutant, as measured by a grab sample, exceeds more than five (5) times the allowable concentrations as set forth in Part 300 of this Ordinance or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

"State" means the State of Illinois.

"T" as in Cyanide-T means total.

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

"Total Suspended Solids (TSS)" means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater and other liquids and is removable by laboratory filtration using a Reeve Angel type 934A or 984H glass fiber filter disc as prescribed in Standard Methods 17th ed. method number 2540-D.

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

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

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

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

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

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

"Wastewater Discharge Permit" means the document or documents allowing discharge to the POTW issued to a User by the POTW in accordance with the terms of this Ordinance. This definition excludes permits, irrespective of expiration date, issued under any prior ordinance, which has been superseded by this Ordinance.

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

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

PART 300

WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS

Section 300.100 USE OF WASTEWATER FACILITIES

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

Section 300.105 PROHIBITIVE DISCHARGE STANDARDS

- I. No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any sanitary sewer.
- II. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or will Pass Through the POTW.
- III. The following general prohibitions shall apply to all Users of the POTW whether or not a User is subject to National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or Requirements. A User shall not contribute the following substances to the POTW:
 - A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at a point at the nearest accessible point to the POTW in a sanitary sewer, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%). Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, hexane, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, solvents, and sulfides;
 - B. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference with the operation of the wastewater treatment facilities, including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, tumbling and de-burring stones;

- C. Any wastewater that will cause corrosive structural damage or hazard to equipment or personnel of the POTW, but in no case wastewater having a pH less than 6.0 Standard Units or greater than 11.00 Standard Units, unless more strictly limited elsewhere in this Ordinance or by discharge permit with the following exception;
 - 1. Where a permittee continuously monitors the pH of wastewater pursuant to a requirement in their wastewater discharge permit issued pursuant to Part 400 of ordinance 94-01 as amended, the permittee shall maintain their effluent pH within the range set forth in Section 300.105 C except excursions from the range are permitted subject to the following limitations:
 - a. pH excursions between 5.0 and 6.0 or between 11.0 and 12.0 for less than a total of forty five (45) minutes in any calendar day shall not be considered violations of permit conditions or of Section 300.105 C;
- D. Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the POTW, exceed the limitation set forth in a National Categorical Pretreatment Standard (when effective) or in Section 300.110 of this Part 300 or create a public nuisance;
- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair;
- F. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines or Regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or State regulations Subtitle C Part 391 applicable to the sludge management method being used;
- G. Any substance that will cause the POTW to violate its NPDES permit or the receiving water quality standards established by IPCB;
- H. Any wastewater having a temperature at the point of discharge to the POTW that will inhibit biological activity in the POTW treatment plant resulting in Interference; in no case shall wastewater be introduced to the POTW that exceeds 40 degrees C (104 degrees F) at the POTW treatment plant;
- I. Any pollutants, including compatible pollutants released at a flow of pollutant concentration which a User knows or has reason to know will cause Interference to the POTW or will Pass Through the POTW;
- J. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations;

- K. Any wastewater that may contain more than 100 mg/l concentration of petroleum oil, nonbiodegradable cutting oil, or products of mineral-oil origin;
- L. Any wastewater containing BOD, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; provided however, that a User may be permitted by specific, written agreement with the POTW, which agreement to discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment;
- M. Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters;
- N. Any discharge exceeding the standards established in 35 Ill. Adm. Code 307;
- O. Any slug discharged to the POTW. When an I. U. is slug discharging, the POTW shall require a slug discharge control plan;
- P. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- Q. Any waste containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the sewer of POTW Treatment Plant;
- R. Any wastestream exhibiting a closed cup flashpoint of less than 140 degrees F using the test methods specified in 40 CFR 261.21;
- S. 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; or
- T. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Compliance with the provisions of this Section 300.105 shall be required on the effective date of promulgation of this Ordinance.

Section 300.110 SPECIFIC LIMITATIONS ON DISCHARGE

- I. Unless specific limits have been set in individual Wastewater Discharge Permits, discharges from an Industrial User, as measured under the provisions of this Ordinance, shall not contain in excess of the following concentrations. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow-weighted manner to determine compliance with the following limitations. Mass limits may be imposed as deemed appropriate by the POTW.

<u>Pollutant</u>	<u>Daily Maximum Concentration</u>	<u>Monthly Average Concentration</u>
Ammonia Nitrogen	30.0 mg/l	
Arsenic	1.2 mg/l	
Boron	9.0 mg/l	
Cadmium	3.6 mg/l	
Chromium (total)	14.5 mg/l	
Chromium (hexavalent)	3.1 mg/l	
Iron	87.0 mg/l	
Copper	3.0 mg/l	
Lead	2.3 mg/l	
Nickel	0.150 mg/l	0.0365 mg/l
Silver	1.0 mg/l	
Zinc	1.70 mg/l	0.450 mg/l

<u>Pollutant</u>	<u>Instantaneous Maximum Concentration</u>
Cyanide	2.0 mg/l
FOG (Total)	200.0 mg/l
FOG (Non-Polar)	100.0 mg/l
Phenols	0.57 mg/l

- II. Discharge limits for BOD and TSS will be established in individual Wastewater Discharge Permits. For existing users, BOD and TSS limits will be established at or below currently allowed discharge levels. For new users or existing users with new production capacity discharging greater than 25,000 gpd, concentration limits will be set at levels that are economically achievable but not greater than 300 mg/l BOD5 and 350 mg/l TSS and such that treatment efficiency at the POTW will not be diminished.
- III. A variance from the specific limitations found in Section 300.110 may be requested. Any Industrial User seeking a variance shall do so by filing a petition for a variance in accordance with procedures set forth in Section 500.140 of this Ordinance. The Industrial User must provide, for the POTW, any and all information required to evaluate the variance petition.
- IV. Specific local limitations on industrial discharges will be re-evaluated on a five year cycle to ensure that the local limits are adequate to prevent NPDES violations.

