

Sanitary District of Decatur  
Industrial Pretreatment Program  
Ordinance 21-05



## **Table of Contents**

	Page
Part 1 - General Provisions	
Section 1.1 Enactment	1
Section 1.2 Purpose and Policy	1
Section 1.3 Jurisdiction	2
Section 1.4 Right of Revision	2
Section 1.5 Severability	2
Section 1.6 Conflict	2
Section 1.7 Administration	2
 Part 2 – Abbreviations and Definitions	
Section 2.1 Abbreviations	3
Section 2.2 Definitions	3
 Part 3 – Wastewater Treatment and Pretreatment Regulations	
Section 3.1 Use of Wastewater Facilities	13
Section 3.2 Prohibitive Discharge Standards	13
Section 3.3 Specific Limitations on Discharge (Local Limits)	15
Section 3.4 National Categorical Pretreatment Standards	17
Section 3.5 Prohibition of Improper Dilution	19
Section 3.6 Pretreatment	20
Section 3.7 Accidental Discharge and Slug Discharge Control Plans	21
Section 3.8 Hauled Wastewater	22
Section 3.9 Right of Entry: Inspection and Sampling	24
Section 3.10 State Pretreatment Standards	24

Part 4 – Individual Wastewater Discharge Permits and General Permits

Section 4.1 Prohibition of Discharges Without Permit	25
Section 4.2 Wastewater Discharge Permits	25
Section 4.3 Denial of Permit and Appeal Procedure	34
Section 4.4 Reporting Requirements	34
Section 4.5 Inspection and Compliance Monitoring	44
Section 4.6 Affirmative Defenses to Discharge Violations	46
Section 4.7 Bypass	47
Section 4.8 Confidential Information	48
Section 4.9 Waste Received from Other Jurisdictions	49

Part 5 – Enforcement Procedures

Section 5.1 Publications of Users in Significant Noncompliance	50
Section 5.2 Enforcement Procedures and Response	50
Section 5.3 Consent Orders	52
Section 5.4 Appeal Procedures	52
Section 5.5 Wastewater Discharge Permit Revocation	53
Section 5.6 Emergency Suspension	55
Section 5.7 Elimination of Discharge/Reinstatement	55
Section 5.8 Civil Action/Injunctive Relief	55
Section 5.9 Additional Remedies	56
Section 5.10 Variances	56

Part 6 Effective Date

Section 6.1 Effective Date	59
----------------------------	----

**Ordinance 21-05**  
**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 there 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 District has adopted 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, and

WHEREAS, the Trustees of the District deem it necessary to replace Ordinance 94-01 in its entirety to modernize and streamline the General Pretreatment Program,

WHEREAS, Ordinance No. 21-06 An Ordinance Authorizing the Sanitary District of Decatur of Macon County, Illinois to Define, Set, and Collect Penalties, Fees, and Costs associated with its Industrial Pretreatment Program is an integral part of the Pretreatment Program

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 that Ordinance No. 94-01 shall be repealed when both Ordinances No 21-05 and No 21-06 become effective,

BE IT FURTHER ORDAINED by the Board of Trustees of the SDD, County of Macon, State of Illinois:

**PART 1**

**GENERAL PROVISIONS**

**SECTION 1.1 ENACTMENT**

Pursuant to the requirements of the Act and regulations promulgated there under, the Illinois Environmental Protection Act of 1970 as amended (Ch. 111 ½, 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 Board of Trustees of the SDD hereby enacts the following Ordinance. ("SDD" and "Publicly Owned Treatment Works" or "POTW" shall hereafter be used synonymously in this Ordinance.)

**SECTION 1.2 PURPOSE AND POLICY**

This Ordinance sets forth uniform requirements for non-domestic Users of the POTW for the SDD and enables the SDD to comply with all applicable State and Federal laws, including any State Pretreatment Requirements, the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) the General

Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403) and the National Pollutant Discharge Elimination System (NPDES) permit of the SDD (IL0028321). The objectives of this Ordinance are:

- A. To prevent the introduction of Pollutants into the SDD Wastewater system that will interfere with the operation of the Wastewater system, including Interference with its use or disposal of Sludge;
- B. To prevent the introduction of Pollutants into the SDD Wastewater system that will Pass Through the treatment works inadequately treated into receiving waters or otherwise be incompatible with such works;
- C. To improve opportunities to recycle, reclaim, and reuse municipal and industrial Wastewater and Sludge;
- D. To prevent the introduction of Pollutants into the POTW Wastewater system that will pose a health or safety threat to sewer workers or the public.
- E. To regulate public and private wastewater disposal systems; and
- F. To enable the SDD to comply with its Sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

### SECTION 1.3 JURISDICTION

This Ordinance shall apply to any Person within the POTW and to Persons outside the POTW, who are, by contract or agreement with the POTW, Users of the POTW. The Ordinance authorizes the issuance of individual Wastewater Discharge Permits and General Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### SECTION 1.4 RIGHT OF REVISION

The POTW reserves the right to establish, by ordinance or in individual or general Wastewater Discharge Permits, more stringent limitations, standards, or requirements on discharges to the POTW consistent with the purpose of this Ordinance.

### SECTION 1.5 SEVERABILITY

If any part, 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 1.6 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 1.7 ADMINISTRATION

Except as otherwise provided herein, the Executive Director of the POTW shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to, or duties imposed upon, the Executive Director may be delegated by the Executive Director to a duly Authorized SDD employee or employees.

## ABBREVIATIONS AND DEFINITIONS

### SECTION 2.1 ABBREVIATIONS

The following abbreviations, initializations, and acronyms, when used in this Ordinance, shall have the designated meanings:

BOD.....	Biochemical Oxygen Demand
BMP.....	Best Management Practices
BMR .....	Baseline Monitoring Report
CFR.....	Code of Federal Regulations
CIU .....	Categorical Industrial User
EPA.....	Environmental Protection Agency (United States)
FOG.....	Fats, Oils, and Grease
gpd.....	gallons per day
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
NSCIU .....	Non-Significant Categorical Industrial User
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
SDD.....	Sanitary District of Decatur
SIC.....	Standard Industrial Classification
SIU.....	Significant Industrial User
SNC.....	Significant Noncompliance
SCIU.....	Significant Categorical Industrial Users
SNIU.....	Significant Non-Categorical Industrial Users
SWDA .....	Solid Waste Disposal Act (42 USC 6901 <u>et seq.</u> )
TRC.....	Technical Review Criteria
TSS .....	Total Suspended Solids
TTO .....	Total Toxic Organics
USC .....	United States Code
USEPA .....	United States Environmental Protection Agency

### SECTION 2.2 DEFINITIONS

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

- A. "Act" or "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. (33 U.S.C. 1251, et seq.)
- B. "Authorized" or "Duly Authorized Representative of Industrial User" is:
  - 1) If the Industrial User is a corporation:

- a. The chief executive officer, chief operating officer, president, secretary, or vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or
    - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is Authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures
  - 2) If the User is a general partnership or sole proprietorship, a general partner or proprietor, respectively.
  - 3) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - 4) The individuals described in paragraphs 1) through 3) above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the SDD.
- C. "Baseline Report" or "Baseline Monitoring Report" means that report required by 40 CFR Section 403.12(b) (1-7).
- D. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions and limitations listed in Section 3.2, 3.3 [40 CFR 403.5(a)(1) and (b)], and where applicable Section 3.4 of this Ordinance or other Pretreatment Standards. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.
- E. "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen, usually expressed as a concentration (i.e. mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade.
- F. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.
- G. "Categorical", "Categorical Pretreatment Standard", "Categorical Standard", or National Categorical Pretreatment Standard means any regulation containing Pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405–471. These terms include all standards and requirements set forth in 40 CFR 403.6.

- H. “Categorical Industrial User” or “CIU” means an Industrial User that generates Process Wastewater that is subject to a Categorical Pretreatment Standard or Categorical Standard.
- I. “Chemical Oxygen Demand” or “COD” means a measure of the oxygen required for a chemical oxidant (standard potassium dichromate solution) to consume or oxidize all compounds in water, both organic and inorganic, under standard laboratory procedures.
- J. “Combined Waste Stream Formula” means the formula as found in 40 CFR Section 403.6(e).
- K. “Composite Sample” means a sample of Wastewater collected over a period of more than fifteen (15) minutes that is based on a Flow proportional or time proportional collection method.
- L. “Compatible Pollutant” means BOD, Chemical Oxygen Demand, FOG, Suspended Solids, pH and Fecal Coliform bacteria.
- M. “Control Authority” means the SDD.
- N. “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.
- O. “Daily Maximum” means the arithmetic average of all effluent samples for a Pollutant (except pH) collected during a calendar day.
- P. “Daily Maximum Limit” means the maximum allowable discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.
- Q. “District” means the Sanitary District of Decatur (except in Section 1.1).
- R. “Environmental Protection Agency” or “EPA” or “Approval Authority” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly Authorized official of said agency.
- S. “Executive Director” means the chief administrator of the POTW. The Executive Director is the Person who is designated by the Sanitary District of Decatur to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Ordinance. The term also means a Duly Authorized Representative of the Executive Director.
- T. “Existing Source” means any building, structure, facility or installation from which there is or may be a discharge, which is not a “New Source”.
- U. “Fats, Oils, or Grease (FOG)”
- 1) “FOG-T” - means the any substance of animal, vegetable, or mineral origin that shows a positive yield when using a generally accepted analytical method for the determination of oils and greases, as long as the method is approved for analysis of water or wastewater under 40 CFR part 136 as amended.



- 2) “FOG-N” means any of the FOG-T substances that are not absorbed by silica gel.
- V. “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.
- W. “Flow” means volume of wastewater per unit of time.
- X. “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.
- Y. “Grab Sample” means a sample that is taken from a waste stream without regard to the Flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- Z. “Incompatible Pollutant” means any Pollutant other than a Compatible Pollutant as defined in Section 2.2.
- AA. “Indirect Discharge” or “Discharge” means the introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), and (d) of the CWA.
- AB. “Instantaneous Limit” shall mean the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected independent of the industrial Flow rate and the duration of the sampling event.
- AC. “Interference” means a Discharge that, 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.
- AD. “Local Limit” means a specific effluent limit developed and enforced by the POTW upon Industrial Users or commercial facilities, which may include requirements for BMPs.
- AE. “Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- AF. “Monthly Average” means the sum of all “daily Discharges” measured during a calendar month divided by the number of daily Discharges measured during that month.
- AG. “Monthly Average Limit” means the highest allowable average of “daily Discharges” over a calendar month, calculated as the sum of all “daily Discharges” measured during a calendar month divided by the number of “daily Discharges” measured during that month.

AH. "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.

AI. "New Source" means:

- 1) Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or
  - c. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- 2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 2.2, AK, 1), b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- 3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program;
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of a facility or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

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.

