

CITY OF FREEPORT

STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 2017-45

AN ORDINANCE AMENDING PART TEN STREETS UTILITIES AND PUBLIC SERVICES CODE, TITLE FOUR UTILITIES, CHAPTER 1046 SEWERS GENERALLY OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS REMOVING REFERENCE TO THE BOARD OF WATER AND SEWER COMMISSIONERS AND ADDING CITY MANAGER

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF FREEPORT, ILLINOIS

THIS _____ DAY OF _____, 2017

Published in pamphlet form by authority of the

City Council of the City of Freeport,

Stephenson County, Illinois, this

_____ day of _____, 2017.

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WHEREAS, the City of Freeport, Illinois (“City”) has Codified Ordinances of the City (the “Code”); and

WHEREAS, Part Ten, Streets, Utilities and Public Services Code, Title Four, Utilities, Chapter 1046 Sewers Generally of the Code governs general sewer regulations within the City; and

WHEREAS, the City recently passed an ordinance repealing Chapter 258 Board of Water and Sewer Commission; and

WHEREAS, further revisions to specific sections of Chapter 1046 are necessary to amend those sections to remove reference to the Board of Water and Sewer Commissioners and to add reference to the City Manager; and

WHEREAS, the City Council specifically finds that this ordinance amending specific sections of Chapter 1046 removing reference to the Board of Water and Sewer Commissioners and to add reference to the City Manager to be in the best interests of the public health, safety, morals and general welfare of the residents of the City of Freeport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. The following enumerated Sections of Chapter 1046, entitled Sewers Generally, are hereby amended to read as follows (**bold** language to be added, ~~strikethrough~~ language to be deleted, Sections of Chapter 1046 not enumerated below shall remain in full force and effect as currently existing in the Code):

“1046.03 APPLICATION OF CHAPTER.

This chapter shall apply to all residential, commercial, public or industrial users who are, by contract or agreement with the **Water and Sewer Department** ~~Board of Water and Sewer Commissioners~~, users of the POTW.”

“1046.05 ADMINISTRATION.

Except as otherwise provided herein, the **City Manager of the City of Freeport, or his designee,** ~~Board of Water and Sewer Commissioners~~ shall administer, implement and enforce the provisions of this chapter.”

1046.07 DEFINITIONS.

The following words and terms as used in this chapter and Chapter 1048 shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

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

(2) "Authorized representative of an industrial user" means:

A. A responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

1. A president, secretary, treasurer or vice-president of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship respectively.

C. A duly authorized representative of the individual described in paragraphs (2)A. and B. hereof if:

1. The authorization is made in writing by the individual described in paragraphs (2)A. and B. hereof;

2. Such authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well-field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

3. The written authorization is submitted to the **City Manager.** ~~Board of Water and Sewer Commissioners.~~

If an authorization under this paragraph is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of this paragraph must be submitted to the **City Board** prior to or together with any reports to be signed by an authorized representative.

(3) "Basic user charge" means the basic assessment levied on all users of the public sewer system.

(4) "BOD" or "biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Celsius, expressed in milligrams per liter.

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

(6) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

(7) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(8) "Capital improvements charge" means a charge levied on users to improve, extend or reconstruct the sewage treatment works.

(9) "Categorical industrial user" means any industrial user subject to national categorical pretreatment standards.

(10) "Commercial user" means a transit lodging, a retail and wholesale establishment or a place engaged in selling merchandise or rendering services.

~~(11) "Commission" means the Board of Water and Sewer Commissioners appointed and acting pursuant to authority granted in Chapter 258, or any duly authorized and delegated representative.~~

(11) "Control manhole" means a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for City representatives to sample and/or measure discharges.

(12) "Debt service charge" means the amount to be paid each billing period for payment of the interest, principal and coverage of outstanding loans, bonds, etc.

(13) "Easement" means an acquired legal right for the specific use of land owned by others.

(14) "Effluent criteria" means those criteria defined in any applicable NPDES permit.

(15) "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(16) "Garbage" means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

(17) "Indirect discharge or discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the act.

(18) "Industrial user" means a source of indirect discharge, including, but not limited to, a manufacturing, commercial or process facility or other facility engaged in the purchase or sale of goods, the transaction of business or the rendering of services to the public.

(19) "Industrial waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(20) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

B. 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.

(21) "Local capital cost charge" means the charge for the costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

(22) "Major contributing industry". Refer to subsection (55) hereof, "Significant Industrial User".

(23) "May" means permissible.

(24) "Milligrams per liter" or "mg/l" means a unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used commonly, i.e. parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(25) "Modification" means construction on a site at which an existing source is located where such construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (29)B. or C. hereof, but otherwise alters, replaces or adds to an existing process or production equipment.

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

(27) "National Pollutant Discharge Elimination System permit" or "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.

(28) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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

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

B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewater generating processes of the building, structure, facility or 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.

Construction of a new source, as defined in this subsection, has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment, or 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 if the owner or operator has entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies, do not constitute a contractual obligation under this definition.

(30) "Noncategorical industrial user" means any industrial user not subject to national categorical pretreatment standards.

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

(32) "Person" means any individual, firm, company, association, society, municipal or private corporation, institution, enterprise, governmental agency or other entity.

(33) "pH" means the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.

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

(35) "Population equivalent" means a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of wastewater per day containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(36) "POTW treatment plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of Municipal sewage and industrial waste.

(37) "Ppm" means parts per million by weight.

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

(39) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(40) "Pretreatment standards" means, for any specified pollutant, prohibitive discharge standards as set forth in Section 1046.09, or specific local limitations on discharge as set forth in Section 1046.10, or the State of Illinois pretreatment standards, or the applicable national categorical pretreatment standards.

(41) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried

freely under the flow conditions normally prevailing in a public sewer, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(42) "Public sewer" means a sewer provided by or subject to the jurisdiction of the City. The term "public sewer" shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary sewers, even though those sewers may not have been constructed with City funds.

(43) "Public users" means schools, churches, penal institutions and users associated with federal, State and local governments.

(44) "Publicly owned treatment works" or "POTW" means a treatment works as defined in Section 212 of the Act, owned by the City. The term includes any devices and systems used in the storage, treatment, recycling and reclamation of Municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW treatment plant regardless of ownership, but does not include sewers, pipes and other conveyances not connected to the POTW treatment plant.

(45) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(46) "Residential user" means all dwelling units, such as houses, mobile homes, apartments and permanent multifamily dwellings.

(47) "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

(48) "Sanitary sewer" means a sewer which is designed to carry sanitary and industrial wastewater, and into which storm, surface and ground waters or polluted industrial wastes are not intentionally admitted.

(49) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. The term "severe property damage" does not mean economic loss caused by delays in production.

(50) "Sewage" means the same as, and is used interchangeably with, "Wastewater".

(51) "Sewer" means a pipe or conduit for carrying sewage and other waste liquids.

(52) "Sewerage" means the system of sewer appurtenances for the collection, transportation, pumping and treatment of sewage.

(53) "Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

(54) "Shall" means mandatory.

(55) "Significant industrial user" or "major contributing industry" shall mean any industrial user of the POTW's wastewater disposal system who:

A. Discharges an average of 25,000 gallons per day or more of process wastewater ("excluding sanitary noncontact cooling and boiler blowdown wastestreams"); or

B. Contributes a process wastestream which makes up five percent or more off the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

C. Is designated by the POTW, IEPA or USEPA on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or

D. Is subject to any national categorical pretreatment standard.

Upon finding that a user meeting the criteria in paragraphs (55)A. through C. hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the ~~City Commission~~ may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures set forth in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(56) "Significant noncompliance (SNC)" means:

A. Chronic violations of wastewater discharge limits, defined herein as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;

B. Technical review criteria (TRC) violations, defined herein as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH);

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the ~~City Commission~~ determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personal or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under Sections 1046.27 through 1046.30 to halt or prevent such a discharge;

E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the ~~City Commission~~ determines will adversely affect the operation or implementation of the City's pretreatment program.