Section 300.115 INCORPORATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARD

The National Categorical Pretreatment Standards found in 40 CFR chapter I, sub-chapter N, parts 405 through 471, are hereby incorporated into this Ordinance.

Section 300.120 RESERVED

Section 300.125 PRETREATMENT

All Industrial Users shall provide wastewater pretreatment when required to comply with this Ordinance and shall achieve compliance with all applicable National Pretreatment Requirements and Standards, IEPA regulations and permit conditions within the time limitations as specified by appropriate statutes, regulations, and this Ordinance. Any facilities, required to pre-treat wastewater to a level acceptable to the POTW, shall be provided, properly operated and maintained at the User's expense. All Industrial Users shall obtain all necessary construction and operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified Wastewater Treatment Operator. Any subsequent change in the pretreatment facilities or significant change in the method of operation shall be submitted to and approved by the POTW prior to the Industrial User's initiation of the changes. All industrial users are prohibited from unpermitted Bypasses of their pretreatment system. Permission for a Bypass of the pretreatment system must be obtained from the POTW. Failure to obtain permission for a Bypass of the pretreatment system shall be deemed to be a violation of this Ordinance.

Section 300.130 PROHIBITION OF IMPROPER DILUTION

No User shall increase the use of process water beyond usual requirements or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with any Pretreatment Standard or Requirement.

Section 300.135 SPILL CONTAINMENT AND SLUG CONTROL PLANS

- I. Each Industrial User having the ability to cause Interference with the POTW treatment plant or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User's own cost and expense and displayed to personnel of the POTW at reasonable times and upon reasonable notice. The POTW shall undertake a review of all Industrial Users at least every two years to determine if additional spill containment and slug control plans are necessary.

If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 300.105 (III), with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

- II. All Industrial Users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause Interference with the POTW must have detailed plans on file at the POTW showing facilities and operating procedures to provide protection from accidental discharge. All Significant Industrial Users shall complete construction of said spill containment and slug control facilities within one year of the effective date of this Ordinance or within one year of beginning discharge, whichever is later. However, if a different date for completing construction of said facilities is set in the Significant Industrial User's Wastewater Discharge Permit by the POTW, after taking into consideration the complexity and extent of construction required to comply with this Ordinance and the potential harm which may be caused to the POTW, that date shall apply. No Industrial User who begins contributing to or could contribute such pollutants to the POTW after the effective date of this Ordinance shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the POTW and installed by the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.
- III. In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this Ordinance, it shall be the responsibility of the Industrial User to immediately telephone and notify the POTW of the incident. The notification shall include, at a minimum, name of caller, location and time, duration of discharge, type of wastewater including concentration and volume; and any corrective actions taken by the User.
- IV. Within five (5) days following such an accidental or deliberate discharge the Industrial User shall submit to the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by the POTW as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fine, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the POTW, result in the revocation of the industrial wastewater discharge permit.
- V. The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- VI. A notice in English and the language of common use shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental, dangerous, or illegal discharge. Employers shall insure that all employees who are in a position to cause, discover, or observe such discharge are advised of the emergency notification procedures.

Section 300.140 WASTEWATER HAULERS

- I. Wastewater haulers shall discharge all sanitary waste and grease trap waste at the designated waste hauler dumping station.

- II. Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging waste at the POTW. Each permitted wastewater hauling vehicle shall prominently display a number issued by the POTW on both doors of the vehicle cab. Such numbers shall be removable only by destruction. Decals for this purpose will be provided by the POTW to each wastewater hauler.
- III. Each wastewater hauling vehicle shall meet the following conditions before permits will be issued under Section 300.140 (II);
 - A. Each truck tank shall have a sight glass calibrated in 100 gallon increments.
 - B. Each vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.
- IV. Representative samples of wastewater from non-Industrial and industrial users discharged by a wastewater hauler shall comply with the provisions of Part 300 with the exception of grease trap waste, which is exempt from the total FOG limit therein.
- V. Each load delivered to the wastewater dumping station must have a wastewater hauler manifest properly filled out by the POTW operator on duty and signed by the wastewater hauler.
- VI. All procedures for discharging, for cleanliness and for general safe and sanitary operation on the POTW property as prescribed by the POTW shall be strictly adhered to by all wastewater haulers delivering wastewater to the POTW dumping station.
- VII. The source or sources of all liquid wastes being hauled to the POTW treatment plant shall be properly documented using the POTW manifest system.
- VIII. Wastewater from a non-Industrial User shall not be mixed with wastewater from an Industrial User. Vehicles hauling wastewater from an Industrial User shall not be used to haul wastewater from a non-Industrial User for disposal at the POTW.
- IX. In addition to remedies available to the POTW set forth elsewhere in this Ordinance, failure of a wastewater hauler to comply with the provisions of this Section shall be grounds for revocation of the hauler's discharge permit by the POTW.

Section 300.145 RIGHT OF ENTRY

Representatives of the POTW, upon showing proper identification shall have the right to enter and inspect the premises of any User who may be subject to the requirements of this Ordinance. Industrial Users shall allow authorized representatives of the POTW access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW shall have the right to place on the User's property such devices as are necessary to conduct sampling and monitoring. Where a User has security or safety measures in force which require clearance, training, or wearing of special protective gear, the User shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW to enter and inspect the premises as guaranteed by this paragraph.