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

- AK.. "Non-Polar Oils" means petroleum oil, non-biodegradable cutting oil, or products of mineral-oil origin.
- AL. "Pass Through" means a discharge that exits the POTW into waters of the United States in a quantity or concentration that, 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).
- AM. "Permitted Wastewater Hauler Vehicle" means a vehicle used for hauling Wastewater, which has been granted a permit under the requirements of this Ordinance.
- AN. "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.
- AO. "pH" means the intensity of the acid or base condition of a solution, calculated by taking the logarithm base ten (10) of the reciprocal of the hydrogen ion concentration expressed in gram-moles per liter of solution.
- AP. "Pollutant" means any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage Sludge, munitions, medical wastes, filter backwash, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. Certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor are also included in this definition.
- AQ. "POTW Treatment Plant" means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal Sewage and industrial waste.
- AR. "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 prior to or in lieu of discharging or otherwise introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.
- AS. "Pretreatment Requirements" means any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
- AT. "Pretreatment Standards" or "Standards" means for any specified Pollutant limit, Prohibitive Discharge Standards as set forth in Section 3.2, specific limitations on Discharge as set forth in Section 3.3, an SIU's Wastewater Discharge Permit or General Permit as issued by the POTW, the State of Illinois Pretreatment Standards or the applicable National Categorical Pretreatment Standards.
- AU. "Process Wastewater" means any water that, during manufacturing or processing operations, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- AV. "Prohibited Discharge Standards" are absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.2 of this Ordinance.

- AW. "Publicly Owned Treatment Works (POTW)" means a treatment works owned by the SDD as defined by Section 212 of the Act. This definition includes any devices and systems used in the transport, 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. The term also means SDD, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- AX. "Respondent" means any Person that has been charged by the POTW with an ordinance or Permit violation.
- AY. "Sanitary Sewer" means a sewer that is designed to carry sanitary and Industrial Wastewater, and to which storm, surface, and ground water are not intentionally admitted.
- AZ. "Self-Monitoring" means sampling and analyses performed by or for a User to ensure compliance with the permit or other regulatory requirements [40 CFR 403.12 (b) and (g)].
- BA. "Septic Tank Waste" means any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- BB. "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).
- BC. "Significant Industrial User" (SIU) shall have the following meaning as detailed in Section 2.2 BE. 1) below except as provided in Section 2.2 BE. 2 and Section 2.2, BE 3) of this section:
- 1) A Significant Industrial User is any Industrial User that:
    - a. Discharges Wastewater that is subject to a Categorical Pretreatment Standard; or
    - b. Discharges an average of twenty five thousand (25,000) gallons per day or more of Process Wastewater (excluding sanitary Sewage, Non-contact Cooling Water, and boiler blow-down Wastewaters) per average workday; or
    - c. Contributes a process waste stream that makes up five (5) percent or more of the average dry-weather hydraulic or organic capacity of the POTW Treatment Plant; or
    - d. Is designated as such by the Executive Director 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 Pretreatment Requirement.
  - 2) The POTW may determine that an Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gallons per day (gpd) of total Categorical Wastewater (excluding sanitary Sewage, Non-contact Cooling Water, and boiler blow-down Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
    - a. The Industrial User, prior to the POTW's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements,
    - b. The Industrial User annually submits the certification statement required in Section 4.4 J. 2) [40 CFR 403.12(q)] together with any additional information necessary to support the certification statement, and

- c. The Industrial User never discharges any untreated concentrated Wastewater..
- 3) Upon a finding that an Industrial User meeting the criteria in Section 2.2, BE, 1) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or Pretreatment Requirements, the POTW may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User should not be considered a Significant Industrial User.
- BD. "Significant Violation" means a violation of this Ordinance that remains uncorrected ninety (90)-days after notification of such noncompliance; that is part of a pattern of noncompliance over a twelve-month period; that involves failure to accurately report noncompliance; or that resulted in the POTW exercising its emergency authority under Sections 5.5, 5.6, 5.7, or 5.8 of this Ordinance.
- BE. "Significant Noncompliance (SNC)" means noncompliance by a Significant Industrial User (or any other Industrial User that violates paragraphs 3), 4), or 5) below) as defined in any one or more of the following paragraphs:
- 1) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same Pollutant parameter during a six (6)-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2.2 Part AC. of this Ordinance.
  - 2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for the same Pollutant parameter taken during a six (6)-month period equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement including Instantaneous Limits, as defined by Section 2.2 Part AC. of this Ordinance, multiplied by the applicable criteria (one and four tenths [1.4] for BOD, TSS, and Fats, Oils and Grease, and one and two tenths [1.2] for all other Pollutants except pH).
  - 3) Any other violation of a Pretreatment Standard or Pretreatment Requirement (BMP, narrative standard, Instantaneous 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 public).
  - 4) Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's exercise of its emergency authority under Part 5 of this Ordinance to halt or prevent such Discharge.
  - 5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or General Permit, a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance.
  - 6) Failure to provide, within forty-five (45) days after the due date, any required reports such as Baseline Monitoring Reports, ninety (90)-day compliance reports, periodic Self-Monitoring reports, and reports on compliance with compliance schedules.
  - 7) Failure to accurately report noncompliance; or

- 8) Any other violation or group of violations, which may include a violation of Best Management Practices, that the Executive Director determines will adversely affect the operation or implementation of the local Pretreatment program.
- BF. "Sludge" means the settleable solids separated from the liquids during the Wastewater treatment processes (also referred to as "Bio-solids").
- BG. "Slug Load" or "Slug Discharge" means any Discharge at a Flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in Section 3.2 or 3.3 of this Ordinance; or any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, or the POTW's permit conditions.
- BH. "State" means the State of Illinois.
- BI. "Storm Water" means any Flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
- BJ. "T" as in Cyanide-T or FOG-T means total.
- BK. "Total Solids" means the sum of suspended and dissolved solids.
- BL. "Total Suspended Solids (TSS)" or "Suspended Solids" means the 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.
- BM. "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.
- BN. "Upset" means 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.
- BO. "User" or "Industrial User" means any source of Indirect Discharge that contributes, causes, or permits the contribution of Wastewater or other liquid or solid into the POTW.
- BP. "Wastewater" means the combination of the liquid and water carried commercial, industrial, or residential wastes from residential dwellings, commercial buildings, industrial and manufacturing plants, and institutions including polluted cooling water, whether treated or untreated, which are contributed to the POTW or to a natural outlet within the POTW.
- 1) Sanitary Wastewater means the combination of liquid and water carried waste, discharged from toilet, shower, and other sanitary plumbing facilities.
  - 2) Industrial Wastewater means a combination of liquid and water carried waste, discharged from any Industrial User including, but not limited to, the Wastewater directly from processes, from Pretreatment facilities, and from polluted Cooling Water.

- BQ. "Wastewater Discharge Permit" or "General Permit" means the document or documents allowing discharge to the POTW as issued to a User by the POTW in accordance with the terms of this Ordinance. An individual Wastewater Discharge Permit is a permit issued to a specific User. This definition includes General Permits and may include current permits issued under a prior ordinance that has been superseded by this Ordinance, if the Executive Director approves said permits.
- BR. "Wastewater Hauler" means any Person, partnership, or corporation engaged in transporting Septic Tank Waste, grease trap Wastewater, or sanitary Wastewater as a commercial venture.
- BS. "Wastewater Treatment Plant" or "Treatment Plant" means that portion of the POTW that is designed to provide treatment of municipal Sewage and Industrial Wastewater.
- BT. "Zero Discharge Categorical Industrial User" means any CIU that does not discharge any of the Process Wastewater that is generated at the facility and that is subject to a Categorical Pretreatment Standard or Categorical Standard.

## **PART 3**

### **WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS**

#### **SECTION 3.1 USE OF WASTEWATER FACILITIES**

- A. It shall be unlawful for any Person to deposit or discharge, or to cause to be deposited or discharged to the POTW, any solid, liquid, or gaseous waste unless through a connection approved by the Executive Director.
- B. 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 3.2 PROHIBITIVE DISCHARGE STANDARDS**

The following general prohibitions apply to all Industrial Users of the POTW whether or not an Industrial User is subject to National Categorical Pretreatment Standards or any other national, State, or local Pretreatment Standards or Requirements.

- A. No User shall introduce or cause to be introduced into the POTW, directly or indirectly, any Pollutant or Wastewater that causes Pass Through or Interference as defined in Section 2.2 of this Ordinance.
- B. No Person shall discharge or cause to be discharged any unpolluted Storm Water, foundation drain water, groundwater, substrate drainage, uncontaminated deionized water, roof runoff, unpolluted surface drainage, Non-contact Cooling Waters, or any other Unpolluted Water to any Sanitary Sewer, unless specifically authorized in writing by the Executive Director.
- C. A User shall not contribute the following substances to the POTW:
  - 1) Any liquids, solids or gases that, by reason of their nature or quantity could, either alone or by interaction with other substances, cause a fire or explosion hazard or be injurious or hazardous in any other way to the POTW or to the operation of the POTW. At no time shall a User discharge Wastewater that causes two (2) successive readings on a meter capable of reading the lower explosive limit (L.E.L.) 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, to be more than five percent (5%) nor any single reading greater than ten percent (10%). Materials prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, ethyl benzene, hexane, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, solvents, and sulfides;
  - 2) Any waste stream exhibiting a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - 3) 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 six (6.0) standard units or greater than eleven (11) standard units, unless provisions for pH down to five (5.0) or up to twelve (12.0) are made in an individual Wastewater Discharge Permit or a General Permit;
  - 4) Any Wastewater containing Compatible or 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 Categorical Pretreatment Standard (when effective), or in Section 3.3 of this Ordinance, violate the terms of a Wastewater Discharge permit or General Permit, or create a public nuisance;

- 5) Any trucked or hauled Pollutants, except at discharge points designated or authorized by the Executive Director in accordance with Section 3.8 of this Ordinance;
- 6) Solid or viscous Pollutants in amounts that will cause obstruction to the Flow in the POTW resulting in Interference, 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, corn germ, 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, coal, tumbling and de-burring stones;
- 7) Any noxious or malodorous liquids, gases, solids, or other Wastewater that either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair;
- 8) Any substance that, if discharged to the POTW, would cause the POTW to be in non-compliance 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 or disposal method being used by the POTW;
- 9) Any substance that a User has any reason to believe will cause the POTW to violate its NPDES Permit or the receiving water quality standards established by IPCB;
- 10) 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 causes the temperature of the Wastewater at the introduction into the POTW Treatment Plant to exceed forty (40) degrees C (104 degrees F);
- 11) Any Pollutants, including Compatible Pollutants, released in a Discharge at a Flow rate and/or Pollutant concentration that, either singly or by interaction with other Pollutants, would cause Interference or Pass Through;
- 12) Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations;
- 13) Petroleum oil, non-biodegradable cutting oil, or products of mineral-oil origin, at a concentration of more than 100 mg/l or in amounts that will cause Interference or Pass Through;
- 14) Any Wastewater containing BOD, Total Solids, or Suspended Solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW Treatment Plant; provided however, that a User may be permitted to discharge such Wastewater by specific, written agreement with the POTW, which agreement to discharge such BOD or TSS shall be at the sole discretion of the POTW and may provide for special charges, payments or provisions for treating and testing equipment;

- 15) Nitrate or ammonia nitrogen in amounts that would cause Interference or Pass Through or a violation of the water quality standards of the receiving waters;
- 16) Any discharge that would cause, alone or in conjunction with other sources, the Treatment Plant's effluent to fail toxicity testing or exceed the standards established in 35 Ill. Adm. Code 307;
- 17) Any Slug Load. (When a User is slug discharging or has the potential for slug discharging, the Executive Director shall require a Slug Discharge control plan);
- 18) Any Wastewater that imparts an objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- 19) Any waste containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the sewer, the POTW Treatment Plant, or the receiving stream;
- 20) Pollutants that 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;
- 21) Any Sludge, screenings, or other residues from the Pretreatment of industrial wastes, except when specifically permitted in a Wastewater Discharge Permit; or
- 22) Any Medical Wastes, except as specifically authorized by the Executive Director in an individual Wastewater Discharge Permit or General Permit.