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

(58) "Slug" means any discharge of water, wastewater or industrial waste which, in concentration of any given pollutant, as measured by a grab sample, exceeds more than five times the allowable concentrations as set forth in Sections 1046.09 to 1046.11, inclusive, or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(59) "Standard Methods" means the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater,

prepared and published jointly by the American Public Health Association and the Water Pollution Control Federation, and any other procedures recognized by the USEPA and IEPA.

(60) "Storm sewer" or "storm drain" means a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes. It may, however, carry cooling water and unpolluted water.

(61) "Storm water runoff" means that portion of the precipitation that is drained into the storm sewers.

(62) "Suspended solids" or "SS" means solids that either float on the surface of, or are in suspension in, water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

(63) "T," as in "cyanide-T," means total.

(64) "Total solids" means the sum of suspended and dissolved solids.

(65) "Total suspended solids" or "TSS" means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in, water, wastewater and other liquids and is removable by laboratory filtration using a glass fiber filter disc as prescribed in Standard Methods.

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

(67) "Toxic pollutants" means, but is not necessarily limited to, aldrindieldrin, Benzedrine, cadmium, cyanide, DDT endrim, mercury, polychlorinated biphenyl's (PCB's) and toxaphene. Pollutants included as "toxic" shall be those promulgated as such by the USEPA.

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

(69) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable 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.

(70) "Useful life" means the estimated period during which the collection system and/or treatment works shall be operated.

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

(72) "User charge" means a charge levied on users of treatment works for the cost of operation, maintenance and replacement.

(73) "User class" means the type of user, such as residential, institutional/ governmental, commercial or industrial, as defined herein.

(74) "Wastewater" means a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The term "wastewater" includes the following terms:

A. "Sanitary wastewater" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

B. "Industrial wastewater" means the combination of liquid and water-carried waste discharged from any industrial user, including the wastewater from pretreatment facilities and polluted cooling water.

(75) "Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and transport effluent to a watercourse.

(76) "Wastewater service charge" means the charge per month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Chapter 1048 and shall consist of the total or the basic user charge and the local capital cost.

(77) "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. The term "wastewater treatment works" is sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant."

(78) "Water quality standards" is defined in the Water Pollution Regulations of Illinois.

(79) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

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

"1046.08 APPROVAL OF CONNECTIONS REQUIRED PRIOR TO WASTEWATER DISCHARGE.

No person shall deposit or discharge, or cause to be deposited or discharged, to any POTW treatment plant, any solid, liquid or gaseous waste unless through a connection approved by the **City Commission**."

"1046.09 PROHIBITIVE DISCHARGE STANDARDS.

The following prohibitive discharge standards shall apply:

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or will pass through the POTW.

(b) The following general prohibitions shall apply to all users of the POTW, whether or not a user is subject to national categorical pretreatment standards or any other national, State or local pretreatment standard or requirement. A user shall not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW; in no case pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit or sixty

degrees Celsius. Materials that are not permitted to be discharged under this paragraph include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybromated biphenyls, carbides, hydroxides, stoddard solvent and sulfides; or wastewater at the point of discharge into the POTW or at any point in the POTW which would cause two readings on a lower explosive limit (LEL) meter to exceed five percent of the LEL or any single reading greater than ten percent of the LEL of the meter.

(2) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference with the operation of the wastewater treatment facilities, including, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubrication oil, mud, glass grinding or polishing wastes or tumbling and deburring stones.

(3) Any wastewater which will cause corrosive structural damage to the POTW, but in no case wastewater having a pH less than 5.0 or greater than 9.5, unless more strictly limited elsewhere in this chapter.

(4) Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the POTW, exceed the limitation set forth in a national categorical pretreatment standard (when effective) or in Section 1046.10 or create a public nuisance.

(5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastewaters, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.

(6) Any substance discharged to the POTW that will cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or 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 criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater having a temperature at the point of discharge to the POTW which will inhibit biological activity in the POTW treatment plant, resulting in interference. In no case shall wastewater liquid or vapor be introduced to the POTW sewers which exceeds sixty-five degrees Celsius (150 degrees Fahrenheit) and/or exceeds forty degrees Celsius (104 degrees Fahrenheit) at the POTW treatment plant.

(9) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations.

(11) Fats, oils or greases (FOG) of animal or vegetable origin in concentrations greater than fifty parts per million.

(12) Any wastewater containing BOD, total solids or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, provided, however, that a user may be permitted by specific, written agreement with the **City Commissioners**, which agreement to discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment.

(13) Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.

(14) Any discharge exceeding the standards established in 35 Ill. Adm. Code, Part 307, as amended.

(15) Any slug discharged to the POTW.

(16) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(17) Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(18) Any trucked or hauled pollutants, except at a discharge point approved by the **City Commission**.

Compliance with the provisions of this section shall be required on the effective date of this chapter.”

“1046.11 INCORPORATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(a) The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, or as otherwise codified, and as further set forth in this section, are hereby incorporated into this chapter:

- (1) Aluminum Forming Point Source Category (40 CFR Part 467)
- (2) Asbestos Manufacturing Point Source Category (40 CFR Part 427)
- (3) Battery Manufacturing Point Source Category (40 CFR Part 461)
- (4) Builders Paper Point Source Category (40 CFR Part 431)
- (5) Carbon Black Point Source Category (40 CFR Part 458)
- (6) Cement Manufacturing Point Source Category (40 CFR Part 411)
- (7) Coil Coating Point Source Category (40 CFR Part 465)
- (8) Copper Forming Point Source Category (40 CFR Part 468)
- (9) Dairy Products Processing Point Source Category (40 CFR Part 405)
- (10) Electrical and Electronic Components Point Source Category (40 CFR Part 469)
- (11) Electroplating Point Source Category (40 CFR Part 413)
- (12) Feedlots Point Source Category (40 CFR Part 412)
- (13) Ferroalloy Manufacturing Point Source Category (40 CFR Part 424)
- (14) Fertilizer Manufacturing Point Source Category (40 CFR Part 418)
- (15) Fruits and Vegetables Manufacturing Point Source Category (40 CFR Part 407)
- (16) Glass Manufacturing Point Source Category (40 CFR Part 426)
- (17) Grain Mills Manufacturing Point Source Category (40 CFR Part 406)

- (18) Ink Formulating Point Source Category (40 CFR Part 447)
- (19) Inorganic Chemicals Point Source Category (40 CFR Part 415)
- (20) Iron and Steel Manufacturing Point Source Category (40 CFR Part 420)
- (21) Leather Tanning and Finishing Point Source Category (40 CFR Part 425)
- (22) Meat Processing Point Source Category (40 CFR Part 432)
- (23) Metal Finishing Point Source Category (40 CFR Part 433)
- (24) Metal Molding and Casting Point Source Category (40 CFR Part 464)
- (25) Nonferrous Metals Forming Point Source Category (40 CFR Part 471)
- (26) Nonferrous Metals Manufacturing Point Source Category (40 CFR Part 421)
- (27) Paint Formulating Point Source Category (40 CFR Part 446)
- (28) Paving and Roofing (Tars and Asphalt) Point Source Category (40 CFR Part 443)
- (29) Pesticides Point Source Category (40 CFR Part 455)
- (30) Petroleum Refining Point Source Category (40 CFR Part 419)
- (31) Pharmaceuticals Point Source Category (40 CFR Part 439)
- (32) Phosphate Manufacturing Point Source Category (40 CFR Part 422)
- (33) Porcelain Enameling Point Source Category (40 CFR Part 466)
- (34) Pulp and Paper Point Source Category (40 CFR Part 430)
- (35) Rubber Processing Point Source Category (40 CFR Part 428)
- (36) Seafood Processing Point Source Category (40 CFR Part 408)
- (37) Soaps and Detergents Manufacturing Point Source Category (40 CFR Part 417)
- (38) Steam Electric Point Source Category (40 CFR Part 423)
- (39) Sugar Processing Point Source Category (40 CFR Part 409)
- (40) Timber Products Point Source Category (40 CFR Part 429)
- (41) Plastic Molding and Forming Point Source Category (40 CFR Part 463)
- (42) Textile Mills Point Source Category (40 CFR Part 410)

(b) The USEPA may promulgate new categorical standards from time to time. This chapter shall be amended from time to time to include any new categorical standards applicable to this POTW.