PART 400

DISCHARGE PERMITS

Section 400.100 PROHIBITION OF DISCHARGES WITHOUT PERMIT

- I. It shall be unlawful for any Significant Industrial User to discharge wastewater to the POTW without a permit, or contrary to the conditions of a permit, issued by the POTW in accordance with the provisions of this Ordinance.
- II. A separate permit for Industrial wastewater discharge may be required for each Industrial wastewater connection to a public sewer.

Section 400.105 PERMITS

I. Wastewater Discharge Permit

All Significant Industrial Users proposing to connect to or to contribute to a POTW shall obtain a Wastewater Discharge Permit, under this Ordinance, before connecting to or contributing to the POTW. All currently unpermitted Significant Industrial Users which are Existing Sources connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 90 days after the effective date of this Ordinance. All Industrial Users which become Significant Industrial Users after promulgation of this Ordinance shall apply for a Wastewater Discharge Permit within 90 days of becoming a Significant Industrial User.

II. Wastewater Discharge Permit Application

- A. Significant Industrial Users, required to obtain a Wastewater Discharge Permit shall complete and file with the POTW an application in a form to be prescribed and furnished by the POTW.
- B. Existing Significant Industrial Users shall apply for a Wastewater Discharge Permit, under this Ordinance, within 90 days after the effective date of this Ordinance. Proposed Significant Industrial Users which are New Sources shall apply at least 90 days prior to discharging to the POTW. In case of conflict between application deadlines for Significant Industrial Users in Section 400.105 (I) and 400.105 (II) (B), the stricter deadline shall apply.
- C. No Wastewater Discharge Permit shall be issued or renewed to any Industrial User until personnel of the POTW have conducted a premises inspection of the facilities of the Industrial User to examine the records, accidental discharge prevention facilities, storage and /or disposal facilities for substances not permitted to be discharged into the POTW and possible monitoring points for the potential effluent.
- D. In support of application, the Significant Industrial User shall submit, in units and terms appropriate for evaluation, the following information:
 1. Name of owners/operator, address, and location;
 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

3. Wastewater constituents and characteristics and pollutant concentrations including, but not limited to, those set forth in Part 300 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with 40 CFR Part 136, as amended;
4. Time and duration of discharge;
5. Average and maximum wastewater flow, rates, including monthly, and seasonal variations, if any;
6. Site plans showing all pipe sizes, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers:
7. Total number of employees and hours of operation of a plant:
8. Each product and/or byproduct produced by type, amount, process or processes and rate of production:
9. Type and amount of raw materials processed (average and minimum per day):
10. List of any environmental control permits held by or for the facility:
11. Proposed or actual hours of operation of pretreatment system and the name of the IEPA certified pretreatment operator:
12. Name of the authorized representative of the Significant Industrial User:
13. Significant Industrial User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category:
14. If additional Significant Industrial User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the shortest schedule by which the Significant Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established under Part 300.
15. Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

III. Review of Wastewater Discharge Permit Applications

The POTW will evaluate the data furnished by the Significant Industrial User and may require additional information. After evaluation of the data furnished, the POTW may issue a Wastewater Discharge Permit. No temporary permit will be issued by the POTW except as set forth in Section 400.105 (VIII).

IV. Permit Conditions

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

- A. the limits on daily maximum and average pollutant concentrations from the more stringent of Federal, State, or local pretreatment standards;
- B. limits on maximum and average flow rate and time of discharge or requirements for flow regulation and equalization for each separate discharge of a User;
- C. requirements for installation and operation of inspection, sampling and monitoring facilities;
- D. specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests and reporting schedule;
- E. compliance schedule, if necessary;
- F. requirements for submission of technical reports or discharge reports or certification statements;
- G. requirements to retain for a minimum of three years any records of monitoring activities and results relating to wastewater discharge and for affording the POTW access to said records;
- H. requirements for advance notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to the terms of Section 400.105 (V) of this Ordinance;
- I. requirements for notification of spills, upsets or slug discharges;
- J. requirements for reporting pretreatment sludge disposal practices;
- K. requirements to develop and implement spill and slug control plans;
- L. requirements that Permittee allow the POTW or its representatives ready access upon presentation of credentials at reasonable times to all parts of its premises in which a discharge source or treatment system is located or in which records required by this Ordinance are kept for the purposes of inspection, sampling, examination and photocopying of said records for the performance of any of their duties;
- M. requirements that the Permittee provide other information to the POTW as may reasonably be required;
- N. statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- O. other conditions as deemed appropriate by the POTW to ensure compliance with this Ordinance, and Pretreatment Requirements and Standards;
- P. statement of non-transferability; and,
- Q. conditions for modification or revocation of permit.

V. Change in Conditions

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

VI. Duration

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

VII. Modification

The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements as identified in Part 300 are modified or other just cause exists. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6 (e) or net/gross calculations (40 CFR Section 403.15) or Fundamentally Different Factor Variance for non-toxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with USEPA guidelines and regulations. The Significant Industrial User shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Where any changes are made in the Significant Industrial User's permit, a reasonable time shall be given to achieve compliance. Reasonable time requires that a Significant Industrial User act in good faith to achieve compliance by the shortest possible schedule.