Pollutants, substances, or Wastewater prohibited by this Section 3.2 shall not be processed or stored in such a manner that they could be discharged to the POTW. Compliance with the provisions of this Section 3.2 shall be required on the effective date of promulgation of this Ordinance.

### SECTION 3.3 SPECIFIC LIMITATIONS ON DISCHARGE (LOCAL LIMITS)

- A. The Executive Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Unless specific limits have been set in individual Wastewater Discharge Permits or General Permits, discharges from a User, as measured under the provisions of this Ordinance, shall not contain in excess of the following concentration limits based upon a twenty-four (24)-hour Composite Sample. Mass limits may be imposed as deemed appropriate by the POTW. The following Pollutant limits are established to protect the POTW from Pass Through, Interference, or Sludge contamination.

Pollutant	Daily Maximum Concentration	Monthly Average Concentration			
Ammonia Nitrogen	30.0 mg/L				
Arsenic	0.16 mg/L				
Boron	9.0 mg/L				
Cadmium	2.48 mg/L				
Chromium	0.808 mg/L			0.34 mg/L	
Copper	3.0 mg/L				
Iron	15.72 mg/L				
Lead	2.2 mg/L				
Nickel	0.150 mg/L			0.0641 mg/L	
Silver	1.0 mg/L				
Zinc	2.61 mg/L			1.48 mg/L	

- 1) The above Local Limits apply at the point where the Wastewater is discharged to the POTW. At the Executive Director's discretion, multiple industrial Wastewater discharges from a permitted facility may be combined in a Flow-weighted manner to determine compliance with these Local Limits or the Users Permitted limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limitations in addition to or in lieu of the concentration-based limitations above.

- C. The following Pollutant limits are established to protect against problems in the collection system, Pass Through, Interference, and Sludge contamination. No User shall discharge Wastewater containing Pollutants in excess of the following Instantaneous Limits.

Pollutant	Instantaneous Limit Concentration
FOG - T	200 mg/L
FOG - N	100 mg/L
Phenols	4.68 mg/L
Cyanide -Total	1.52 mg/L

The above limits apply at the point where the Wastewater is discharged to the POTW. At the Executive Director's discretion, multiple industrial Wastewater discharges from a permitted facility may be combined in a Flow-weighted manner to determine compliance with these Local Limits or the Users Permitted limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limitations in addition to or in lieu of the concentration-based limitations above.

- D. Discharge limits for BOD and TSS will be established in individual Wastewater Discharge Permits or General Permits. For existing SIUs, BOD and TSS limits will be established at or below currently allowed Discharge levels (i.e., discharge levels as currently set forth in the SIU's Wastewater Discharger Permits). For new Users discharging greater than twenty-five thousand (25,000) gallons per day (gpd) and existing Users with new production capacity that will exceed twenty-five thousand (25,000) gpd, concentration limits will be established by the Executive Director at levels that are economically achievable but not greater than three-hundred (300) mg/l BOD5 and three-hundred fifty (350) mg/l TSS and such that treatment efficiency at the POTW will not be diminished.
- E. The Executive Director is authorized to develop Best Management Practices (BMPs), by ordinance or in individual Wastewater Discharge Permits or General Permits, to implement Local Limits and the requirements of Section 3.2 and 3.3 of this Ordinance.
- F. Any User may request a variance from the specific limitations found in Section 3.3. Any User seeking a variance shall do so by filing a petition for a variance in accordance with procedures set forth in Section 5.10 of this Ordinance. The User must provide the EPA all information required to evaluate the variance petition.
- G. Specific limitations on industrial discharges will be re-evaluated on a five (5)-year cycle, or as needed as circumstances warrant, to ensure that the Local Limits are adequate to prevent NPDES violations.
- H. The Executive Director may establish equivalent mass based limits in individual Wastewater Discharge Permits.
- I. Alternative effluent limits specified in individual Wastewater Discharge Permits or General Permits shall not authorize limits that will exceed the SDD's Maximum Allowable Industrial Loading (MAIL).

#### SECTION 3.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, parts 405 through 471 et al, are hereby incorporated into this Ordinance. Where applicable to their industry, Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, parts 405 through 471 et al.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Executive Director may impose equivalent concentration or mass limits in accordance with Section 3.4 D. and 3.4 E. and 40 CFR Sec. 403.6(c)(2).
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Executive Director may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. Wastewater subject to a Categorical Pretreatment Standard shall not be mixed with Wastewater not regulated by the same Standard without written permission from the Executive Director. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Executive Director shall impose an alternate and equivalent limit in accordance with 40 CFR Sec. 403.6(e).

- D. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, an Industrial User may request that the Executive Director convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Executive Director. The Executive Director may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Section 3.4.D.1).
- 1) To be eligible for equivalent mass limits, the Industrial User must:
    - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual Wastewater Discharge Permit or General Permit;
    - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - c. Provide sufficient information to establish the facility's actual average daily Flow rate for all waste streams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;
    - d. Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
    - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the six-month period prior to the Industrial User's request for equivalent mass limits.
  - 2) A Categorical Industrial User subject to equivalent mass limits must:
    - a. Maintain and effectively operate treatment and control technologies that are adequate to achieve compliance with the equivalent mass limits;
    - b. Continue to record the facility's Flow rates by using a continuous effluent Flow-monitoring device;
    - c. Continue to record the facility's production rates and notify the Executive Director whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates determined in Section 3.4.D.1.c. Upon notification of a revised production rate, the Executive Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
    - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 3.4.D.1.a. so long as it discharges under an equivalent mass limit.
  - 3) When developing equivalent mass limits, the Executive Director:
    - a. Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the Industrial User's actual average daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.5. The Industrial User must also comply with Section 4.7 regarding the prohibition of Bypass.
- E. The Executive Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users under the following conditions: When converting such limits to concentration limits, the Executive Director shall use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419 and 455 and document that dilution is not being substituted for treatment as prohibited by Section 3.5 of this Ordinance or in 40 CFR 403.6(d). The conversion is at the discretion of the Executive Director.
- F. Equivalent limitations calculated in accordance with Section 3.4 E or 3.4.F are deemed Pretreatment Standards for the purposes of the CWA and this Ordinance. The Executive Director shall document how equivalent limits were derived and make this information publicly available. Once included in its Wastewater Discharge Permit, the Industrial User must comply with the equivalent limitations developed in this Section 3.4 in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
- G. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily Discharge limitations and a second limit for calculating maximum Monthly Average, or four (4)-day average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Executive Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Executive Director of such anticipated change will be required to meet the mass or concentration limits in its Wastewater Discharge Permit that were based on the original estimate of the long term average production rate.
- I. An Industrial User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR Sec. 403.13, that factors relating to its Discharge are fundamentally different from the factors considered by the USEPA when developing the Categorical Pretreatment Standard. Requests for this variance and supporting information shall be submitted to the Administrator of the USEPA, Region 5 and copies shall be sent to the Executive Director. If a variance is granted, the Executive Director shall recognize the conditions of the variance in place of the Categorical Pretreatment Standards.

### SECTION 3.5 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 a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Executive Director or Pretreatment Standard or Requirements may impose mass limitations on Users

who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

### SECTION 3.6 PRETREATMENT

- A. Industrial Users shall provide Pretreatment as necessary to achieve compliance with all applicable Local Limits, National Pretreatment Requirements and Standards, EPA and IEPA regulations, Wastewater Discharge or General Permit conditions and shall comply with this Ordinance within the time limitations as specified by appropriate statutes, regulations, and this Ordinance. User that must provide facilities or equipment to pre-treat Wastewater to a level acceptable to the POTW shall supply, properly operate, and maintain such facilities and equipment at the User's expense.
- B. All Industrial Users shall obtain all necessary construction and operating permits from the EPA and IEPA. Detailed plans describing such facilities and operating procedures shall be submitted to the Executive Director for review, and shall be approved by the Executive Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the POTW under the provisions of this Ordinance.
- C. Pretreatment facilities shall be under the control and direction of an IEPA certified Wastewater Treatment Operator.
- D. Any subsequent change in the Pretreatment facilities or significant change in the method of operation shall be submitted to and approved by the Executive Director prior to the Industrial User's initiation of the changes.
- E. 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 a violation of this Ordinance.
- F. Additional Pretreatment Measures
  - 1) Whenever deemed necessary, the Executive Director may require Users to: restrict their Discharge during peak Flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from industrial waste streams, satisfy such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
  - 2) The Executive Director may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and Flow control facility to ensure equalization of Flow. An individual Wastewater Discharge Permit or a General Permit may be issued solely for Flow equalization.
  - 3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Executive Director, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the Executive Director and shall be so located to be easily accessible for cleaning and

inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

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

### SECTION 3.7 ACCIDENTAL DISCHARGE AND/OR SLUG DISCHARGE CONTROL PLANS

- A. Each Industrial User having the ability to cause Interference or Pass Through or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge to the POTW. 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 Executive Director shall evaluate whether each SIU needs an accidental discharge / Slug Discharge control plan or to take other action to control Slug Discharges. The Executive Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Executive Director may develop such a plan for any User. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance. An accidental discharge / Slug Discharge control plan shall address, at a minimum, the following:
  - 1) Description of discharge practices, including non-routine batch discharges;
  - 2) Description of stored chemicals;
  - 3) Procedures for immediate and follow-up notification of the POTW of any accidental or Slug Discharges as required by Section 3.7 C. and 3.7 D. of this Ordinance; and
  - 4) If necessary, procedures to prevent adverse impact from any accidental spill or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.
- B. A User must apply for written approval from the Executive Director for modification of structures that have been required to prevent accidental discharge/ Slug Discharges before making such changes. No required Pretreatment or Slug control equipment shall be altered or taken out of service without prior approval of the Executive Director.
- C. In the case of a Slug Discharge or an accidental or deliberate discharge of compatible or Incompatible Pollutants that may cause Interference, Pass Through, or would violate Section 3.2(c) or any other requirement of this Ordinance, the User shall immediately telephone and notify the Executive Director of the incident and follow up with an email immediately after calling. The notification shall include, at a minimum: name of caller, location, time and duration of discharge, type of Waste including concentration and volume (if known); and any corrective actions taken by the User.
- D. Within five (5) days following a Slug Discharge or an accidental or deliberate discharge as described in paragraph C above, the User shall submit to the Executive Director or their designee a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Additional follow-up reports may be required by



the POTW as needed. Such report, or reports, shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to Person or property; nor shall such report relieve the User of any fines, penalties, or other liability that may be imposed pursuant to 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 User's Wastewater Discharge Permit or General Permit.

- E. The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations and 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 includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- F. The Executive Director may require a notice in English and the language of common use to 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.
- G. The Industrial User shall notify the Executive Director immediately if changes occur at their facility that may affect their potential for a Slug Discharge.