(c) Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source in Section 1046.07(30). New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards, before beginning to discharge. Within the shortest feasible time (not to exceed ninety days), new sources shall meet all applicable pretreatment standards.

(d) When the limits in a categorical standard are expressed only in terms of pollutant per unit of production, the POTW may convert the production limits to equivalent mass or concentration limits. These limits shall be calculated according to the procedures in 40 CFR Part 403.6(c). The industrial user shall then comply with the equivalent limitations in lieu of the

promulgated categorical standards in which the equivalent limitations were derived. It shall be the responsibility of the industrial user to notify the **City Commission** of any substantial change in production from the original long term production rate.”

“1046.12 PRETREATMENT GENERALLY; INTERCEPTORS.

- (a) All industrial users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment requirements and standards within the time limitations specified by appropriate statutes and regulations and this chapter. National categorical pretreatment standards shall be added to this chapter as amendments. Any facilities required to pretreat wastewater to a level acceptable to the **City Commission** shall be properly provided, operated and maintained at the user's expense. All industrial users shall obtain all necessary construction operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified wastewater treatment plant operator. Any subsequent significant changes in the pretreatment facilities or methods of operation shall be reported to and accepted by the **City Commission** prior to the industrial user's initiation of the changes.
- (b) All commercial, public and industrial users shall provide grease, oil and sand traps or interceptors when, in the opinion of the Executive Director of the Water and Sewer Department, they are necessary for the proper handling of liquid waste with excessive amounts of grease, oil or sand. All traps or interceptors shall be of a type and size approved by the **City Commission** and shall be located so as to be easily accessible for cleaning and inspection. They shall be operated, cleaned and maintained in a manner acceptable to the **City Commission**. “

“1046.13 DILUTION OF DISCHARGE.

No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, when effective, or with any other pollutant-specific limitations developed by the **City Commission**.”

“1046.14 ACCIDENTAL DISCHARGE.

(a) In the case of a slug load or accidental or deliberate discharge of compatible pollutants which may cause interference at the POTW or will pass through the POTW or violate any requirement of this chapter, it shall be the responsibility of the industrial user to immediately telephone and notify the **City Commission** of its responsibility for the incident. The notification shall include the name of the caller, the location, the time and the type, concentration and volume of wastewater.

(b) Within five days following such a slug load or an accidental or deliberate discharge, the industrial user shall submit to the **City Commission** a detailed written report describing the

cause of the discharge and the measures taken by the user to prevent similar future occurrences. Follow-up reports may be required by the **City Commission** as needed. Such report or reports shall not relieve the industrial user of any expense, loss, damages, or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such report or reports relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the **City Commission**, result in the termination of the industrial user's wastewater discharge permit and/or revocation of the discharger's wastewater discharge and potable water use privileges.

(c) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure to 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 or lost or fails.

(d) A notice in English and the language of common use shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or illegal discharge. Employers shall ensure that all employees who are in a position to cause, discover or observe such discharge are advised of the emergency notification procedures.

(e) Each industrial user having the ability to cause interference and pass through to the POTW treatment plant or to violate the regulatory provisions of this chapter shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own expense.

(f) All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file with the **City Commission** showing facilities and operating procedures to provide protection from accidental discharge. No user who begins contributing such pollutants to, or could contribute such pollutants to, the POTW, after the effective date of this chapter, shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the **City Commission** and installed by the industrial user. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(g) The **City Commission** shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such users need a plan to control slug discharges. If the **City Commission** decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) General information about the industrial user, which includes a description of the user's discharge practices.
- (2) A facility layout and flow diagram.
- (3) A material inventory list and description of stored chemicals.
- (4) Spill and leak prevention equipment.

- (5) Emergency response equipment and procedures.
- (6) Spill reporting procedures for immediate and written notification to the POTW.
- (7) Employee training programs.
- (8) A certification statement signed by a qualified professional that the plan is adequate to prevent and control slugs.”

“1046.16 CHANGED DISCHARGE.

All industrial users shall notify the ~~City Commission~~ thirty days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). For the purposes of this requirement, substantial changes include, but are not limited to, flow increases of twenty percent or greater and the discharge of any previously unreported pollutants.”

“1046.17 EXCESSIVE DISCHARGE.

All industrial users shall notify the ~~City Commission~~ within twenty-four hours of becoming aware of a self-monitoring violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the ~~City Commission~~ within thirty days after becoming aware of the violation. The user is not required to resample if the ~~City Commission~~ monitors at the user's facility at least once a month, or if the ~~City Commission~~ samples between the time of the user's initial sampling and the time when the user receives the results of this sampling.”

“1046.18 BYPASSES.

(a) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to ensure efficient operation. Such bypasses are not subject to the provisions of subsections (b) through (e) hereof.

(b) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the ~~City Commission~~, if possible ten days before the date of the bypass.

(c) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the ~~City Commission~~ within twenty-four hours from the time the industrial user becomes aware of such bypass. A written notice according to the procedures provided in 40 CFR 403.17 shall also be provided within five days of the time the industrial user becomes aware of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Bypass is prohibited, and the ~~City Commission~~ may take enforcement action against an industrial user for a bypass, unless:

- (1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternatives to the bypass;

(3) The industrial user submitted notices as provided in subsections (b) and (c) hereof.

(e) The ~~City Commission~~ may approve an anticipated bypass, after considering its adverse effects, if the ~~City Commission~~ determines that it will meet the three conditions listed in subsection (d) hereof.”

“1046.19 LOCAL AND NATIONAL PRETREATMENT REQUIREMENTS.

(a) In General. Two types of pretreatment may be required by the City. The first type, hereinafter known as local pretreatment requirements, refers to the pretreatment standards which apply to the "end of pipe" of an industrial user where its wastewater discharges into the sanitary sewer. These standards are set forth herein in Sections 1046.09 and 1046.10. The second type, hereinafter known as the national categorical pretreatment requirements, are for standards which have been or may be promulgated in accordance with Sections 307(b) and (c) of the Act.

(b) Local Pretreatment Requirements. With respect to any industrial user which discharges or proposes to discharge wastewater to the sanitary sewer which contains a substance or possesses the characteristics enumerated in some or all of Sections 1046.09 and 1046.10 and which, in the judgment of the ~~City Commission~~, may cause pass through or interference, the ~~City Commission~~ may:

(1) Deny or condition new or increased contributions of pollutants, or changes in nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

(2) Require compliance with applicable pretreatment standards and requirements.

(3) Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements. Compliance schedules shall contain the information requested in Section 1046.20(a)(8).

(4) Require that the industrial user submit all notices and self-monitoring reports which are necessary to assess and assure compliance with pretreatment standards and requirements.

(5) Require that an industrial user develop slug control plans and/or facilities. Requirements and procedures are listed in Section 1046.14.

(6) Require that an industrial user apply for a wastewater discharge permit from the ~~City Commission~~. Permit requirements are listed in Section 1046.21.