VIII. Transfer

Wastewater Discharge Permits are issued to a specific Significant Industrial User for the process activity specified in the permit. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new owner or new User in different premises or to a new or changed operation in the same or different premises without the approval of the POTW. If the premises are sold or otherwise transferred by the Permittee to a new owner who will maintain the operation in the same premises, then the permit held by the seller shall be reissued by the POTW to the new owner as a temporary permit; provided that the new owner shall immediately apply for a new permit in accordance with this Ordinance and further provided that the temporary permit shall only be effective for ninety (90) days after the date of sale or transfer. The POTW shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

Section 400.110 DENIAL OF PERMIT AND APPEAL PROCEDURE

- I. No Wastewater Discharge Permit shall be issued by the POTW to any person or Industrial User whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the POTW, is not in conformity with

POTW ordinances and regulations or whose application is incomplete or does not comply with the requirements of Section 400.105 (II). The POTW shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten (10) days after denial.

- II. If the POTW refuses to grant or grants with conditions a wastewater discharge permit under Part 400, the applicant may, within 35 days, petition for a hearing before the Board of Trustees, to contest the decision of the POTW. The Board of Trustees shall review the permit application, the written denial or permit conditions and such other evidence and matters as the applicant and POTW Executive Director shall present. The decision of the Board of Trustees shall be final.

Section 400.115 REPORTING REQUIREMENTS

I. General

HAZARDOUS WASTE NOTIFICATION

- A. Any Industrial User, except as specified in subpart (e) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, at the point of discharge, shall notify the POTW in writing of such discharge.
- B. All hazardous waste notifications shall include:
 - (1) The name of the hazardous waste as set forth in 40 CFR part 261;
 - (2) The EPA hazardous waste number;
 - (3) The type of discharge (continuous, batch, or other); and
 - (4) A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- C. In addition to the information submitted in Section 400.115 (I)(A), IU's discharging more than 100 kg of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the IU;
 - (1) An identification of the hazardous constituents contained in the waste;
 - (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
- D. Hazardous waste notifications shall be submitted no later than February 19, 1991, except that Industrial Users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under Section 400.105 (V) of this Ordinance.

- E. Industrial Users are exempt from the hazardous waste notification requirements during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33 requires a one time notification.
- II. Significant Noncategorical Industrial Users (SNIU)
- A. All SNIU's shall submit to the POTW a certified report detailing flow and concentration of pollutants, as listed in its discharge permit, in the permitted wastewater discharges. This report shall be submitted at least once every six months on a schedule to be provided by the POTW.
 - B. All SNIU's shall submit a report of all activity related to wastewater pretreatment and/or discharges during the calendar year. This report shall be due by March 1 of the year following the object report period.
- III. Significant Categorical Industrial Users (SCIU)
- A. Baseline Report
- 1. Industrial Users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to the POTW in a form outlined in 40 CFR Part 403.12 (b).
 - 2. At least 90 days prior to the effective date of a National Categorical Pretreatment Standard. Industrial Users which are Existing Sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Report.
 - 3. New Sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to discharging to the POTW.
 - 4. In support of the Baseline Report, the Industrial User shall submit, in units and terms specified in the application, the following information:
 - a) Name and address of the facility including the name of the operator and owners;
 - b) List of any environmental control permits held by or for the facility;
 - c) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes;
 - d) Information showing the estimated average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (1) Regulated process streams, and
 - (2) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6 (e);

- e) The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
 - (1) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.
 - (2) Use a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is not feasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four(4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (3) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (4) Take the samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, in order to evaluate compliance with the National Categorical Pretreatment Standards, the Industrial User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6 (e). Where an alternate concentration has been calculated in accordance with 40 CFR Section 403.6 (e), this adjusted limit along with supporting data shall be submitted to the POTW;
- f) The Industrial User shall provide a statement, reviewed by an authorized representative of the Industrial User indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the Industrial Pretreatment Standards;
- g) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard;
 - (1) Where the Industrial User's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6 (3)), or net/gross calculations (40 CFR Section 403.15), at the time the Industrial User submits a Baseline Report the information required in Section 400.115 (II) (A) (4) (f) and (g) shall pertain to the modified limits.

- (2) If the National Categorical Pretreatment Standard for the Industrial User is modified after the Baseline Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Section 400.115 (II) (4) (f) and (g) and submit to the POTW within 60 days after the modified limit is approved;
- h) The following conditions shall apply to any schedule submitted in response to Section 400.115 (II) (A) (4) (g):
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in Section 400.115 (II) (A) (4) (h) shall exceed nine months.
 - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW; and
- i) Such other information as may be reasonably requested by the POTW.

B. Compliance Date Report

Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards and Requirements IU's shall submit to the POTW a report, as detailed in 400.115 (III) (A), indicating the nature and concentration of all pollutants in the discharge from the regulated process (es) which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional User operation and maintenance or pretreatment techniques or installations are necessary to bring the User into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an authorized representative of the Industrial User. Compliance of new sources is required within this 90 days of commencement of discharge into the POTW. A 90 day report of non-compliance will be considered a violation of this Ordinance.

C. Periodic Compliance Reports

1. All Significant Industrial Users subject to an applicable National Categorical Pretreatment Standard, after the compliance date of such applicable National Categorical Pretreatment Standard or, in the case of a New Source, after discharge of wastewater to the POTW begins, shall submit to the POTW during the months of June and December for the preceding two calendar quarters unless required more frequently in the National Categorical Pretreatment Standard or by the POTW or IEPA, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable National Categorical Pretreatment Standards. Sampling frequency shall be determined by POTW as appropriate for the specific industry. Reports shall include all data generated during the report period. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period.
2. At the discretion of the POTW, the Wastewater Discharge Permittee shall sample, analyze and report to the POTW pollutants set forth in its Wastewater Discharge Permit.
3. At the discretion of the POTW and in consideration of such factors as a local high or low flow rate, holidays, budget cycles, the POTW may agree to alter the months during which the above reports are submitted.
4. Any permit violations revealed thru self-monitoring shall be reported to the POTW within 24 hours.