#### SECTION 3.8 HAULED WASTEWATER

- A. Trucked or hauled septic tank and/or restaurant grease trap/interceptor waste may be introduced into the POTW, but only at the location or locations designated by the Executive Director and at such times as are established by the Executive Director. Such waste shall not violate the conditions of Part 3 of this Ordinance or any other requirements established by the Executive Director, except where specifically noted in this Section 3.8.
  - B. The Executive Director may require haulers of Wastewater to obtain individual Wastewater Hauler Discharge permits or a General Permit. The Executive Director may require a generator of hauled Wastewater to obtain an individual Wastewater Discharge Permit or a General Permit. The Executive Director also may prohibit the disposal of hauled Wastewater or the introduction of hauled Wastewater to the POTW. The discharge of hauled Wastewater may be subject to all other requirements of this Ordinance.
  - C. All Wastewater Haulers shall have a valid Wastewater Hauler discharge permit when they discharge into the POTW.
  - D. No load of Wastewater may be discharged into the POTW without prior consent of the Executive Director.
  - E. Each Wastewater-hauling vehicle shall meet the following conditions before permits will be issued under Section 3.8.B.;
- 1) Except as specified in Section 3.8.E.3, each truck tank shall have a sight glass calibrated in 100-gallon increments or other reliable means to determine the quantity of Wastewater in the tank.
  - 2) Each vehicle shall be equipped to use the quick disconnect couplers at the Wastewater Hauler dumping station.

- 3) Any truck discharging to the SDD that does not have a sight glass or other reliable means to determine the quantity of Wastewater in the tank shall be assumed full at the start of discharge and the hauler will pay for treatment based on the capacity of the tank.
- F. The Executive Director may collect samples of any Wastewater hauled to the POTW prior to or during discharge. These samples may be analyzed in the SDD laboratory or in a contract laboratory and the Wastewater Hauler shall be responsible for all monitoring costs. The Executive Director may require the Wastewater Hauler to provide a waste analysis of any load prior to discharge.
- G. Wastewater from non-Industrial and Industrial Users that is discharged by a Wastewater Hauler shall comply with the provisions of Part 3 with the exception of grease trap/interceptor waste from animal/vegetable based sources, which is exempt from the total FOG limits. The limits in this Ordinance do not apply to household Sewage, whether hauled or transported through the sewers.
- H. The source or sources of all wastes hauled to the POTW's designated Wastewater Hauler dumping station shall be properly documented using the SDD manifest system.
- I. Each load of domestic or grease interceptor waste delivered to the Wastewater dumping station must be accompanied by a properly completed Wastewater Hauler manifest. Any special waste shall be accompanied by a properly completed manifest as provided by the State of Illinois for Special Waste haulers. These manifests shall include, at a minimum, the name and permit number of the Wastewater Hauler, names and addresses of sources of waste, the volume and characteristics of waste, and the proper signatures of the originator and the hauler. Prior to discharging at the SDD, the Wastewater Hauler must notify the POTW operator if the load is anything other than domestic in origin. The POTW operator on duty must sign the manifest upon receipt of the hauled waste. Proper copies shall be left with the POTW operator. The Wastewater Hauler must take a grab sample of its discharge to the SDD, properly label the sample, and leave it at the prescribed spot at the Wastewater Hauler dumping station.
- J. All Wastewater Haulers delivering Wastewater to the Wastewater Hauler dumping station shall strictly adhere to all procedures for discharging, for cleanliness and for general safe and sanitary operation on the POTW property as prescribed by the Executive Director.
- K. Industrial Wastewater Haulers may discharge loads only at locations designated by the Executive Director. No load may be discharged without prior consent of the Executive Director. The Executive Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Executive Director may require the Industrial Waste Hauler to provide a waste analysis of any load prior to discharge.
- L. Hauled Wastewater from a septic tank, a grease trap/interceptor, or a non-Industrial User shall not be mixed with wastewater from an Industrial User prior to discharge at the Wastewater Hauler dumping station. Vehicles hauling Wastewater from an Industrial User shall not be used to haul Wastewater from a non-Industrial User for disposal at the POTW unless specifically authorized in writing by the Executive Director.
- M. Wastewater Haulers shall pay to the SDD all fees associated with treatment and disposal of their hauled waste as charged by the Executive Director. These fees shall be paid within 30 calendar days of the invoice date.

- N. In addition to remedies available to the District set forth elsewhere in this Ordinance, failure of a Wastewater Hauler to comply with the provisions of this Section 3.8 shall be grounds for revocation of the hauler's Wastewater discharge permit by the Executive Director.

#### **SECTION 3.9 RIGHT OF ENTRY: INSPECTION AND SAMPLING**

- A. Representatives of the POTW, upon showing proper identification shall have the right to enter and inspect the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual Wastewater Discharge Permit or General Permit or Order issued hereunder. Users shall allow ready access to all parts of the premises for the purposes of inspecting, sampling, examining, and/or copying records, and the performance of any additional duties.
- B. The Executive Director shall have the right to place on the User's property such devices as are necessary to conduct sampling and monitoring.
- C. 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 representatives of the POTW to enter and inspect the premises as guaranteed by this paragraph.
- D. The Executive Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained by the User at its own expense at all times in a safe and proper operating condition. All devices used to measure Wastewater Flow and quality shall be properly calibrated at least as often as recommended by the equipment's manufacturer to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- F. Unreasonable delays in allowing the Executive Director access to the User's premises shall be a violation of this Ordinance.

#### **SECTION 3.10 STATE PRETREATMENT STANDARDS**

- A. Users must comply with Title 35, Subtitle C, Chapter I, Section 307.1102 and 35 Illinois Administration Code 307.

## **PART 4**

### **INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS**

#### **SECTION 4.1 PROHIBITION OF DISCHARGES WITHOUT PERMIT**

- A. It shall be unlawful for any user that qualifies as a Significant Industrial User or Wastewater Hauler to discharge Process Wastewater to the POTW without a valid individual Wastewater Discharge Permit or General Permit or contrary to the conditions of a Wastewater Discharge Permit or General Permit as issued by the Executive Director in accordance with the provisions of this Ordinance.
- B. At the discretion of the Executive Director, separate permits for industrial Wastewater Discharge may be required for each industrial Wastewater connection to a public sewer.

#### **SECTION 4.2 WASTEWATER DISCHARGE PERMITS**

##### **A. Wastewater Analysis**

When requested by the Executive Director, a User must submit information on the nature of its business and the nature and characteristics of its Wastewater within ninety (90) days of the request. The Executive Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

##### **B. Wastewater Discharge Permit Requirement**

- 1) No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining an individual Wastewater Discharge Permit or General Permit from the Executive Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.2 C. 3) of this Ordinance may continue to discharge for the time period specified therein.
- 2) The Executive Director may require other Users to obtain individual Wastewater Discharge Permits or General Permits as necessary to carry out the purposes of this Ordinance.
- 3) Any violation of the terms and conditions of an individual Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in Part 5 of this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

##### **C. Wastewater Discharge Permit Application**

- 1) Any Significant Industrial User or User that is required by the Executive Director to obtain a Wastewater Discharge Permit shall complete and file with the Executive Director an application to obtain a Wastewater Discharge Permit in a form to be prescribed and furnished by the Executive Director.
- 2) Any existing User or Significant Industrial User that already has a valid permit to discharge to the POTW is not required to apply for a new Wastewater Discharge Permit under this Ordinance, but they must comply with all terms and conditions of this new Ordinance within 30 days after the effective date of this Ordinance.

- 3) Proposed or new Significant Industrial Users that are New Sources shall apply for a discharge permit no less than 90 days prior to discharging to the POTW. In case there is a conflict between application deadlines for Significant Industrial Users in Section 4.2 B and 4.2 C, the stricter deadline shall apply.
- 4) Any User that is or will be required to obtain an individual Wastewater Discharge Permit and that proposes to connect to or to discharge to the POTW shall apply for a permit from the Executive Director at least ninety (90) days prior to discharging to the POTW.
- 5) Any currently discharging but not permitted Significant Industrial User that is an Existing Source connected to or contributing to the POTW shall apply for a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance.
- 6) Any User that becomes a Significant Industrial User after promulgation of this Ordinance shall apply for a Wastewater Discharge Permit within 90 days of becoming a Significant Industrial User.
- 7) No Wastewater Discharge Permit shall be issued to any Existing Source Industrial User until the Executive Director has conducted a premises inspection of the facilities of the Industrial User to examine the discharge practices, records, accidental discharge prevention facilities, and storage and /or disposal facilities for substances not permitted to be discharged into the POTW and possible monitoring points for the potential effluent.
- 8) All Users required to obtain a Wastewater Discharge Permit must submit a permit application. The Executive Director may require Users to submit, in units and terms appropriate for evaluation, some, or all of the following information as part of a permit application:
  - a. Identifying information including;
    1. The name and address of the facility, and the names and titles of the operator and owner, and
    2. Contact information, a description of activities, facilities, and plant production processes on the premises;
    3. The business' tax payer identification number or the owner's social security number.
  - b. A list of any environmental control permits held by or for the facility;
  - c. All Standard Industrial Classification (SIC) numbers that apply to the business according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - d. A description of the facility's operations, including:
    1. Flow information showing the measured average daily and maximum daily wastewater discharge Flow, in gallons per day, to the POTW from regulated process streams and other streams, including monthly and seasonal variations if any, as necessary to allow the use of the Combined Wastestream Formula set out in Section 3.4 C [40 CFR 403.6(e);]

2. A brief description of the nature and average rate of production (including each product produced by type, amount, processes, and rate of production) of the operation(s) carried out by such User. This description shall include a schematic process diagram that indicates points of discharge to the POTW from all regulated processes;
  3. Types of waste generated and a list of the quantity and type of all raw materials and chemicals used or stored at the facility that are or could accidentally or intentionally be discharged to the POTW (average and maximum per day);
  4. Wastewater constituents and characteristics and Pollutant concentrations including but not limited to those set forth in Part 3 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;
  5. Number and type of employees (full or part time) and proposed or actual hours of operation;
  6. Site plans, floor plans, mechanical and plumbing plans and details to show all on site or adjacent sanitary, combined, and storm sewers, manholes, sewer clean-outs, building floor drains and appurtenances by size, location, and elevation, and all connections and points of discharge;
- e. The time and duration of discharges;
  - f. The location for monitoring all wastewater covered by the permit;
  - g. The Categorical Pretreatment Standards applicable to each regulated process and any new Categorically regulated processes for Existing Sources;
  - h. Measurement of Pollutants, including:
    1. The results of sampling and analyses identifying the Wastewater constituents and characteristics and Pollutant concentrations in the Wastewater discharged to the POTW, including but not limited to those set forth in Part 3 of this Ordinance, as determined by a reliable analytical laboratory. All sampling and analyses shall be performed in accordance with 40 CFR Part 136, as amended;
    2. The results of sampling and analyses identifying the nature and concentration and/or mass where required by any applicable Categorical Pretreatment Standard or by the Executive Director of regulated Pollutants in the discharge from each regulated process;
    3. Instantaneous Daily Maximum and long-term average concentrations, or mass where required, shall be reported;
    4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.4 of this Ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Executive Director or the applicable Standards to determine compliance with the Standard;

5. Sampling and analysis must be performed in conformance with procedures set out in Section 4.4 of this Ordinance and with applicable procedures set out in 40 CFR Part 136, as amended.
  - i. Proposed or actual hours of operation of Pretreatment system and the name of the IEPA certified Pretreatment operator;
  - j. Name of the Authorized Representative of the Significant Industrial User, where applicable;
  - k. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the discharge based on Section 4.4, B. 4) b.;
  - l. The User's source or sources of intake water together with the types of usage and means of disposal of all water and the measured (preferred) or estimated volumes in each category;
  - m. If additional management practices, operation and maintenance practices, or Pretreatment techniques or installations will be required to meet Pretreatment Standards or requirements, the shortest schedule by which the Significant Industrial User will provide such additional Pretreatment;
  - n. Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.
- 9) The Executive Director has the right to reject incomplete or inaccurate applications, which may be returned to the User for revision.
- 10) Application Signatures and Certifications.
  - a. All Wastewater Discharge Permit applications, User reports, and certification statements must be signed by the appropriate administrative official or by an Authorized Representative of the User and contain the certification statement in Section 4.4 J.
  - b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section and Section 2.2 C must be submitted to the Executive Director prior to or together with any reports to be signed by an Authorized Representative.
  - c. A facility determined to be a Non-Significant Categorical Industrial User by the Executive Director pursuant to Section 2.2 BE. 2) must annually submit a signed certification statement in Section 4.4 J. 2).