If the ~~City Commission~~ requires pretreatment or equalization of flows, the design and installation of the plant and equipment shall be subject to the review and approval of the ~~City Commission~~ and State regulatory agencies and subject to the requirements of all applicable codes, ordinances and laws. Compulsory compliance procedures, as set forth in Section 1046.26, shall be applicable in the event that any industrial user violates any local requirements or standards.

(c) National Categorical Pretreatment Requirements. National categorical pretreatment requirements shall apply to all significant industrial users subject to national categorical pretreatment standards which have been promulgated by the USEPA in accordance with Section 307(a) and (c) of the Act, currently discharging or scheduled to discharge to the

City. Compliance with the national categorical pretreatment standards is mandatory. Significant industrial users shall comply with the State or local pretreatment requirements and standards in the event that such requirements and standards are more stringent than the categorical standards.”

“1046.20 REPORTING REQUIREMENTS FOR CATEGORICAL/NONCATEGORICAL DISCHARGES.

(a) Baseline Report for Categorical Discharges Only.

(1) Industrial users subject to national categorical pretreatment standards shall submit baseline reports to the ~~City Commission~~ in a form prescribed and furnished by the ~~City Commission~~.

(2) Within 180 days after the effective date of a national categorical pretreatment standard, or 180 days after a final administration decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, industrial users that are existing sources subject to such national categorical pretreatment standards and that are currently discharging to the POTW shall submit a properly completed baseline report.

(3) At least ninety days prior to the commencement of discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the ~~City Commission~~ a properly completed baseline report. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (b)(4)C. and D. and (b)(5) hereof.

(4) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:

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

B. A list of any environmental control permits held by or for the facility.

C. A brief description of the nature, average rate of production and standard industrial classification of the operation carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated process.

D. Information showing the measured average daily and maximum daily flow to the POTW, in gallons per day, from each of the following:

1. Regulated process streams; and

2. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

(5) The industrial user shall identify the national categorical pretreatment standards applicable to each regulated process and shall:

A. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.

B. Use a minimum of four grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, twenty-four hour composite samples

must be obtained through flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of effluent being discharged.

C. Take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. The samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to treatment, in order to evaluate compliance with the national categorical pretreatment standards, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e). Where an alternative concentration has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the POTW.

D. Submit, only with the **City Commission's** authorization, a baseline report which utilizes only historical data, so long as such data provide information sufficient to determine the need for industrial pretreatment measures.

E. Provide, for each report, the time, date and place of sampling, and methods of analysis, and certification that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW.

Sampling and analysis shall be in accordance with Section 1046.22(e).

(6) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether national categorical pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the national categorical pretreatment standards.

(7) If additional pretreatment or O&M will be required to meet the national categorical pretreatment standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standards.

A. Where the industrial user's national categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7) or combined waste stream formula (40 CFR 403.15), at the time the industrial user submits a baseline report, the information required in paragraph (a)(6) hereof and this paragraph (a)(7) shall pertain to the modified limits.

B. If the national categorical pretreatment standard for the industrial user is modified after the baseline report is submitted, the industrial user shall make any necessary amendments to information provided as a response to paragraph (a)(6) hereof and this paragraph (a)(7) and submit them to the **City Commission** within sixty days after the modified standard is approved.

(8) The following conditions shall apply to any schedule submitted in response to paragraph (a)(7) hereof:

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 national categorical pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

B. No increment referred to in paragraph (a)(8)A. hereof shall exceed nine months.

C. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the **City Board**, including, at a minimum, whether or not such user 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 the delay and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the **City Commission**.

(9) All baseline monitoring reports must be signed and certified in accordance with Section 1046.68.

(b) Compliance Date Report (for Significant Users). Within ninety days following compliance with applicable pretreatment standards, or in the case of a new source, within forty-five days following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to pretreatment standards shall submit to the **City Commission** a report, on forms provided by the **City Commission**, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional user operation and maintenance or pretreatment techniques or installations are necessary to bring the user into compliance with applicable pretreatment standards. The report shall be certified by a qualified professional and be signed and certified according to Section 1046.68.

For industrial users subject to equivalent mass or concentration limits established by the **City Commission** in accordance with the procedures set forth in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

(c) Periodic Compliance Reports (for All Significant Industrial Users, Including Categorical and Noncategorical Users).

(1) All significant industrial users subject to an applicable pretreatment standard, after the compliance date of such applicable pretreatment standard, or, in the case of a new source, after discharge of wastewater to the POTW begins, shall submit to the **City Commission**, during the months of July and January for the preceding two calendar quarters, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period.

For industrial users subject to equivalent mass or concentration limits established by the **City Commission** in accordance with the procedures set forth in 40 CFR 403.6(c), this report

shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

(2) At the discretion of the ~~City Commission~~ and in consideration of such factors as a local high or low flow rate, holidays and/or budget cycles, the ~~City Commission~~ may agree to alter the months during which the above reports are submitted.

(3) All measurements, tests and analyses of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with Section 1046.22.

(4) All periodic compliance reports must be signed and certified in accordance with Section 1046.68.”

“1046.21 WASTEWATER DISCHARGE PERMITS.

(a) Permit Requirements.

(1) No significant industrial users shall discharge wastewater, either directly or indirectly, into the City's sanitary sewer system without first obtaining a wastewater discharge permit from the ~~City Commission~~. Any violation of the terms and conditions of an industrial users wastewater discharge permit shall be deemed a violation of this section. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to obtain other permits required by Federal, State or local law.

(2) The ~~City Commission~~ may require that other industrial users, including liquid waste haulers, obtain a wastewater discharge permit as necessary to carry out the purposes of this section.

(3) Existing significant industrial users connected to or contributing to the POTW shall apply for a wastewater discharge permit from the ~~City Commission~~ within ninety days after the effective date of this chapter, and shall not cause or allow discharges to the POTW to continue after 180 days from the effective date of this chapter, except in accordance with a permit issued by the ~~City Commission~~. New sources determined to be significant industrial users shall apply for a permit at least ninety days prior to connecting or contributing to the POTW.

(b) Permit Applications.

(1) All industrial users required to obtain a wastewater discharge permit shall submit, along with a fee of two hundred dollars (\$200.00), the following information on a form provided by the ~~City Commission~~:

A. Name, address, and location (if different from the address).

B. The Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which Federal categorical standards have been promulgated.

C. Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by any Federal, State or local standards. Sampling and analysis shall be according to the procedures set forth in 40 CFR Part 136.

D. The time and duration of the discharge.

E. The daily maximum, daily average and monthly average wastewater flow rates, including daily, monthly and seasonal variations, if any.

F. A description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.

G. Site plans, floor plans and/or plumbing plans showing the location and sizes of all floor drains, sanitary sewer lines and/or storm sewer lines.

H. Each product produced by type, amount, process or processes and rate of production.

I. The type and amount of raw materials processed (average and maximum per day).

J. The number and type of employees, hours of operation and proposed or actual hours of operation of the pretreatment system.

K. Whether additional operation and maintenance (O&M) and/or pretreatment is required for the user to meet all applicable Federal, State and local standards. If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and conducting routine operation). No increment in this paragraph shall exceed nine months.

2. No later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the ~~City Commission~~, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, if appropriate, and the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the ~~City Commission~~.

L. Any other information that as may be deemed by the ~~City Commission~~ to be necessary to evaluate the permit application.

(2) All plans required in paragraph (b)(1) hereof must be certified for accuracy by a registered professional engineer of the State of Illinois.

(3) All applications must contain the authorized representative certification statement in Section 1046.68. The statement must be signed and dated by an authorized representative of an industrial user.

(4) The ~~City Commission~~ will evaluate the data furnished by the industrial user and may require additional information. After evaluation of the data furnished, the ~~City Commission~~ may issue a wastewater discharge permit subject to the terms and conditions provided herein.

