

## Ordinance 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

#### PREAMBLE

WHEREAS, Ordinance No. 21-05 establishes the revised Industrial Pretreatment Program, and

WHEREAS, the Board of Trustees of the Sanitary District of Decatur deem it necessary to establish penalties for violations of Ordinance No. 21-05

BE IT ORDAINED by the Board of Trustees of the Sanitary District of Decatur, Macon County, Illinois, as follows:

#### PART 1

#### INDUSTRIAL PRETREATMENT PROGRAM FEES, PENALTIES, AND COSTS

##### SECTION 1.1 PRETREATMENT CHARGES AND FEES

The SDD may adopt reasonable fees, to be assessed to Users, for reimbursement of costs of implementing the SDD's Pretreatment Program, which may include:

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection of and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge and Slug Discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to cover administrative and legal costs (not included in Section 1.1.B. associated with an enforcement activity taken by the Executive Director to address User noncompliance; and
- F. Other fees as the Executive Director may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the SDD.

##### SECTION 1.2 PENALTIES AND COSTS

- A. When the Executive Director finds that a User has violated or continues to violate any provision of this Ordinance or any Orders or Wastewater Discharge Permits or General Permits issued hereunder, the Executive Director may fine such User an amount of at least one thousand dollars (\$1,000.00) per day per violation. Such fines shall be assessed on a per-violation per-day basis. In the case of monthly or long-term average discharge limits, fines may be assessed

for each day during the period of violation. The Executive Director may increase the daily maximum fine for a User in an Executive Order.

- B. An additional penalty of five percent (5%) of the unpaid balance may be added to charges, fines, and penalties that remain unpaid after thirty (30) calendar days, and interest shall accrue thereafter at a rate of five percent (5%) per month. The SDD may seek a lien against the User's property for unpaid charges, fines, and penalties.
- C. In addition to the penalties provided herein, the SDD may recover reasonable attorneys' fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the Person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. The SDD shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation or violations, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factor as justice requires.
- D. Users desiring to dispute such fines must file a written request for the Executive Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Executive Director may convene a hearing, presided by the Board of Trustees, on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Executive Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- E. Issuance of an administrative penalty or fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
- F. The SDD may recover reasonable expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the SDD.

### SECTION 1.3 FALSIFICATION

Any Person who knowingly makes any false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or any Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or any Wastewater Discharge Permit, shall be subject to the penalties and costs provided in Section 1.2 and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of one thousand dollars (\$1,000).

PART 2  
EFFECTIVE DATE

BE IT FURTHER ORDAINED that said penalties shall become effective ten days after publication of this ordinance in a newspaper published in the District as provided by law and approval of Ordinance No. 21-5 Industrial Pretreatment Program by the USEPA.

BE IT FURTHER ORDAINED that except as herein amended, penalties established in Ordinance No. 94-01 shall remain in full force and legal effect until ten days after publication of this ordinance in a newspaper and approval of Ordinance 21-5 Industrial Pretreatment Program by the USEPA.

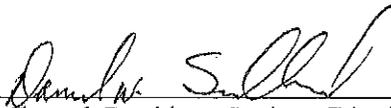
This Ordinance passed by the Sanitary District of Decatur Board of

Trustees on the 27<sup>th</sup> day of October, 2021.

This Ordinance published on the 2<sup>nd</sup> day of November, 2021

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.

  
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Dan Smallwood, President, Sanitary District of Decatur

ATTEST:

  
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Rob Jacobsen, Clerk, Sanitary District of Decatur