#### D. General Permits

- 1) At the discretion of the Executive Director, the Executive Director may use General Permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a General Permit must:

- a. Involve the same or substantially similar types of operations;
  - b. Discharge the same types of wastes;
  - c. Require the same effluent limitations;
  - d. Require the same or similar monitoring; and
  - e. In the opinion of the Executive Director, are more appropriately controlled under a General Permit than under individual Wastewater Discharge Permits.
- 2) To be covered by the General Permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of waste generated, the location for monitoring all wastes covered by the General Permit, any requests in accordance with Section 4.4 B. 4) b, for a monitoring waiver for a Pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a Pollutant neither present nor expected to be present in the discharge is not effective in the General Permit until after the Executive Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 4.4 B. 4) b.
  - 3) The Executive Director will retain a copy of the General Permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.2 D 1) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the General Permit.
  - 4) The Executive Director may not control an SIU through a General Permit where the facility is subject to production based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of Pollutant discharged per day or for Industrial Users whose limits are based on the Combined Waste Stream Formula (Section 2.2 J.) or Net/Gross calculations (40 CFR Section 403.15).

#### E. Review of Wastewater Discharge Permit Applications

The Executive Director will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Executive Director will determine whether to issue a Wastewater Discharge Permit. After evaluation of the data furnished, The Executive Director may issue a Wastewater Discharge Permit. The Executive Director may deny an application for an individual Wastewater Discharge Permit. No temporary permit will be issued by the Executive Director except as set forth in Section 4.2 I.

#### F. Wastewater Discharge Permit Contents

- 1) A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Executive Director to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment Plant's effluent, protect worker health and safety, facilitate Sludge management and disposal, and protect against Sanitary Sewer overflows or damage to the POTW. Permits shall be expressly subject to the provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the Executive Director.
- 2) Wastewater Discharge Permits must contain, as appropriate, the following:



- a. a statement of duration that indicates the Wastewater Discharge Permit issuance date and expiration date (in no case more than five years in duration);
  - b. a statement that the Wastewater Discharge Permit is non-transferrable without prior notification to the Executive Director in accordance with Section 4.2 I. of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - c. effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 C.F.R. Part 403, Categorical Pretreatment Standards, Local Limits, and State and local law;
  - d. requirements and specifications for monitoring programs that include Self-Monitoring, sampling, reporting, notification, maintenance and cleaning of monitoring facilities, and record keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, sample type, and reporting schedule based on Federal, State, and local law, as well as a requirement to notify the Executive Director immediately of any changes at the User's facility which may affect the potential for a Slug Discharge;
  - e. the process for seeking a waiver from monitoring for a Pollutant that is neither present nor expected to be present in the discharge in accordance with Section 4.4 B.4. b.;
  - f. a statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule (such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law);
  - g. requirements to control Slug Discharges and to have a Slug Discharge control plan if the Executive Director determines one to be necessary;
  - h. a statement whether the source is new or existing and, for CIUs, the subcategory of its applicable category;
  - i. a statement of non-transferability;
  - j. the granting of any monitoring waiver by the Executive Director must be included as a condition in the User's permit, and
  - k. requirements for notification of significant spills, Upsets, Bypasses, or Slug Discharges.
- 3) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
- a. Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for Flow regulation and equalization for each separate discharge of a User;
  - b. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works;

- c. A compliance schedule, if necessary;
- d. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to prevent accidental, unanticipated, or non-routing batch discharges;
- e. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
- f. The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
- g. Requirements for installation, operation, and maintenance of sampling and monitoring equipment and facilities including Flow measurement devices;
- h. A statement that compliance with the individual Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State, and local Pretreatment Standards, including those that become effective during the term of the individual Wastewater Discharge Permit;
- i. Requirements for submission of technical reports, discharge reports, and/or certification statements;
- j. Requirements to retain for a minimum of three (3) years any records of monitoring activities and results relating to wastewater discharge and for affording the Executive Director access to said records;
- k. Requirements for advance notification to the Executive Director of the introduction of any new Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the POTW pursuant to the terms of Section 4.4 B. 5) of this Ordinance;
- l. Requirements for reporting Pretreatment Sludge disposal practices;
- m. Requirements for immediate notification of changes that affect the potential for a Slug Load from the User;
- n. Requirements that User allows the Executive Director or his or her 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 or for the performance of any of their duties;
- o. Conditions for modification or revocation of the Wastewater Discharge Permit;
- p. Requirements that the Permittee provide other information to the Executive Director as may reasonably be required; and
- q. Other conditions as deemed appropriate by the Executive Director to ensure compliance with this Ordinance, Pretreatment Requirements and Standards, and any other applicable State and Federal laws, rules, and regulations.

G. Wastewater Discharge Permit Duration

A Wastewater Discharge Permit shall be issued for a specified period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Executive Director. Each individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.

H. Permit Modification

- 1) The Executive Director may modify a Wastewater Discharge Permit for good cause, including but not limited to, the following reasons:
  - a. To address modifications to Categorical Pretreatment Standards or to incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  - b. To address modifications to the limitations or requirements as identified in Part 3 of this Ordinance;
  - c. To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the Wastewater Discharge Permit issuance;
  - d. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - e. Information indicates that the permitted discharge poses a threat to the POTW; to the Executive Director, city or other personnel who work in the sewer system or treatment plant; to the receiving waters; or to the POTW's beneficial Sludge use;
  - f. Violations of any terms or conditions of the individual Wastewater Discharge Permit;
  - g. Misrepresentations or failure to disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
  - h. Revision of or a grant of a variance from ordinance conditions or Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - i. To correct typographical or other errors in the individual Wastewater Discharge Permit;
  - j. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.2.I.; or
  - k. Where other just cause exists.
- 2) The User shall be informed of any proposed changes to its permit at least thirty (30) days prior to the effective date of change. Where any changes are made in the Significant Industrial User's permit, a reasonable time shall be given to achieve compliance. Reasonable time requires that a Significant Industrial User act in good faith to achieve compliance by the shortest possible schedule. The Significant Industrial User shall achieve compliance with the new permit no more than thirty (30) days after the reasonable time period has elapsed.

- 3) The Executive Director may modify a General Permit for good cause, including but not limited to the following reasons:
  - a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  - b. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - c. To correct typographical or other errors in the General Permit
  - d. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.2.I.; or
  - e. Where other just cause exists.

I. Permit Transfer

- 1) Wastewater Discharge Permits are issued to a specific User for the process activity specified in the permit application materials. 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 Executive Director. Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Executive Director and the Executive Director approves the Wastewater Discharge Permit transfer. The notice to the Executive Director must include a written certification by the new owner or operator which:
  - a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing individual Wastewater Discharge Permit.
- 2) Failure to provide advance notice and to receive advance approval of a transfer renders the individual Wastewater Discharge Permit void as of the date of facility transfer.
- 3) In the event of failure to provide advance notice or receive advance approval, 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 may be reissued by the Executive Director 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 Executive Director shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

J. Wastewater Discharge Permit Re-issuance

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete permit application in accordance with Section 4.2 of this Ordinance a minimum of ninety (90) days prior to the expiration of the User's existing

Wastewater Discharge Permit. The User shall apply for re-issuance of the permit on a form provided by the Executive Director.

#### SECTION 4.3 DENIAL OF PERMIT AND APPEAL PROCEDURE

- A. No Wastewater Discharge Permit shall be issued by the Executive Director to any Person or User whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the Executive Director, is not in conformity with SDD ordinances and regulations or whose application is incomplete or does not comply with the requirements of Section 4.2 B. and C. The Executive Director shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within fifteen (15) business days after denial.
- B. If the Executive Director refuses to grant or grants with conditions a Wastewater Discharge Permit under Part 4 of this Ordinance, the applicant may, within 35 days, petition for a hearing before the Board of Trustees, to contest the decision of the Executive Director. 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 Executive Director shall present. The decision of the Board of Trustees shall be final. The hearing shall follow the procedures outlined in Section 5.4 (A) – (C) and (E).

#### SECTION 4.4 REPORTING REQUIREMENTS

- A. Significant Non-Categorical Industrial Users (SNIU)
  - 1) All SNIU's shall submit to the Executive Director a certified report detailing the nature, Flow, and concentration of Pollutants in the permitted wastewater discharges, as listed in its discharge permit. This report shall be submitted at least once every six (6) months on a schedule to be provided by the Executive Director. The Executive Director shall indicate the number of grab samples necessary to assess and assure compliance with the applicable Pretreatment Standards and requirements. The report must be based upon data obtained through appropriate sampling per 40 C.F.R. 403.12(g)(3).
  - 2) All SNIU's shall submit an annual report of all activity related to Wastewater Pretreatment and/or discharges during the calendar year. This annual report shall be due by the first day of March of the year following the reporting period. Such report must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in Section 4.4.F and G of this Ordinance.
  - 3) In cases where a local limit or the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Executive Director or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. Significant Categorical Industrial Users (SCIU)
  - 1) Baseline Monitoring Reports (BMR)
    - a. 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).

- b. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW, but who have not already done so, shall submit to the Executive Director, in a form outlined in 40 CFR Part 403.12 (b), a Baseline Report that contains the information listed in paragraph c. below.
- c. In support of the Baseline Report, the Users described above shall submit, the information set forth below:
  - 1. All information required in Section 4.2 C. 5) a.1, Section 4.2 C. 5) b, Section 4.2 C. 5) d. 1. and 2. Section 4.2 C. 5) g. Section 4.2 C. 5) h. 1. through 4.;
  - 2. The User shall identify the National Categorical Pretreatment Standards applicable to each regulated process;
  - 3. The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section. A minimum of four Grab Samples shall be used to show compliance with standards for pH, cyanide, phenols, FOG, sulfides, and volatile organic compounds in the BMR and 90-day reports.
  - 4. Samples should be taken immediately downstream from any Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment facilities exist. If other Wastewaters are mixed with the regulated wastewater prior to Pretreatment, the User should measure the Flows and concentrations necessary to allow use of the Combined Waste Stream Formula in 40 CFR Section 403.6 (e), to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6 (e), this adjusted limit along with supporting data shall be submitted to the POTW;
  - 5. Sampling and Analysis shall be performed in accordance with Section 4.4.F and G of this Ordinance.;
  - 6. The Executive Director may allow the submission of a Baseline Report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.
  - 7. The Baseline Report shall indicate the time, date, and place of sampling and methods of analyses, and certify that such sampling and analyses are representative of normal work cycles and expected Pollutant discharges to the POTW.
  - 8. 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 4.4 B. 1) c. 3. and 4. shall pertain to the modified limits.
  - 9. If the National Categorical Pretreatment Standard for the Industrial User is modified after the Baseline Report is submitted, the User shall make any necessary

amendments to information provided as a response to Section 4.4 B. 1) c. 3. and 4. and submit to the POTW within 60 days after the modified limit is approved.

10. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Executive Director or the Pretreatment Standard necessary to determine the compliance status of the User.

- d. The Industrial User shall provide a statement, reviewed by the User's Authorized Representative as defined in Section 2.2 B. and certified by a qualified professional indicating whether 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 to meet the Industrial Pretreatment Standards and requirements;
- e. If additional Pretreatment and/or O&M will be required to meet the Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule that 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 Categorical Pretreatment Standard. A compliance Schedule pursuant to this section must meet the requirements as set out in Section 4.4 B. 2) of this Ordinance;
- f. All Baseline Monitoring Reports must be certified in accordance with Section 4.4 J. 1) of this Ordinance and signed by an Authorized Representative as defined in Section 2.2 B.

## 2) Compliance Schedule Progress Reports

The following conditions shall apply to any schedule submitted in response to Section 4.4 B. 1) f. of this Ordinance and shall comply with the requirements in 40 CFR 403.12(c):

- a. 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 Categorical Pretreatment Standards. Such events include but are not limited to; hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing construction, completing construction, and beginning and conducting routine operations, etc.
- b. No increment referred to in the previous paragraph shall exceed nine (9) months.
- c. 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 Executive Director 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, the steps being taken by the Industrial User to return the construction to the schedule established, and any other information as may be reasonably requested by the Executive Director.
- d. In no event shall more than nine (9) months elapse between such progress reports to the Executive Director.

3) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Executive Director a report containing the information described in Section 4.2 C. 5) d. 1., Section 4.2 C. 5) g. Section 4.2 C. 5) h. and Section 4.4 B. 1) d. of this Ordinance and 40 CFR 403.12(d). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 3.4, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.4 J. of this Ordinance. All sampling will be done in conformance with Section 4.4 F and G and 40 CFR 403.12(g)(3) and (4).

4) Periodic Compliance Reports

- a. At a frequency determined by the Executive Director, but no less than twice per year during the months of June and December (or on dates specified by the Executive Director), all Significant Industrial Users that are subject to an applicable National Categorical Pretreatment Standard must, except as specified in Section 4.4 B. 4) c. submit reports indicating the nature and concentration of Pollutants that are in the SIU's wastewater discharge that are limited by Pretreatment Standards and the average and maximum daily flows for the reporting period. The Executive Director may allow the use of estimated flows where Flow measurement is not feasible. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Executive Director or the Pretreatment Standard necessary to determine the compliance status of the User.
- b. The Executive Director may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
  1. The waiver may be authorized where the Pollutant is determined to be present solely due to sanitary wastewater discharged from the facility if the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no Process Wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit. See Section 4.2 C. 5) k.
  3. In making a demonstration that a Pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's Process Wastewater that is



representative of all Wastewater from all processes. The sample must be taken prior to any treatment present at the facility.

4. The request for a monitoring waiver must be signed by an Authorized or Duly Authorized Representative of the User in accordance with Section 2.2 B. and must include the certification statement in Section 4.4 J. (40 CFR 403.6(a)(2)(ii)
  5. Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the Executive Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request must be maintained by the Executive Director for three (3) years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the User's permit by the Executive Director, the Industrial User must certify on each report with the statement in Section 4.4.J.3 that there has been no increase in the Pollutant in its waste stream due to activities of the Industrial User.
  8. In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately notify the Executive Director, and the User must immediately comply with the monitoring requirements of Section 4.4.B.4.a or other more frequent monitoring requirements imposed by the Executive Director.
  9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
- c. The Executive Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA in 403.12e(1), where the Industrial User's total Categorical wastewater Flow does not exceed any of the following:
1. Five thousand (5,000) gallons per day, as measured by a continuous process – effluent Flow monitoring device unless the Industrial User discharges in batches;
  2. Six hundred thirty six (636) pounds per day of BOD, one thousand eighty five (1,085) pounds per day of TSS, or one hundred twenty (120) pounds per day of total Kjeldahl nitrogen;
  3. A value equal to one hundredth of a percent (0.01 percent) of the maximum allowable headworks loading for any Pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 3.3 of this Ordinance.

Reduced reporting is not available to Industrial Users that have been in Significant Noncompliance, as defined in Section 2.2.BF. of this Ordinance in the last two (2) years. In addition, reduced reporting is not available to an Industrial User with daily Flow rates. Production levels or Pollutant levels that vary so significantly that, in the opinion of the

Executive Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- d. All periodic compliance reports must be signed and certified in accordance with Section 4.4 J. of this Ordinance.
- e. All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and Flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. All sampling will be done in conformance with Section 4.4 F and G.
- f. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Executive Director using the procedures prescribed in Section 4.4.G. of this Ordinance, the results of this monitoring shall be included in the report.

#### 5) Reports of Changed Conditions

- a. Each User must notify the Executive Director of any significant changes to the User's operations or systems that might alter the nature, quality, or volume of its Wastewater. This notification must be made at least thirty (30) days before the change. 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 Executive Director.
  - 1. The Executive Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater Discharge Permit application under Section 4.2 of this Ordinance.
  - 2. The Executive Director may issue a Wastewater Discharge Permit under Section 4.2 J. of this Ordinance or modify an existing Wastewater Discharge Permit under Section 4.2 H. of this Ordinance in response to changed conditions or anticipated changed conditions.
- b. Any Significant Industrial User that makes a change that could affect the potential for a Slug Discharge is required to notify the Executive Director of the change immediately.
  - 1. The Executive Director may require the User to submit such information as may be deemed necessary to evaluate the potential for a Slug Discharge, including a Slug Discharge control plan.

#### 6) Reports of Potential Problems

- a. In the case of any discharge that might cause potential problems for the POTW, including but not limited to: accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or a Slug Discharge of Slug Load, the User shall immediately telephone and notify the Executive Director of the incident. This notification shall include the location of the discharge, the type of waste, the concentration and volume if known, and any corrective measures taken by the User.

- b. Within five (5) days following such discharge, the User shall, unless waived by the Executive Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that might be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.
- c. The Executive Director may require the User to take such corrective measures or submit information as may be deemed necessary to address a discharge that could cause a potential problem for the POTW, including, but not limited to, submittal of a Slug Discharge control plan.

C. Reporting Requirements for Unpermitted Industrial Users

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Executive Director as the Executive Director may require.

D. Reporting a Violation/Repeat Sampling

- 1). If monitoring performed by a User indicates a violation, the User shall notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation, except the Industrial User is not required to resample if:
  - a. The Executive Director performs sampling for the User's facility at least once per month; or
  - b. The Executive Director performs sampling at the User's site between the time when the User conducted its initial sampling and the time when the User (or the Executive Director) receives the results of this sampling; or
  - c. If the Executive Director has performed the sampling and analysis in lieu of the Industrial User. If the Executive Director performed the sampling and analysis in lieu of the Industrial User, the Executive Director may perform the repeat sampling and analysis or require the User to perform the follow-up sampling and analysis.

E. Notification of the Discharge of Hazardous Waste

- 1) Any User, except as specified in subpart 5) below, that commences the discharge to the POTW any substance that, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the Executive Director, the EPA Regional Waste Management Division Director, and the State of Illinois hazardous waste authorities in writing of such discharge.
- 2) Such hazardous waste notifications shall include:
  - a. The name of the hazardous waste as set forth in 40 CFR part 261;
  - b. The USEPA hazardous waste number; and

- c. The type of discharge (continuous, batch, or other);
- 3) In addition to the information submitted in Section 4.4 E., User'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;
    - a. An identification of the hazardous constituents contained in the waste;
    - b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
    - c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.
  - 4) Notifications must take place no later than one hundred and eighty (180) days after the discharge of the constituents commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 4.4 B. 5) of this Ordinance. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the Self-Monitoring requirements of Section 4.4 B. 1), 4.4 B. 2), and 4.4 B. 4) of this Ordinance.
  - 5) Industrial Users are exempt from the hazardous waste notification requirements of Section 4.4, E. 1) through 4) during a calendar month in which they discharge fifteen (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 (e) requires a onetime notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
  - 6) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Executive Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
  - 7) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - 8) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued hereunder, or any applicable Federal or State law.

#### F. Analytical Requirements

All Pollutant sampling and analyses techniques to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the procedures prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR 136 does not include sampling or analytical techniques for the Pollutants in question, or where the EPA 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 applicable sampling and analytical procedures, including procedures suggested by the Executive Director or other parties, approved by the EPA.

G. Sample Collection

Samples collected to satisfy reporting requirements must be collected at a time during the period covered by the report that is representative of conditions occurring during the reporting period.

- 1) Except as indicated in Subparts 2) and 3) below, the User must collect Wastewater samples using 24-hour Flow-proportional Composite Sampling techniques, unless time-proportional Composite Sampling or Grab Sampling is authorized by the Executive Director. Where time-proportional Composite Sampling or Grab Sampling is authorized by the Executive Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be joined into one composite prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Executive Director as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.
- 2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- 3) For sampling required in support of a Baseline Monitoring Report and ninety(90)-day compliance reports required in Section 4.4 B. 1) and 4.4 B. 3) (40 CFR 403.12(b) and (d)), a minimum of four (4) Grab Samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historic sampling data do not exist; for facilities for which historic sampling data are available, the Executive Director may authorize a lower minimum. For the reports required by Section 4.4 B. 4) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements, but no less than one Grab Sample.

H. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed postage prepaid, the date of receipt of the report at the SDD office shall govern.

I. Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 3.3 E. Records shall include the following data:

- 1) The date, exact place, method, and time of sampling, and the name of the Person or Persons taking the samples;
- 2) The dates analyses were performed;

- 3) The names of the Person(s) who performed the analyses;
- 4) The analytical techniques/methods used; and
- 5) The results of such analyses.

These records (including documentation associated with BMPs) shall remain available for a minimum of three (3) years. This period shall be automatically extended for the duration of any unresolved litigation concerning the User or the SDD or where the Executive Director has specifically notified the User of a longer retention period.

#### J. Certification Statements

- 1) Certification of Permit Applications, User Reports, and Initial Monitoring Waiver - The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.2.C.7; Users submitting Baseline Monitoring Reports under Section 4.4.B.1.g; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 4.4.B.3; Users submitting periodic compliance reports required by Section 4.4.B..4.a – c and Users submitting an initial request to forego sampling of a Pollutant on the basis of Section 4.4.B.4.b. An Authorized Representative as defined in Section 2.2.B must sign the following certification statement:

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

- 2) Annual Certification for Non-significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Executive Director pursuant to Section 2.2.BE.2 and Section 4.2.C.7.c must annually submit the following certification statement signed in accordance with the signatory requirements in Section 2.2.B under “Authorized” or “Duly Authorized Representative of the User.” This certification must accompany an annual report required by this Ordinance:

Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_ to \_\_\_\_\_, [month, day, year]:

(a) The facility described as \_\_\_\_\_  
[facility name] met the definition of a Non-Significant Categorical Industrial User as described in 2.2 BE. 2) of this Ordinance;

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total Categorical Wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

---

---

3) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 4.4.B.4.b must certify on each report with the following statement that there has been no increase in the Pollutant in its waste stream due to activities of the User:

Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Pretreatment Standards under 40 CFR \_\_\_\_\_, [specify applicable National Pretreatment Standard part(s)], I certify that to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list Pollutant(s)] in the Wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.4.B.4.a].