(c) Permit Conditions. Wastewater discharge permits shall include such conditions as are deemed to be reasonably necessary by the ~~City Commission~~ to prevent pass through or interference, protect the quality of the POTW's receiving stream, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality and

protect against damage to the POTW collection system and plant. Permits may contain, but need not be limited to, the following:

- (1) A statement that indicates the duration of the wastewater discharge permit.
 - (2) A statement that indicates that the wastewater discharge permit is nontransferable without prior notice to the ~~City Commission~~ in accordance with paragraph (d)(5) hereof.
 - (3) Effluent limits on the average and/or maximum concentration, mass or other measure of identified wastewater constituents or properties.
 - (4) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
 - (5) Specifications for self-monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules.
 - (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
 - (7) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
 - (8) Development and implementation of spill control plans or other special conditions, including additional management practices necessary to adequately prevent accidental, unanticipated or routine discharges.
 - (9) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
 - (10) Requirements for installation and maintenance of inspection and sampling facilities.
 - (11) Compliance schedules.
 - (12) Requirements for submission of technical reports or discharge reports.
 - (13) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the ~~City Commission~~ and affording the ~~City Commission~~ access thereto.
 - (14) Requirements for the notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater being introduced into the POTW.
 - (15) Requirements for the notification of any change in the manufacturing and/or pretreatment process of the user.
 - (16) Requirements for notification of excessive, accidental or slug discharges.
 - (17) Requirements that the significant industrial user obtain an industrial wastewater treatment operator license (Class K) which has been certified by the Illinois Environmental Protection Agency.
 - (18) Other conditions as deemed appropriate by the ~~City Commission~~ to ensure compliance with this chapter and State and Federal laws, rules and regulations.
 - (19) A statement that compliance with this permit does not relieve the permittee of responsibility for compliance with all applicable Federal pretreatment standards, including those which become effective during the term of the permit.
- (d) Permit Issuance, Modification, Transfer, Etc.

(1) Permit duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years, at the discretion of the **City Commission**.

(2) Public notification. The **City Commission** will publish, in the Freeport Journal Standard, notice of intent to issue a wastewater discharge permit, at least fourteen days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(3) Permit appeals. The **City Commission** will provide all interested persons with notice of final permit decisions. Upon notice by the **City Commission**, any person, including the industrial user, may petition to appeal the terms of the permit within thirty days of the notice.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

B. In its petitions, the appealing party must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the permit.

C. The effectiveness of the permit shall not be stayed pending a reconsideration by the **City Commission**. If, after considering the petition and any arguments put forth by the Executive Director, the **City Commission** determines that reconsideration is proper, it shall remand the permit back to the Executive Director for reissuance. Those permit provisions being reconsidered by the Executive Director shall be stayed pending reissuance,

D. The decision of the **City Commission** not to consider a final permit shall be considered a final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final **City Commission** action must do so by filing a complaint with the Circuit Court of Stephenson County within sixty days of the final decision.

(4) Permit modification. The **City Commission** may modify the permit for good cause, including, but not limited to, the following:

A. To incorporate any new Federal, State or local pretreatment requirements or standards.

B. Material or substantial alterations or additions to the discharger's operation processes or discharge volume or character which were not considered in drafting the effective permit.

C. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

D. Information indicating that the permitted discharge poses a threat to the City's collection and treatment systems, POTW personnel or the receiving waters.

E. Violation of any terms or conditions of the permit.

F. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

G. Revision of or grant of a variance from categorical standards pursuant to 40 CFR 403.13.

H. To correct typographical or other errors in the permit.

I. To reflect transfer of the facility ownership and/or operation to a new owner and/or operator.

J. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation or termination, or notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(5) Permit transfer. Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Executive Director, provided the permittee has given at least thirty days' notice to the **City Commission**. The notice must include a written certification by the new owner which states that the new owner has no immediate plans to change the facility's operations and processes. The owner must also identify the specific date on which the transfer occurs and include a statement acknowledging full responsibility for complying with the existing permit.

(6) Permit reissuance. The industrial user shall apply for permit reissuance by submitting a complete permit application a minimum of ninety days prior to the expiration of the user's existing permit.

(7) Continuation of expired permits. An expired permit will continue to be effective and enforceable until the permit is reissued if:

A. The industrial user has submitted a complete permit application at least ninety days prior to the expiration date of the user's existing permit.

B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

(8) Wastewater haulers' permits. Septic tank waste may be introduced into the POTW only at locations designated by the **City Commission**. Such waste shall not violate Sections 1046.09 and 1046.10 or any other requirements established by the City of Freeport. The **City Commission** may require septic tank waste haulers to obtain a wastewater discharge permit. Wastes from industrial or commercial sources are prohibited and may not be discharged by a hauler to the sanitary sewer system. Discharge of such nonseptic wastes into the sanitary sewer system will constitute a violation of this chapter and subject the hauler to penalties."

"1046.22 MONITORING FACILITIES.

(a) The **City Commission** shall require to be provided and operated, at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems. The monitoring facility will normally be situated on the user's premises, but the **City Commission** may, when such a location would be impractical and cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles or other activities of the user.

(b) Where required by the **City Commission**, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.

(c) Whenever required, any significant industrial user shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the POTW, installed and maintained at all times at the user's expense, which shall have ample room in each sampling chamber to permit the **City**

~~Commission~~ to take accurate composite samples for analyses. The chamber shall be safely, easily and independently accessible to authorized representatives of the ~~City Commission~~ at any time.

Each sampling chamber shall contain a Palmer-Bowlus flume unless a weir or similar device is approved by the ~~City Commission~~ with a recording and totalizing register for the measurement of the liquid quantity, or, at the discretion of the POTW, the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the ~~City Commission~~ that the metered water supply and waste water quantities are approximately the same, or where a measurable adjustment agreed to by the ~~City Commission~~ is made in the metered water supply to determine the liquid waste quantity.

(d) When required, samples shall be taken every hour or half hour, as determined by the ~~City Commission~~, and properly refrigerated and preserved in accordance with subsection (e) hereof and shall be composited in proportion to the flow for a representative twenty-four hour sample.

(e) All measurements, tests, sampling and analyses required by this chapter shall be performed in accordance with the procedures established by the USEPA 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 the pollutants in question, or where the Administrator determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.”

“1046.23 INSPECTIONS, SAMPLING AND RECORDS.

(a) The ~~City Commission~~ shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the ~~City Commission~~ ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the ~~City Commission~~ will be permitted to enter without delay for the purposes of performing specific responsibilities. Unreasonable delays in allowing the ~~City Commission~~ access to the user's premises shall be a violation of this chapter.

(b) The ~~City Commission~~ shall have the right to set up on the user's property, or to require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The ~~City Commission~~ may require the user to install monitoring equipment according to Section 1046.22. The facility'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 shall be calibrated at least annually to ensure their accuracy.

(c) Industrial users and the ~~City Commission~~ shall maintain records of all information resulting from any monitoring activities required by this chapter, which records shall include:

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

(d) The ~~City Commission~~ and industrial users shall maintain such records for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the City's pretreatment program or when requested by the Regional Administrator or the Director of the IEPA."

"1046.24 CONFIDENTIAL INFORMATION.

(a) When requested by the person furnishing a report, and until such time as the ~~City Commission~~ determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available, upon written request, to governmental agencies for uses relating to this chapter and the NPDES permit and for use by the State or any State agency in judicial review or enforcement proceedings involving the person or industrial user furnishing the report.

(b) Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from inspections and sampling activities conducted by the ~~City Commission~~, shall be available to the public without restriction, unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the ~~City Commission~~ that the release of such information would divulge information relative to processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES Program or Pretreatment Program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction."