IV. Reporting Requirements for Nonsignificant Industrial Users

The POTW may require appropriate periodic reporting from those Industrial Users which are not subject to Categorical Pretreatment Standard nor are defined by the POTW as Significant.

Section 400.120 MONITORING FACILITIES

- I. Significant Industrial Users shall provide and operate at the Significant Industrial User's own expense, monitoring facilities that allow POTW inspection, sampling and flow measurement of the building sewer or internal drainage systems, at all reasonable times. The monitoring facility will normally be situated on the Users premises but the POTW may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User.
- II. Where required by the POTW, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial Users' facility suitable for the determination of compliance with Pretreatment Standards.
- III. Whenever required by a Wastewater Discharge Permit, any Significant Industrial User shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the POTW, installed and maintained at all times at the User's expense, which shall have ample room in each sampling chamber to permit the POTW to take accurate samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the POTW at any reasonable time.

- A. Each sampling chamber shall contain a Palmer-Bowlus flume unless a weir or similar device is approved by the POTW with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the POTW the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the POTW that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the POTW is made in the metered water supply to determine the liquid waste quantity.
 - B. When required by the POTW, samples shall be taken every hour or half hour, as determined by the POTW and properly refrigerated and preserved in accordance with Standard Methods and shall be composited in proportion to the flow for a representative 24 hour sample. Such sampling shall be done as prescribed by the User's Wastewater Discharge Permit.
 - C. The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the POTW.
- IV. The Permittee shall pay the costs of sampling of its discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the Permittee or by the POTW.
- V. All measurements, tests, and analyses to which reference is made in this Ordinance shall be determined and performed in accordance with the procedures established by the Administrator of the United States Environmental Protection Agency (hereafter "Administrator") pursuant to Section 304 (g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in questions, or where the Administrator determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator. This sampling and analysis may be performed by the POTW in lieu of the Industrial User. Where the POTW itself collects all the information required for the report, the Significant Industrial User will not be required to submit the report.
- VI. If monitoring performed by an Industrial User indicates a violation, the User shall notify the POTW within 24 hours of becoming aware of the violation. The User shall also repeat the analysis within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:
- A. The POTW performs sampling for the Industrial User at a frequency of at least once per month, or
 - B. The POTW performs sampling at the User's site between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.
- VII. The reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards, and Requirements.

- VIII. If an Industrial User monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.
- IX. Signatory requirements for Industrial User reports. The reports shall include the certification statement as set forth in 40 CFR 403.6 (a) (2) (ii), and shall be signed by an authorized representative.

Section 400.125 INSPECTION, SAMPLING AND RECORDS KEEPING

- I. The POTW shall inspect the facilities of all Industrial Users to ascertain whether the purposes of this Ordinance are being met and if all requirements of the Ordinance are being complied with, at a minimum of 2 times per year. It is a condition of all Permits issued under this Ordinance that all persons or occupants of premises in which a discharge source or treatment system is located or in which records are kept shall allow the POTW or its representative ready access upon presentation of credentials at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of any of their duties. The POTW shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where an Industrial User has security measures in force which would require suitable identification, necessary arrangements shall be made with their security personnel so that upon presentation of suitable identification, personnel from the POTW shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by all Industrial Users with their security personnel within 30 days of the passage of this Ordinance.
- II. Any Industrial User holding a Permit under this Ordinance who, through the actions of its agents, directors, managers, officers, assigns or delegates, shall refuse or fail to afford the POTW ready access as described in this Ordinance shall be liable to the POTW for the reasonable attorneys' fees of the POTW in enforcing before any court or tribunal the right of the POTW to:
- A. Revoke or suspend the subject permit, or;
 - B. Proceed with disconnecting the User, or;
 - C. Avail itself of any and all other legal and equitable remedies, including, Injunction, Temporary Restraining Order, Mandamus, Declaratory Judgment and any and all other legal proceedings or remedies, not exclusive of one another and not subject to any duty of the POTW to mitigate or minimize said attorneys' fees, or;
 - D. Defending or representing any Officer, Trustee, Employee, Contractor, Delegate, Attorney, or other servant of the POTW from or against any suits, claims, or demands made by the Industrial User refusing such access or any of its Owners, Proprietors, Employees, Officers or Assigns which claim, suit or demand is in any way related to the refusal or alleged refusal of access to the POTW or the POTW's response thereto.
- III. Industrial Users and the POTW shall maintain records of all information resulting from any monitoring activities required by this Ordinance and shall include:

- A. The date, exact place, method and time of sampling and the names of the person or persons taking the samples;
 - B. The dates analyses were performed;
 - C. Who performed the analyses;
 - D. The analytical techniques/methods used; and
 - E. The results of such analyses.
- IV. The POTW and IU's shall maintain such records for a minimum of three (3) years and shall make such records available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the IU.
- V. Section 400.130 UPSET PROVISIONS
- VI. Definition. For the purposes of this section, "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- II. Effect of an upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of paragraph (III) are met.
- III. Conditions necessary for a demonstration of upset. An Industrial 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 Industrial 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.
 - C. The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided verbally, a written submission must be provided within five days):
 - 1. A description of the discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- IV. Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

- V. User responsibility in case of Upset. The Industrial User shall control production of all Discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Section 400.135 BYPASS

- I. An Industrial User may allow any Bypass to occur which does not violate Pretreatment Standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to (II) and (III).
- II. Notice
- A. If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the Bypass.
- B. An Industrial User shall verbally notify the POTW of an unanticipated Bypass that exceeds applicable Pretreatment Standards or requirements within 24 hours of becoming aware of the Bypass. A written submission shall also be provided within five days of becoming aware of the Bypass. The written submission should contain a description of the Bypass and its cause; the duration of the Bypass, including exact times and dates, 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 recurrence of the Bypass.
- III. Prohibition of Bypass
- A. Bypass is prohibited and the POTW may take enforcement action against an Individual User for a Bypass, unless: (i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; (ii) There are no feasible alternatives to Bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and (iii) The Industrial User submitted notices as required by paragraph (II) of this section.
- B. The POTW may approve an anticipated Bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (III) (A) of this section.