**SECTION 4.5 INSPECTION AND COMPLIANCE MONITORING**

- A. The Executive Director shall inspect the facilities of all Significant 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 two (2) times per year.

B. Right of Entry: Inspection and Sampling

The Executive Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Executive Director or his/her representative ready access to all parts of said premises for the purposes of inspection, sampling, records examination and copying, and in the performance of any additional duties at all reasonable times.

- 1) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that upon presentation of suitable identification, the Executive Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- 2) The Executive Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- 3) The Executive Director may require the User to install a special monitoring manhole and other monitoring equipment for each separate discharge from the building sewer, and the User shall install such equipment at their own expense. The User's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater Flow and quality are subject to approval by the Executive Director and shall be calibrated in accordance with manufacturer's recommendations, or on a frequency dictated by the Executive Director, to ensure their accuracy.

- 4) When a User is required to install a special monitoring station, the location of the monitoring facility shall provide ample room in the monitoring facility to allow accurate sampling and preparation of samples for analysis and, whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Executive Director's requirements and all applicable construction standards and specifications, and such facilities shall be constructed and maintained in such a manner as to enable the Executive Director to perform independent monitoring activities.
  - 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or oral request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
  - 6) Unreasonable delays in allowing the Executive Director access to the User's premises shall be a violation of this Ordinance.
  - 7) If the Executive Director becomes aware of a discharge violation in a sample that the Executive Director collected, the Executive Director will repeat sampling and analysis for that parameter within 30 days of becoming aware of the violation, unless the Industrial User is specifically directed to perform the repeat sampling and analysis.
- C. Any Industrial User issued a Wastewater Discharge Permit under this Ordinance who, through the actions of its agents, directors, managers, officers, assigns, or delegates, refuse or fail to afford the Executive Director ready access as described in this Ordinance shall be liable to the SDD for the reasonable fees and costs, including reasonable attorneys' fees, of the SDD in enforcing before any court or tribunal the right of the Executive Director to:
- 1) Revoke or suspend the subject permit, or;
  - 2) Proceed with disconnecting the User, or;
  - 3) Avail itself of any and all other legal and equitable remedies, including but not limited to, injunction, temporary restraining order, mandamus, declaratory judgment and any and all other legal proceedings or remedies, not exclusive of one another and shall not subject to any duty of the SDD to mitigate or minimize said fees and costs, including attorneys' fees, or;
  - 4) Defending or representing any officer, trustee, employee, contractor, delegate, attorney, or other servant of the SDD from or against any suits or claims, or demands made by the Industrial User refusing such access or any of its owners, proprietors, employees, officers, or assigns that claim, suit, or demand is in any way related to the refusal or alleged refusal of access to the Executive Director or the SDD's response thereto.
- D. Where required by the Executive Director, an Industrial User shall install additional control manholes or sampling chambers at the end of each separate industrial process within an Industrial User's business in accordance with plans and specifications approved by the Executive Director. The additional monitoring facilities shall be suitable for the determination of compliance with Pretreatment Standards. These manholes and chambers shall be safely, easily, and independently accessible to the Executive Director at any reasonable time.
- E. Any samples required by this Ordinance shall be taken in accordance with Section 4.4(G).



- F. The User shall pay the costs of monitoring its discharge and the costs of analyses of its samples, whether the sampling and analyses are done by the User, an independent contractor, or the Executive Director.
- G. 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 part 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 Pollutants in question, or where the Administrator determines that 40 CFR Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Executive Director or other appropriate parties, approved by the Administrator. This sampling and analysis may be performed by the Executive Director in lieu of the Industrial User. Where the Executive Director collects all of the information required for the report, the Significant Industrial User will not be required to submit the report.
- H. All monitoring reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report. Such data is to be representative of conditions occurring during the reporting period as necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards, and Requirements.
- I. If a User monitors any Pollutant more frequently than required by the Executive Director using the procedures prescribed in this section, the results of this monitoring shall be included in the Self-Monitoring report or in additional Self-Monitoring reports.
- J. All Significant Industrial User reports shall include the certification statement as set forth in Section 4.4 J. 1. and shall be signed by an Authorized Representative.

#### SECTION 4.6 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- A. Upset
  - 1) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards only if the requirements of Section 4.6.A.2 are met.
  - 2) An Industrial User that 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 Control Authority within twenty-four (24) hours of becoming aware of the Upset (if this information is provided verbally, a written submission must be provided within five (5) days of becoming aware of the Upset):
      - 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; and
  3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 3) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
  - 4) Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
  - 5) Users shall control or curtail production and 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 paragraph applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**B. Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 3.2 A. or 3.2 B. of this Ordinance or the specific prohibitions in Section 3.2.C.6 through 3.2.C.22 of this Ordinance if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- 1) A Local Limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to and during the Pass Through or Interference; or
- 2) No Local Limit exists but the discharge did not change substantially in nature or constituents from the User's prior discharge when the SDD was regularly in compliance with its NPDES permit, and in the case of Interference, complied with applicable Sludge use or disposal requirements.

**SECTION 4.7 BYPASS**

**A. For the purposes of this Section:**

- 1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
- 2) Severe property damage means substantial physical damage to property, damage to the Pretreatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

**B. An Industrial User may allow a Bypass to occur if it is for essential maintenance to assure efficient operation and it does not violate Pretreatment Standards or Requirements. These Bypasses are not subject to Section 4.7.C and D of this Ordinance.**

**C. Bypass Notifications**

- 1) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the Executive Director, if possible at least ten (10) days before the date of the Bypass.
- 2) An Industrial User shall verbally notify the Executive Director of an unanticipated Bypass that exceeds applicable Pretreatment Standards or Requirements within twenty-four (24) hours of the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass including exact 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. The Executive Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

#### D. Prohibition of Bypass

- 1) Bypass (other than those described in Section 4.7.B of this Ordinance) is prohibited and the Executive Director may take enforcement action against an Individual User for a Bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There are and were no feasible alternatives to Bypass, such as use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
  - (c) The Industrial User submitted notices as required by Section 4.7 C.
- 2) The Executive Director may approve an anticipated Bypass after considering its adverse effects if the Executive Director determines that it will meet the three (3) conditions listed in Section 4.7.D.1.

### SECTION 4.8 CONFIDENTIAL INFORMATION

Information and data regarding a User obtained from reports, surveys, Wastewater Discharge Permit applications, individual Wastewater Discharge Permits, and monitoring programs, and from the SDD's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests and is able to demonstrate to the satisfaction of the Executive Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under State or Federal law. Any such request must be asserted in writing at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the National Pollutant Discharge Elimination System (NPDES) program or Pretreatment program, and in enforcement proceedings involving the User furnishing the report. Wastewater constituents, characteristics, and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

#### SECTION 4.9 WASTE RECEIVED FROM OTHER JURISDICTIONS

- A. If another municipality, or a User located within another municipality, contributes Wastewater to the SDD, either directly or indirectly, the Executive Director shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Executive Director shall request the following information from the contributing municipality;
  - 1) A description of the quality and volume of wastewater discharged to the SDD by the contributing municipality;
  - 2) An inventory of all Users located within the contributing municipality that are discharging to the SDD; and
  - 3) Such other information as the Executive Director may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A above shall contain the following conditions:
  - 1) A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance and Local Limits that are at least as stringent as those set out in Section 3.3 of this Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the SDD's ordinance or Local Limits;
  - 2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - 3) A provision specifying which Pretreatment implementation activities, including individual Wastewater Discharge Permit or General Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Executive Director; and which of these activities will be conducted jointly by the contributing municipality and the Executive Director.
  - 4) A requirement for the contributing municipality to provide the Executive Director with access to all information that the contributing municipality obtains as part of its Pretreatment activities;
  - 5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it discharges to the POTW;
  - 6) Requirements for monitoring the contributing municipality's discharge;
  - 7) A provision ensuring the Executive Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Executive Director; and
  - 8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **PART 5**

### **ENFORCEMENT PROCEDURES**

#### **SECTION 5.1 PUBLICATION OF USERS IN SIGNIFICATION NONCOMPLIANCE**

The Executive Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the SDD, a list of Users that have, at any time during the previous twelve (12) months, been found to be in Significant Noncompliance as defined in Section 2.2 BG. of this Ordinance. The notification may also summarize any enforcement actions taken against those Industrial Users during the same twelve (12) months. The term Significant Noncompliance shall be applicable to all Significant Industrial Users, or to any Industrial User that meets any of the criteria in subparagraphs 3, 4, or 5 of Section 2.2.BG.

#### **SECTION 5.2 ENFORCEMENT PROCEDURES AND RESPONSE**

Permit or ordinance violations are enforced by the Executive Director in the following manner:

##### **A. VERBAL WARNING**

- 1) When the POTW finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may give the User a Verbal Warning.
- 2) A written record of the verbal warning shall be made by the Executive Director and a copy may be sent to the User.
- 3) If the ordinance violation is a serious violation, the Executive Director may begin the enforcement process by issuing a written Warning Notice or a Notice of Violation (see Section 5.2.B and C of this Ordinance). This subsection shall not limit the authority of the Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a Verbal Warning.

##### **B. WRITTEN WARNING NOTICE**

- 1) When a serious permit or ordinance violation occurs, or if the permit or ordinance violation recurs within and/or continues for thirty (30)-days after a verbal warning has been issued, a written Warning Notice may be sent to the User. The Warning Notice shall be served by personal delivery or certified mail, return receipt requested.
- 2) The Warning Notice shall consist of a concise statement of the violation(s).
- 3) Within fifteen (15) days after receipt of the Warning Notice, the User shall file with the Executive Director a written reply that contains a concise statement of the User's response to each allegation of violation in the Warning Notice. If the User admits the violation(s), the User's reply shall also contain an explanation for the violations and a plan for the satisfactory correction and prevention thereof, which shall require specific required actions. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Warning Notice. If the User denies some or all of the violation(s), the User's reply shall contain an explanation for the denial of the violation(s).

- 4) Nothing in this subsection shall limit the authority of the Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a Warning Notice.

Upon receipt of the User's written reply to the Warning Notice, the Executive Director may issue an Executive Order pursuant to Section 5.2.D of this Ordinance.