"1046.25 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.

The ~~City Commission~~ shall publish annually, in the daily newspaper with the greatest circulation in the City of Freeport, a list of users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements."

“1046.26 COMPULSORY COMPLIANCE PROCEDURES.

(a) Notice of Violation. When the **City Commission** finds that an industrial user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or an order issued hereunder, or any other pretreatment standard or requirement, the **City Commission** may serve upon that user a written notice of violation. Within ten days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the **City Commission**. Submission of this plan in no way releases the user of liability for any violations **occurring** before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the **City Commission** to take any action, including emergency actions or any other enforcement action without first issuing a notice of violation.

(b) Consent Orders. The **City Commission** may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to subsection (d) hereof and may be judicially enforced.

(c) Compliance Meeting. The **City Commission** may order a user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the **City Manager Commission** and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. Such notice may be served on any authorized representative of the user. The compliance meeting shall not be a bar against, or prerequisite for, taking action against the user.

(d) Administrative Orders. When the **City Manager, or his designee, Commission** finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or an order issued hereunder, or any other pretreatment standard or requirement, the **City Commission** may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring and management practices designed to minimize the amounts of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking other action against the user.”

“1046.27 REJECTION OF WASTEWATER OR TERMINATION OF PERMIT.

(a) Conditions for Rejection or Termination. A significant industrial user is subject to having its wastewater discharge rejected or its wastewater discharge permit terminated, in accordance with the procedures of this section, for any violation of this chapter, an order issued pursuant to Section 1046.26(d), the Illinois Environmental Protection Act, any Federal Act, or regulations promulgated under either Act, or for any of the following:

(1) Failure of the industrial user to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by analysis conducted by the industrial user or the **City Commission**;

(2) Failure of the industrial user to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the industrial user's premises by the **City Commission's** representatives for the purpose of inspection or monitoring;

(4) Tampering with, disrupting or destroying the **City Commission's** equipment;

(5) Failure to report a slug load or accidental discharge of a pollutant;

(6) Failure to report an upset of the industrial user's treatment facilities; or

(7) Violations of conditions in the industrial user's wastewater discharge permit.

(b) Procedures for Rejection and/or Termination.

(1) The **City Commission** may order any industrial user who causes or allows any action which is subject to rejection or permit termination to show cause before the **City Commission** why its wastewater discharges should not be rejected and/or its discharge permit not be terminated. A notice shall be served on the industrial user specifying the time and place of a hearing to be held by the **City Commission** regarding the violation, the reasons why the action is to be taken and the proposed action, and directing the industrial user to show cause before the **City Commission** why its wastewater discharges should not be rejected or its permit terminated. The notice of the hearing shall be served personally or by registered mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer or a corporation.

(2) The **City Commission** may itself conduct the hearing and take the evidence, or may designate any of its members, **its City Manager**, its Executive Director or its attorney to:

A. Issue, in the name of the **City Commission**, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

B. Take the evidence;

C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the **City Commission** for action thereon.

(3) At any hearing held pursuant to this subsection, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of such hearing will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor.

(4) After the **City Commission** has reviewed the evidence, it may issue an order to the industrial user responsible for the discharge directing either:

A. That the wastewater discharge permit be terminated and/or that the wastewater discharges be rejected and the service be disconnected; or

B. That following a specified time the wastewater permit will be terminated and/or the wastewater discharges will be rejected unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the pretreatment standards and regulations and/or the industrial user's wastewater discharge permit; or

C. That the industrial user cease the unauthorized discharge effective after a specified period of time; or

D. That such other action be done as is deemed necessary by the ~~City Commission~~ to abate the discharge by the industrial user. Further orders and directives as are necessary may be issued.

(5) Following an order of permit termination or rejection of its wastewater discharges, the industrial user shall cease discharging to the POTW in accordance with the terms in said order. Failure to do so shall be prima-facie evidence of continuing harm to the POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.”

“1046.28 ORDER TO SHOW CAUSE REGARDING DISCONNECTIONS.

The ~~City Commission~~ may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to interfere with the operation of the POTW, immediately issue an order to the responsible industrial user to show cause before the ~~City Commission~~ why the ~~City Commission~~ should not disconnect service, reject the industrial user's wastewater discharge, terminate the industrial user's wastewater discharge permit, or seek injunctive relief to prohibit the industrial user from making the discharge to the POTW. Procedures to be followed by the ~~City Commission~~ in said show cause hearing shall be in accordance with Section 1046.27(b).”

“1046.29 IMMEDIATE DISCONNECTION OF SERVICE.

(a) Conditions for Immediate Disconnection of Service. Any industrial user is subject to immediate disconnection of service under either of the following conditions:

(1) Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the ~~City Commission~~ to present an imminent endangerment to the health or welfare of persons; or

(2) Whenever the industrial user's wastewater discharge permit is terminated and/or its wastewater discharges are rejected.

(b) Procedures for Immediate Disconnection. Notwithstanding Sections 1046.27 and 1046.28, the ~~City Commission~~ shall have the authority, after informal notice to the industrial user, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons. When the ~~City Commission~~ determines that such an emergency situation exists, a verbal order shall be issued (followed immediately by a written order) to the industrial user stating the problem and requiring immediate cessation of the discharge. Methods of

informal notice shall include, but not be limited to, any of the following: Personal conversation between the industrial user and the ~~City Commission~~ employees, telephone calls, letters, hand-delivered messages, or notices posted at the industrial user's premises or point of discharge.”

“1046.30 ELIMINATION OF DISCHARGE/REINSTATEMENT.

Any industrial user notified of a rejection of its wastewater discharges and/or a termination of its wastewater discharge permit and/or a disconnection of wastewater treatment service, under Sections 1046.27 through 1046.29, shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user, to comply voluntarily with the disconnection or rejection order, the ~~City Commission~~ shall take such steps as are deemed necessary, including immediate blockage or severance of the sewer connection, and/or termination of potable water service to the industrial user to prevent or minimize damage to the POTW system or danger to any person. If the ~~City Commission~~ exercises its authority under Section 1046.29(a)(1), the ~~City Commission~~ shall reinstate the wastewater treatment service and/or wastewater discharge permit upon proof of the elimination of the non-complying discharge.”

“1046.32 UNMETERED WATER SUPPLIES; DEDUCTIONS FOR WATER NOT DISCHARGED TO SEWERS.

(a) All users of sewer service who have water supplies which are not metered may have them metered by making written application to the ~~City Commission~~. The cost of the meter and cost of installation shall be assumed by the user.

(b) Deductions for water which does not enter the sanitary sewer shall be made upon written application to the ~~City Commission~~ and shall be subject to the following regulations:

(1) There shall be no deductions for the users of the sewer who do not have a metered water supply.

(2) The ~~City Commission~~ shall determine which used water shall be eligible for discharge to the storm sewer system.

(3) No used water which contains suspended matter in any form (organic or inorganic), or any dissolved substances, shall be eligible for discharge to the storm sewers or any watercourse without approval of the IEPA.

(4) All users of sewer service shall, at their own expense, make a division in the water supply piping and install, in a manner approved by the ~~City Commission~~, meters approved by the ~~City Commission~~ and designed to measure any water discharged to a storm sewer or any other watercourse in order to have such water deducted from the total metered water consumed.

(5) Water which does not enter any sewer or watercourse shall be deducted from the total metered water consumed only if such water is metered. A division in water supply piping and approved design meters shall be installed at the expense of the sewer user in a manner satisfactory to the ~~City Commission~~.

(6) One hundred percent of the water measured by a deducting meter must be kept out of the sanitary sewers if the quantity of such water is to be deducted from the entire amount of water consumed.”

“1046.33 INSTALLATION, TESTING AND REPAIR OF METERS.