Section 400.140 CONFIDENTIAL INFORMATION

- I. Information and data other than effluent data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public without restriction unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the POTW, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. Such information and data shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, and for

use by the state or any state agency in judicial review or enforcement proceedings involving the person or Industrial User furnishing the report.

- II. Information and data provided to the POTW which is effluent data shall be available to the public without restriction.
- III. Information claimed by an Industrial User to be confidential and which is not effluent data shall not be transmitted to the general public by the POTW except in accordance with the Illinois Freedom of Information Act, or by Court Order.
- IV. The POTW shall implement measures to prevent the negligent release of confidential information; however, neither the POTW nor its employees shall be held legally responsible for release of information if they have acted in good faith.

PART 500

ENFORCEMENT PROCEDURES

Section 500.100 PUBLIC NOTIFICATION OF SIGNIFICATION NONCOMPLIANCE

The POTW shall annually publish in the largest daily newspaper published in the City of Decatur, a list of Industrial Users which are found to be in significant noncompliance as defined in Section 200 of this Ordinance during the previous twelve months. The notification shall also summarize any enforcement actions taken against those Industrial Users during the same twelve months.

Section 500.105 ENFORCEMENT PROCEDURES AND RESPONSE

Ordinance violations are enforced in the following manner:

- I. **VERBAL WARNING.** Ordinance violations will result in a verbal warning from the POTW. A written record of the verbal warning shall be made and a copy will be sent to the Respondent by regular mail, postage prepaid. If the Ordinance violation is a serious violation, the POTW may begin the enforcement process by issuing a written Warning Notice. See Section 500.105 (II).
- II. **WRITTEN WARNING NOTICE.** When a serious ordinance violation occurs, or if the ordinance violation recurs within/or continues for 30 days after a verbal warning has been issued, a written Warning Notice will be issued to the Respondent. The Warning Notice shall be served by personal delivery or certified mail, return receipt requested.

The Warning Notice shall consist of a concise statement of the ordinance violation(s). Upon receipt of the Warning Notice, the Respondent must file with the POTW a written reply within fifteen (15) days, that contains a concise statement of the Respondent's response to each allegation and ordinance violation in the POTW's Warning Notice. If the Respondent admits the violation, the Respondent's reply must also contain a statement setting forth: a) specific reasons for the permit violations; and b) steps taken to prevent recurrence of the violation.

Upon receipt of the Respondent's response, the Executive Director may issue an Executive Order. See Section 500.105 (IV).

- III. **NOTICE OF VIOLATION.** If the ordinance violation(s) recurs within/or continues for 30 days after the written Warning Notice has been received by the Respondent, or the Respondent fails to comply with the response requirements of Section 500.105 (II), Written Warning Notice, then the POTW shall issue to Respondent a Notice of Violation (NOV). The NOV shall be served personally or by certified mail, return receipt requested.

The NOV shall consist of a concise statement of the ordinance violation(s). If more than one ordinance has been violated, the POTW shall plead each separate ordinance violation on the NOV. The NOV shall also contain a prayer for relief that the POTW deems itself entitled.

The NOV shall include a Notice for a Compliance Meeting, at a time not less than 20 days and not greater than 30 days from the date of service of the NOV.

Upon receipt of the NOV, the Respondent must file with the POTW a written reply within fifteen (15) days that contains a concise statement of the Respondent's response to each allegation and ordinance violation set forth in the NOV. Failure by the Respondent to respond to the NOV is prima facie evidence of an admission to all of the allegations in the NOV and the Executive Director of the POTW may issue an Executive Order.

IV. **EXECUTIVE ORDER.** Within 15 days following the completion of the procedures in Section 500.105 (II) or (III) above, the Executive Director of the POTW may issue an order, personally or by certified mail, return receipt requested, which may:

- A. Require compliance with applicable Pretreatment Standards and Requirements;
- B. Control the contribution to the POTW to ensure compliance with applicable Pretreatment Standards and Requirements; or
- C. Require:
 - 1. The development of a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements.
 - 2. The submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required by 40 CFR Section 403.12.
 - 3. The payment of fines pursuant to Section 600.100 Penalties and Costs.
 - 4. Other such relief that the Executive Director deems just and proper.

Failure to comply with the Executive Order of the POTW shall be deemed a violation of the Ordinance and may be grounds for revocation of the Respondent's Wastewater Discharge Permit and grounds for such other actions as may be authorized for violation of this Ordinance.

Section 500.110 APPEAL PROCEDURES

In the event a Respondent is dissatisfied with any of the POTW's Executive Orders, Respondent may request a formal hearing, provided Respondent gives written notice of this request within thirty (30) days after receipt of an Executive Order.