#### **C. NOTICE OF VIOLATION (NOV)**

- 1) If the violation(s) recurs within and/or continues for thirty (30)-days after the written Warning Notice has been issued, or the User fails to comply with the response requirements of Section 5.2 B, or when the Executive Director determines that the NOV should be the first enforcement action, then the Executive Director may issue to the User a NOV. The NOV shall be served personally or by certified mail, return receipt requested.
- 2) The NOV shall consist of a concise statement of the violation(s). If more than one violation has occurred, the Executive Director shall plead each separate violation in the NOV. The NOV may also contain a prayer for relief that the SDD deems itself entitled.
- 3) The NOV shall include a Notice for a Compliance Meeting at a time not less than twenty (20)-days and not greater than thirty-five (35)-days from the date of service of the NOV.
- 4) Within fifteen (15)-days after receipt of the NOV, the User must file with the Executive Director a written reply that contains a concise statement of the User's response to each allegation of violation set forth in the NOV. If the User admits the violations, the User's reply shall also contain an explanation of the violations and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. If the User denies some or all of the violation(s), the User's reply shall contain an explanation for the denial of the violation(s).
- 5) Failure by the User 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 pursuant to Section 5.2.D. of this Ordinance. Nothing in this subsection shall limit the authority of the Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

#### **D. EXECUTIVE ORDER**

Within twenty (20) working days following the completion of the procedures in Section 5.2 B. or 5.2 C., the Executive Director may issue an Executive Order, personally or by certified mail, return receipt requested, which may require the User to:

1. Immediately comply with all applicable standards and requirements;
2. Cease and desist all violations;
3. Control its contribution to the POTW to ensure compliance with applicable Pretreatment Standards and Requirements;
4. Develop of a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements;

5. Increase the amount of Self-Monitoring that the User must perform;
6. Submit notices and additional Self-Monitoring reports as are necessary to assess and assure compliance by User with Pretreatment Standards and Requirements, including but not limited to the reports required by 40 CFR Section 403.12;
7. Pay fines pursuant to Ordinance 21-06; and/or
8. Provide such other relief that the Executive Director deems just and proper.

Failure to comply with the Executive Order of the SDD shall be deemed a violation of this Ordinance and may be grounds for revocation of the User's Wastewater Discharge Permit and grounds for such other actions as may be authorized for violation of this Ordinance. Executive Director may not extend the deadline for compliance for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of an Executive Order shall not be a bar against, nor a prerequisite for, taking any other action against the User.

### SECTION 5.3 CONSENT ORDERS

The Executive Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the Executive Orders issued pursuant to Section 5.2 D. of this Ordinance and shall be judicially enforceable.

### SECTION 5.4 APPEAL PROCEDURES

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

- A. 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:
  - 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;
  - 2) Take the evidence; and
  - 3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Trustees for action thereon.
- B. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically or by tape or digital recording. The User 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.
- C. After the Board of Trustees has reviewed the evidence, it will issue a Final Order.

- D. If the User 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 Article III of the Illinois Code of Civil Procedure, 735 ILCS 5.
- E. All Final Orders conclude the administrative review process with the SDD. Failure by the User to comply with the Final Order constitutes grounds for the SDD to institute civil action in the Circuit Court to enforce compliance with the Final Order and/or restrain continued or future ordinance violations.

#### SECTION 5.5 WASTEWATER DISCHARGE PERMIT REVOCATION

- A. The Executive Director may revoke or suspend a Wastewater Discharge Permit, or coverage under a General Permit, for good cause, including but not limited to, the following reasons:
  - 1) Failure to notify the Executive Director of significant changes to the volume, constituents, and/or characteristics of its Wastewater discharge;
  - 2) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
  - 3) Failure to fully and accurately report the volume, constituents, and characteristics of its Wastewater discharge;
  - 4) Failure to fully and accurately report significant changes in conditions or process activity that could affect its Wastewater discharge or Wastewater constituents and characteristics pursuant to Section 4.4.B.5 of this Ordinance;
  - 5) Falsifying any reports, recordkeeping, and/or certification statements required by this Ordinance or otherwise required by the Executive Director;
  - 6) Tampering with, disrupting, or destroying monitoring equipment;
  - 7) Refusing to allow the Executive Director reasonable access to the User's premises or records;
  - 8) Failure to meet effluent limitations;
  - 9) Failure to pay fees, penalties, or fines;
  - 10) Failure to pay sewer use or Wastewater treatment charges;
  - 11) Failure to meet the conditions of a compliance schedule;
  - 12) Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
  - 13) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
  - 14) Failure to report a significant spill or Slug Discharge;
  - 15) Failure to report an unauthorized Bypass or Upset of the User's treatment facilities; or
  - 16) Violation of any Pretreatment Standard or Requirement, or any condition of the Wastewater Discharge Permit, the General Permit, or this Ordinance.



- B. All previous Wastewater Discharge Permits or General Permits issued to a User are void upon the issuance of a new Wastewater Discharge Permit or General Permit to that User. The Executive Director may declare Wastewater Discharge Permits or General Permits void upon cessation of a User's operations or transfer of business ownership.
- C. Procedures for Revocation or Suspension of Permit.
- 1) In lieu of or in conjunction with the enforcement provision set forth in Section 5.2, the Executive Director may order any User that causes or allows any action that is subject to revocation or suspension under Section 5.5 A. to show cause before the Board of Trustees or its 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, at least ten (10) days prior to the hearing. The Revocation or Suspension Show Cause Order shall make a concise statement setting forth the reason(s) for revocation or suspension of Respondent's Wastewater Discharge Permit and the time and place of the hearing for the Show Cause Order. The Board of Trustees or its designee shall conduct the hearing to determine whether the Respondent's Wastewater Discharge Permit shall be revoked or suspended. A show cause hearing will not be a bar against, or prerequisite for, taking any other action against the User.
  - 2) 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:
    - a. Issue in the name of the SDD notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; and
    - b. Preside over the hearing; and
    - c. Make a record of the evidence, arguments, and exhibits presented at the hearing.
  - 3) 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.
  - 4) After the Board of Trustees or its designee has reviewed the evidence, the Board of Trustees shall issue an Order to the Respondent directing:
    - a. That the Wastewater Discharge Permit is revoked or suspended and the service must be disconnected; or
    - b. That following a specified period of time, the Wastewater Discharge Permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit; or
    - c. That the Respondent cease the unauthorized discharge effective after a specified period of time; and/or
    - d. That the Respondent comply with such other relief that the Board of Trustees, or its designee, deems just and proper.

- 5) 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 pursuant to Section 5.8 of this Ordinance.
- 6) Any order issued by the Board of Trustees pursuant to Section 5.5 is a Final Order and is only appealable pursuant to Article III of the Illinois Code of Civil Procedure, 735 ILCS 5.

#### SECTION 5.6 EMERGENCY SUSPENSION

The Executive Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge that reasonable appears to present or cause an imminent endangerment to the health or welfare of persons. The Executive Director may also immediately suspend a User's discharge, after notice and opportunity to respond, if that discharge threatens to interfere with the operation of the POTW, or if it presents or may present an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Executive Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Executive Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed, unless termination proceedings in Section 5.5 of this Ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Executive Director prior to the date of any show cause or termination hearing under Section 5.5 of this Ordinance.

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

#### SECTION 5.7 ELIMINATION OF DISCHARGE AND REINSTATEMENT

- A. Any User notified of a Disconnection of Service pursuant to Section 5. 5 or 5.6 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 User to comply voluntarily with disconnection or revocation or suspension order, the Executive Director 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.
- B. If the Executive Director exercises his authority under Section 5.6, the Executive Director shall allow reinstatement of the Wastewater treatment service upon proof of the elimination of the non-complying discharge. The User is responsible for all costs incurred by the SDD or its agents to disconnect and/or reconnect service.

#### SECTION 5.8 CIVIL ACTION/INJUNCTIVE RELIEF

- A. The SDD may institute a civil action for an injunction to restrain violations of this Ordinance.

- B. Upon discovering an ongoing or potential discharge to the POTW that reasonably appears to present an imminent danger to the health or welfare of Persons, the SDD may seek and obtain from the Circuit Court of Macon County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. The Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### SECTION 5.9 ADDITIONAL REMEDIES

- A. In addition to remedies available to the SDD set forth elsewhere in this Ordinance, if the State, USEPA, or a third party brings an enforcement action against the SDD for violation of the SDD's NPDES Permit, violation of the Illinois Environmental Protection Act, violation of the Clean Water Act and/or a violation of water quality standards as the result of a User's discharge of Pollutants to the POTW, then the fine, including all the SDD's legal, sampling and 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.
- B. If the discharge from any User causes a deposit, obstruction or damage to any part of the POTW, the SDD 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 User causing such deposit, obstruction, or damage.
- C. The remedies provided in this Ordinance shall not be exclusive and the Executive Director may seek whatever other remedies are authorized by statute, at law or in equity, against any Person or User violating the provisions of this Ordinance.
- D. In addition to any fine levied under Ordinance 21-06, the SDD may, where the circumstances of the particular case so dictate based on the discretion of the Executive Director, 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 5.10 VARIANCES

- A. 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, Sections. 1001, et seq.), the Board of Trustees may grant individual variances beyond the limitations prescribed in Section 3.3 (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 show such arbitrary and unreasonable hardship to the Board of Trustees by clear and convincing proof before such variance is granted. In no case shall the Board of Trustees grant any variance whose terms might or could cause "Interference" or "Pass Through" to the POTW as such terms are defined in this Ordinance.
- B. 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 five (5) years and shall be granted upon the condition that the Person who receives such variance shall make such periodic progress reports as the Board of

Trustees 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 will receive any variances, including any extension, exceeding a combined total of eight (8) years for any specific Pollutant. Notwithstanding the five (5) year or two (2) year limits above, 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 or State limits such that the SDD would realize unusual costs or be susceptible to "Pass-Through" or "Interference" as defined in this Ordinance.

- C. Any Person seeking a variance shall do so by filing a petition for variance with the Executive Director on forms provided by the Executive Director. Within twenty-one (21) days of receipt of the petition, the Executive Director 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 once a week for three (3) weeks.
- D. The Executive Director shall specify information required to be submitted by the Petitioner. To enable the Board of Trustees to rule on the petition for variance, the following information, where applicable, shall be included in the petition:
  - 1) A clear and complete statement of the precise extent of the relief sought, including specific identification of the particular provisions of the ordinance from which the variance is sought;
  - 2) Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought and a factual statement why compliance with the ordinances was not or cannot be achieved by the required compliance date;
  - 3) A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the ordinance, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance;
  - 4) Past efforts to achieve compliance including costs incurred, results achieved and permit status;
  - 5) A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance;
  - 6) A concise factual statement of the reasons the Petitioner believes that compliance with the particular provisions of the ordinance would impose an arbitrary or unreasonable hardship; and
  - 7) Any other information as required by the Executive Director.
- E. The Executive Director shall investigate such petition, consider the views of Persons who might be adversely affected by the granting of a variance, and make a report to the Board of 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.

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

**PART 6**

**EFFECTIVE DATE**

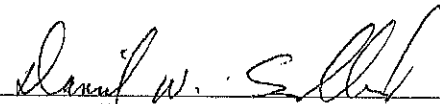
**SECTION 6.1 EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately following its passage and approval by the EPA as provided by law.


This Ordinance passed by the Sanitary District of Decatur Board of Trustees on the 27<sup>th</sup> day of October, 2021.

This Ordinance Approved by the EPA on the 5<sup>th</sup> day of November, 2021.

This Ordinance effective on the 5<sup>th</sup> day of November, 2021.

  
\_\_\_\_\_  
Dan Smallwood, President, Sanitary District of Decatur

ATTEST:

  
\_\_\_\_\_  
Rob Jacobsen, Clerk, Sanitary District of Decatur