The ~~City Commission~~ shall have supervision of the installation of private meters used in the computation of the amount of water to be deducted from the total metered consumption of any sewer user and shall, from time to time, test the accuracy of such meters. All necessary repairs to such meters shall be at the user's expense.”

“1046.34 SERVICE TO UNANNEXED PROPERTY.

If the owner or owners of any premises supplied, or to be supplied, with sewer service by the City, such premises being located outside the corporate limits of the City, after receipt of written request by the City, shall fail or refuse to execute all necessary documents, including a petition for annexation of such premises by the City, the ~~City Commission~~ shall discontinue all sewer service for such premises. Service shall not be discontinued until the ~~City Commission~~ shall have given to the owner or owners thirty days written notice of intention to discontinue service. The written notice shall be sent by mail to the last known address of the such owner or owners.”

“1046.35 ENFORCEMENT.

(a) Owners who have sewer service connections, pipes or other plumbing fixtures which do not conform to the requirements of this chapter at the time of its passage, or at any time thereafter, shall be required to change their sewer service connections, pipes or other plumbing fixtures to conform to such requirements when so instructed by the **City Manager or the Executive Director of the Water and Sewer Department**.

(b) The first notice to the consumer, occupant or user of the services for nonpayment of a bill shall be mailed to the consumer, occupant or user ten days after the due date of the bill. If the bill is not paid within seven days after mailing of the first notice, a second and final notice shall be mailed to the consumer, occupant or user by certified mail. If the bill is not paid within five days after mailing of the second or final notice, water service and/or sewer service will be discontinued and the bill will be deemed delinquent. Whenever charges or rates for water or sewer services furnished by the City become delinquent, the policy of the City shall be to exercise its option under 65 ILCS 5/11-139-8, as amended, to sue the consumer, occupant or user of the services to recover the money due for services rendered to that consumer, occupant or user, plus a reasonable attorney's fee to be fixed by the court and to prosecute such suit to final judgment.

(c) The ~~City Commission~~ may turn off the water and discontinue or refuse water and/or sewer service to any sewer user who has been, or is, in violation of any part of this section or who refuses or fails to pay for any charges made by the ~~City Commission~~ pursuant to any provision of these Codified Ordinances.”

“1046.36 INSTALLATION OF LATERALS AND CONNECTIONS.

(a) The installation of sanitary sewer laterals or connections from public sewer mains to private property shall be made by the Water and Sewer Department at the direction and under the supervision of the **City Commission**.

(b) The installation of a connection from private property to the sanitary sewer system, other than by a direct connection, shall be made only at the direction and under the supervision of the **City Commission**.”

“1046.38 APPLICATION AND PERMIT FOR CONNECTIONS.

(a) Any person desiring to connect his or her property to the sanitary sewer system, other than by means of a direct connection already installed and intended only for the use of the property in question, shall make an application therefor, in writing, to the **City Commission**.

(b) The application shall include a written approval of the Plumbing Inspector and a detailed statement of the complete drainage work to be done within the premises.

(c) The proposed system must meet the approval of the **City Manager and the Executive Director** before the **City Commission** shall issue a permit for the sewer connection.

(d) No change shall be made from such proposal unless a new application and statement are filed with the **City Commission** and a permit is issued.

(e) The **City Manager or his designee, Executive Director** shall either give or refuse approval of such project within three days from the filing of the application.”

“1046.39 FEES AND COSTS FOR CONNECTIONS.

Upon approval of the application, the applicant shall make payment of fees and costs, or make a deposit based on the estimated cost, as follows:

(a) For connections for which the **City Commission** is not required to perform any work, one hundred dollars (\$100.00).

(b) For connections made by the **City Commission** in any public way in which sewer mains are existing, two thousand four hundred dollars (\$2,400), or at actual cost, including twenty percent overhead cost if pavement, curbing, sidewalks, rock, unsuitable soil or any other conditions are encountered which would cause the job costs to exceed two thousand four hundred dollars (\$2,400).

(c) For connections made by the **City Commission** at the time of sewer main installation, one thousand two hundred dollars (\$1,200).”

“1046.41 CHARGES APPLICABLE TO ORDINARY CONNECTIONS.

The charges listed under Sections 1046.39 and 1046.40 shall apply only to regular connections made according to standards approved by the **City Commission**, which connections are installed at a right angle to the street. Connection into the main sewer line shall be made preferably at "Y's" already provided for such purpose, and the lateral lines shall be laid to the property line, terminating there at a depth of no greater than eight feet. The aforesaid installation costs shall apply only when the soil is not frozen.”

“1046.42 EXTRAORDINARY CONDITIONS.

Whenever existing circumstances, or the property owner, requires a connection other than described in Section 1046.41 as ordinary, or if extra installation costs arise due to frozen soil, the property owner shall be required to pay, in place of the charges listed, the actual cost of making the connection, plus twenty percent overhead.

In such cases, the **City Commission** shall, when the application is filed, require the property owner to make a deposit, based on an estimate by the Water and Sewer Department, sufficient to pay all such fees and charges. Upon final completion, the **City Commission** shall compute the actual total charge and the property owner shall then pay any shortage or receive a refund of any excess deposit.”

“1046.43 ADJUSTMENT OF CHARGES FOR UNFORESEEN CIRCUMSTANCES.

If circumstances or conditions, not foreseen at the filing of the application, occur or exist to cause the connection to vary from the type on which the charge was based, the **City Commission** shall adjust the charge to the proper type, if it can be classified as another type listed, or otherwise, to compute the actual installation cost, add the twenty percent overhead, and either refund the excess paid or collect the unpaid portion.”

“1046.45 PAYMENT REQUIRED PRIOR TO PERMIT ISSUANCE.

No permit shall be issued until the required payment or deposit has been made to the **City Commission**.”

“1046.48 GRANTING OF AUTHORIZATION TO MAKE CONNECTIONS; DISPLAY OF AUTHORIZATION UPON REQUEST.

When so authorized and directed, or when an emergency circumstance exists or arises, the **City Commission** may authorize other persons to make or install sewer connections from the public main to private property. In such cases the **City Commission** shall furnish written authority to perform the work. Any police officer or other City official shall, on observing, or being informed of, the excavating by any person other than the Water and Sewer Department of a connection to the public main, require such person to exhibit his or her authority or permit. If none has been granted, or if the exhibition is refused, the officer shall, without delay, report the facts to the **City Manager and** Executive Director of the Department.”

“1046.50 EXISTING INSTALLATIONS.

Connections heretofore made with the public sewer shall be subject to the provisions of this chapter in so far as applicable without reconstruction. No reconstruction of any existing private drainage shall be required, except by order of Council, upon report of the **City Manager, or his**

designee, Commission that the same is necessary for the proper operation of the public sewers, or the maintenance of a sanitary condition of the property drained. “

“1046.52 REPAIR AND CLEANING OF CONNECTIONS.

When repairs are necessary for the connections between the main and the property line, the work shall be performed by the Water and Sewer Department, at the expense of the property owner. All rodding and cleaning of the sewer laterals or house sewers from cleanouts located on private property shall be done by licensed plumbing contractors. If the cleaning cannot be accomplished by the plumbing contractor or if the work must be performed in a street, alley or public grounds, the plumbing contractor shall be charged with the cost of work which the **City Commission** will do.”

“1046.53 PRIVATE CONSTRUCTION OF SEWER MAINS.

(a) Persons owning property abutting upon streets, alleys or public grounds may be permitted, upon application and approval of the Executive Director of the Water and Sewer Department as in the case of private sewer connections, subject to the regulations of this chapter, to construct, at their own expense, sewer mains for the benefit of the property so abutting as set forth in the rules and regulations, of the **City Commission**.

(b) The inside diameter of the pipe constituting such sewer mains shall not be less than eight inches.