- I. The Board of Trustees may conduct the hearing and take the evidence, or they may designate a committee of its members and/or its attorney to:
 - A. Issue in the name of the Board of Trustees, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - B. Take the evidence;

- C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Trustees for action thereon.
- II. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The Respondent at its own cost shall provide a certified court reporter and furnish the Board of Trustees within fifteen (15) days following the completion of the hearing three (3) certified copies of a complete transcript of the proceedings of the hearing.
- III. After the Board of Trustees has reviewed the evidence, it will issue a Final Order.
- IV. If the Respondent seeks an appeal following an Executive Order issued after a written Notice of Violation, then the Board of Trustees Order is a Final Order and is only appealable pursuant to Illinois Code of Civil Procedures Article III Administrative Review. Likewise, the Board of Trustees Final Order issued after the NOV is a Final Order and is only appealable pursuant to the Illinois Code of Civil Procedure Article III Administrative Review.
- V. All Final Orders conclude the administrative review process with the POTW. Failure by the Respondent to comply with the Final Order constitutes grounds for the POTW to institute civil action in the Circuit Court to enforce compliance with the Final Order and/or restrain continued, or future ordinance violations.

Section 500.115 REVOCATION OR SUSPENSION OF PERMIT

- I. **CONDITIONS FOR REVOCATION OR SUSPENSION.** Any Respondent who violates this Ordinance, an order issued pursuant to Section 500.105, (IV) of this Ordinance, an order issued pursuant to Section 500.110, III of this Ordinance, the Illinois Environmental Protection Act, or the Act, or regulations promulgated under either act, or does any of the following, is subject to having its Wastewater Discharge Permit revoked or suspended in accordance with the procedures set forth below:
 - A. Fails to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge;
 - B. Fails to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;
 - C. Refuses reasonable access to the Respondent's premises by POTW representatives for the purposes of inspection or monitoring;
 - D. Tamper with, disrupts, or destroys POTW equipment;
 - E. Fails to report an accidental discharge of a pollutant;
 - F. Fails to report an upset of the Respondent's treatment facilities; or
 - G. Violates any condition of the Wastewater Discharge Permit.

II. Procedures for Revocation or Suspension of Permit.

- A. **Revocation or Suspension Show Cause Order.** The Executive Director of the POTW in lieu of, or in conjunction with, the enforcement provision set forth in Section 500.105 may order any respondent who causes or allows any action which is subject to revocation or suspension under Section 500.115 (I) above to show cause before the Board of Trustees, or designee, why its Wastewater Discharge Permit should not be revoked or suspended. The Revocation or Suspension Show Cause Order shall be served by personal delivery or certified mail, return receipt requested.

The Revocation or Suspension Show Cause Order shall consist of a concise statement setting forth the reason(s) for revocation or suspension of Respondent's Wastewater Discharge Permit. The Show Cause Order shall include a Notice of Hearing scheduling the time and place of the hearing for the Show Cause Order. The hearing shall be conducted by the Board of Trustees, or its designee, to determine whether the Respondent's Wastewater Discharge Permit shall be revoked or suspended.

- B. The Board of Trustees may itself conduct the hearing and take the evidence, or may designate a committee of its members and/or its attorney to:
1. Issue in the name of the Board of Trustees notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; and
 2. Preside over the hearing; and
 3. Make a record of the evidence, argument and exhibits presented at the hearing.
- C. At all hearings held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically or by tape recording. Respondent shall be responsible for the cost of a stenographic reporter for the hearing.
- D. After the Board of Trustees, or its designee, has reviewed the evidence, it shall issue an Order to the Respondent directing:
1. That the Wastewater Discharge Permit is revoked or suspended and the service must be disconnected; or
 2. That following a specified time the Wastewater Discharge Permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit; or
 3. That the Respondent cease the unauthorized discharge effective after a specified period of time; or
 4. That the Respondent comply with such other relief that the Board of Trustees, or its designee, deems just and proper.

- E. Following an Order of Revocation or Suspension of its Wastewater Discharge Permit, the Respondent shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to POTW and provide ground for the granting of injunctive relief or temporary restraining orders.
- F. Any order issued by the Board of Trustees pursuant to Section 500.115 is a Final Order and is only appealable pursuant to the Illinois Code of Civil Procedure, Article III, Administrative Review.

Section 500.120 DISCONNECTION ORDER TO SHOW CAUSE

The Executive Director of the POTW, in conjunction with the enforcement provisions of Sections 500.105, 500.110 and 500.115 or in lieu of these enforcement sections, may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to interfere with the operation of the POTW, immediately issue a Disconnection Order to Show Cause to Respondent. The Disconnection Order to Show Cause shall be served by personal delivery or certified mail, return receipt requested.

The Disconnection Order to Show Cause shall consist of a concise statement setting forth the reason(s) for Disconnection of Respondent's Wastewater Discharge Service. The Disconnection Order to Show Cause shall include a Notice of Hearing scheduling the time and place of the hearing shall be conducted by the Board of Trustees, or designee, to determine whether the Respondent's Wastewater Discharge Service shall be disconnected.

I. Conditions for Disconnection of Service.

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

- A. Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which appears reasonable to the Executive Director to prevent an imminent endangerment to the health or welfare of persons; or
- B. Whenever the Respondent's Wastewater Discharge Permit is revoked.

II. Procedure for Disconnection of Wastewater Service Procedures to be followed in the Disconnection Show Cause hearing shall be in accordance with the procedures set forth in Section 500.110 (II) of this Ordinance.

Section 500.125 ELIMINATION OF DISCHARGE/REINSTATEMENT

Any Respondent notified of a Disconnection of Service under Section 500.115 or 500.120 and/or revocation or suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Respondent to comply voluntarily with disconnection or revocation or suspension order, the POTW shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Executive Director exercises his authority under Section 500.120 (I) (A), the Executive Director shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. Respondent shall be responsible for any and all costs incurred by the POTW to disconnect and/or reconnect service.