(c) Such sewer mains shall belong to the City and be incorporated in its sewer system.

(d) No person, other than those issued the construction permit, shall connect with or in any manner use such sewer main except in accordance with the provisions of this chapter and until they shall have paid to the persons constructing such sewer main, or other successors, such proportion of the entire cost of such sewer main, which cost shall be determined by agreement of the parties or by the **City Commission**, as the benefit to the property so connected bears to the aggregate benefit derived from such sewer main.

(e) No person shall connect with any such sewer main until he or she agrees, in writing, that no claim will be made by him or her, or his or her successors in interest, against the City, if such sewer main is removed or its use discontinued by authority of Council, or for any exemption from any assessment or tax lawfully imposed for the construction of sewers in the vicinity of his or her property.

(f) Council may, at any time, revoke and annul any such permission, and direct such sewers, pipes or any part thereof, so far as the same are in any street, alley or public grounds, to be discontinued or removed.”

“1046.55 POWER AND AUTHORITY OF **CITY MANAGER Commission**; RIGHT OF ENTRY.

(a) The **City Manager Commission** and other duly authorized employees of the City, the IEPA and the USEPA, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The **City Manager Commission** or his

representative shall have no authority to inquire into any process, in any metallurgical, chemical, oil refining, ceramic, paper or other industry, in the nature of a trade secret, unless the same has or appears to have a direct bearing on the kind or source of discharge to the sewers, waterway or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the **City Manager Commission** or duly authorized employees of the City of Freeport, the IEPA or the USEPA, shall observe all safety rules applicable to the premises established by the company, the company shall be held harmless for injury or death of City employees, and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence of the company to maintain safe conditions.

(c) The **City Manager Commission** and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(d) The **City Manager Commission**, his authorized agents and other persons duly authorized by Council shall be entitled to access to the premises of any contributor for the purpose of inspection, observation, measurement, sampling and testing at any reasonable time to such extent as may be necessary to carry out the spirit and intent of this chapter, and it shall be deemed a part of the agreement on the part of the contributor as a condition to his or her permission to connect with the City sewer system, that such access be granted.”

“1046.56 RECORDS OF PERMITS.

The **City Commission** shall keep a record of all permits granted for connections of sewers or drains, in which it shall enter the names of all persons paying or owing money for such permits, the amount received, the date received, a description of the premises to be connected with such sewer and the location of the connecting drain.”

“1046.61 SEWER REVOLVING FUND.

(a) Establishment. There is hereby established from the surplus funds of the bond issue authorized by ordinance dated April 18, 1949, the interest from short term investments of the proceeds from the sale of such bonds, the premium received from the sale of such bonds and all unexpected moneys from sewer charge liens heretofore created, now in existence or hereafter created, a Sewer Revolving Fund.

(b) Separate Account. The City Treasurer is hereby authorized and empowered to receive the Sewer Revolving Fund and to deposit such Fund in a separate account for the uses and purposes herein set forth.

(c) Investment. All or any part of said Fund not in use or designated for use shall be invested in government bonds or other obligations of the United States Government. Such moneys as

may from time to time be idle or be in such accounts as cannot be invested as aforesaid shall be kept by the City Treasurer at a bank in the City.

(d) Expenditures. All or any portion of the Revolving Fund may be expended for expenses connected with the construction, maintenance or operation of sewers, as well as for any shrinkage in tax collections for the City's indebtedness for such bond issue, upon the request of the **City Manager Commission** and with the consent of Council.

(e) Revolving Payments. The payment of the City's share of sewer projects shall be upon such terms and arrangements as to provide for the eventual repayment to the Fund of such amount from reasonably foreseeable future users of the particular project.

(f) Policy and Rules. The **City Manager Commission** and Council, in administering the Fund and in making decisions and commitments in individual cases, shall be guided and limited by the following rules and stated policies:

(1) The Fund will not finance more than ten thousand dollars (\$10,000) on any one project. All loans shall be set up by the **City Manager Commission** and approved by Council.

(2) The Fund shall never finance more than seventy-five percent of the total construction cost.

(3) The Fund shall be amortized over a period not to exceed 120 months from the date of sewer service, provided that in the event the property is mortgaged subsequent to the filing in the Recorder's office of the sewer charge lien, the Fund shall be repaid in full.

(4) Interest will be charged at the rate of zero percent to eight percent per year from the date of construction, computed monthly.

(5) Construction costs will be broken down on a property front-foot basis, thereby fixing the amount of the assessment.

(6) All Fund financing shall be secured by property liens.

(7) The Fund shall not be available for subdivision development.

(8) The Fund will not finance sewers if fifty percent or more of the owners of property frontage do not agree to participate.”

“1046.63 BUILDING SEWERS AND CONNECTIONS.

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

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

(c) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the **City Commission**, to meet all requirements of this chapter.

(d) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the

trench, shall all conform to the requirements of the Building and Housing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials Water Pollution Control Federation Manual of Practice No. 9, and the Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the ~~City Commission~~ and discharged to the building sewer.

(f) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Housing Code, other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society of Testing Materials Water Pollution Control Federation Manual of Practice No. 9, and the Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~City Commission~~ before installation.

(g) The applicant for the building sewer permit shall notify the ~~City Commission~~ when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~City Commission~~ or its representative.

(h) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.”

“1046.64 INJUNCTIVE RELIEF.

(a) The ~~City Commission~~ may institute a civil action for an injunction to restrain violations of this chapter.

(b) The ~~City Commission~~ may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Stephenson County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given informal notice of the POTW intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the discharger and ~~City Commission~~ employees, telephone calls, letters, hand-delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between ~~City Commission~~ personnel and the discharger shall be attempted, but shall not be a condition precedent to POTW petitioning for and obtaining a temporary restraining order.”

“1046.65 ADDITIONAL REMEDIES.

(a) In addition to remedies available to the ~~City Commission~~ set forth elsewhere in this chapter, if the POTW is fined by the State or the USEPA for a violation of the NPDES permit or a violation of water quality standards as a result of the discharge of pollutants, then the fine, including all the legal, sampling and analytical testing costs and any other related costs, shall be charged to the responsible industrial user. Such charge shall be in addition to, and not in lieu of, any other remedies the ~~City Commission~~ may have under this chapter, statutes or regulations, at law or in equity.

(b) If the discharge from any industrial user causes a deposit, obstruction or damage to any of the POTW wastewater facilities, the ~~City Commission~~ shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person or industrial user causing such deposit, obstruction or damage.

(c) The remedies provided in this chapter shall not be exclusive, and the ~~City Commission~~ may seek whatever other remedies are authorized by statute, at law or in equity, against any person or industrial user violating the provisions of this chapter.

(d) In addition to any fine levied under Section 1046.99, the ~~City Commission~~ may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.”

“1046.99 PENALTY AND COSTS.

When the ~~City Commission~~ finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or an order issued hereunder, or any other pretreatment standard or requirement, the ~~City Commission~~ may fine such user in an amount not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000). For the purpose of this section, each day shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each parameter, for which limitations are set forth in Sections 1046.09, 1046.10, 1046.11 and 1046.21, found to exceed the limits established during any such day. The fine shall be levied at the time of the user's regular billing date.

In addition to the penalties provided herein, the ~~City Commission~~ may recover reasonable attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against persons found to have violated this chapter or the orders, rules and regulations issued hereunder.

Issuance of a fine shall not be a bar against, or a prerequisite for, taking any other action against the user.”

Section 3. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 4. This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this _____ day of _____, 2017.

Dovie L. Anderson, City Clerk

YEAS:

NAYS:

ABSTAIN:

PRESENT:

APPROVED by the Mayor of the City of Freeport this _____ day of _____, 2017.

Jodi Miller, Mayor

Date Published:

Date Effective:

Approved as to form:

Legal Counsel