Section 500.130 CIVIL ACTION/INJUNCTIVE RELIEF

- I. The POTW may institute a civil action for an injunction to restrain violations of this Ordinance.
- II. The POTW may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Macon County a temporary restraining order or preliminary injunction to halt or prohibit such discharge.

Section 500.135 ADDITIONAL REMEDIES

- I. In addition to remedies available to the POTW set forth elsewhere in this Ordinance, if the POTW is fined by the State of Illinois or USEPA for violation of the POTW NPDES permit or violation of water quality standards as the result of discharge of pollutants to the POTW, then the fine, including all the POTW legal, sampling analytical testing costs and any other related costs shall be charged to the responsible party. Such charge shall be in addition to, and not in lieu of, any other remedies the POTW may have under this Ordinance, statutes, regulations, at law or in equity.
- II. If the discharge from any Industrial User causes a deposit, obstruction or damage to any of the POTW wastewater facility, the POTW shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person or Industrial User causing such deposit, obstruction, or damage.
- III. The remedies provided in this Ordinance shall not be exclusive and the POTW may seek whatever other remedies are authorized by statute, at law or in equity against any person or Industrial User violating the provisions of this Ordinance.
- IV. In addition to any fine levied under Part 600, the POTW may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the User from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

Section 500.140 VARIANCES

- I. To the extent consistent with the applicable provisions of the Act and the Illinois Environmental Protection Act (Ch. 111 1/2, ILL. Rev. Stat. 1983, Secs. 1001, et seq.), the Board of Trustees may grant individual variances beyond the limitations prescribed in Section 300.110 (Specific Limitations on Discharge) of this Ordinance, provided that the Petitioner has demonstrated that failure to receive a variance would work an arbitrary or unreasonable hardship on the Petitioner and provided further that Petitioner has demonstrated that Petitioner will be in compliance by the end of the variance period granted. The burden of showing such arbitrary and unreasonable hardship shall be on the Petitioner who shall, before such variance is granted, show such arbitrary and unreasonable hardship to the Board of Trustees by clear and convincing proof. In no case shall the Board of Trustees grant any variance whose terms might or could cause "Interference" or "Pass Through" as such terms are defined in this Ordinance.
- II. In granting a variance, the Board of Trustees may impose such conditions, exceptions, time limitations, duration and other limitations as the policies of this Ordinance, the Illinois

Environmental Protection Act and the Act may require, including limitations that will assure that Petitioner will be in compliance by the end of the variance period. Any variance granted by the Board of Trustees shall not exceed two (2) years and shall be granted upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended twice for up to two (2) years each time by affirmative action of the Board of Trustees but only if satisfactory progress has been shown. However, no Petitioner shall receive any variances, including any extension, exceeding a combined total of five (5) years for any specific pollutant. A conditional variance may be included as part of the industrial discharge permit, for the life of the permit, when proper application is made for a variance and the variant condition does not represent a violation of USEPA, IEPA, or local limits such that the POTW would realize unusual costs or be susceptible to "Pass-Through" or "Interference" as defined in this Ordinance.

- III. Any person seeking a variance shall do so by filing a Petition for Variance with the Technical Director on forms provided by the POTW. Within twenty-one (21) days of receipt of the Petition, the District shall publish, at the expense of the Petitioner, notice of the Petition in a newspaper of general circulation in the area of Petitioner's facility in question once a week for three (3) weeks.
- IV. The District shall specify information required to be submitted by the Petitioner. To enable the District to rule on the Petition for Variance, the following information, where applicable, shall be included in the Petition:
 - A. A clear and complete statement of the precise extent of the relief sought, including specific identification of the particular provisions of the ordinance from which the variance is sought;
 - B. Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought and a factual statement why compliance with the ordinances was not or cannot be achieved by the required compliance date;
 - C. A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Ordinance, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance;
 - D. Past efforts to achieve compliance including costs incurred, results achieved and permit status;
 - E. A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance;
 - F. A concise factual statement of the reasons the Petitioner believes that compliance with the particular provisions of the Ordinance would impose an arbitrary or unreasonable hardship; and
 - G. Such other things as are required by the District.
- V. The Technical Director, of the District, shall investigate such Petition, consider the views of persons who might be adversely affected by the granting of a variance and make a report to

the Board of Trustees with a recommendation as to the disposition of the Petition. The Board of Trustees shall either approve or deny the variance request, and said decision by the Board of Trustees shall be final.

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

PART 600

PENALTIES AND COSTS

Section 600.100 PENALTIES AND COSTS

Any Industrial User who is found to have violated an Order of the POTW or who has failed to comply with any provision of this Ordinance and the Orders, Rules and Regulations and Wastewater Discharge Permits issued hereunder, may be fined an amount not less than One Thousand dollars for each violation. For the purpose of this section, each day in which any such violations shall occur, shall be deemed a separate violation and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in Part 300 of this Ordinance found to exceed the limits established in this Ordinance during any such day. In addition to the penalties provided herein, the POTW may recover reasonable attorneys' fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the Orders, Rules, Regulations and Permits issued hereunder.

The POTW shall petition the Court to impose, assess, and recover such sums. In determining amount of 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, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factor as justice requires.

Section 600.105 FALSIFICATION

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be subject to the penalties and costs provided in Section 600.100 and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of One Thousand dollars.

This Ordinance passed by the Sanitary District of Decatur Board of Trustees on the nineteenth day of January 1994.

This Ordinance published on the 23rd day of January 1994.

This Ordinance effective on the 2nd day of February 1994.

President, Sanitary District of Decatur

ATTEST:

Clerk, Sanitary District of Decatur