

CHAPTER 23

WASTEWATER TREATMENT, INDUSTRIAL PRETREATMENT, AND SEWERS

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CHAPTER 23

(Amended in its Entirety by Ord.08-84and Ord.18-47)

GENERAL PROVISIONS

Section 23-01.a - Enactment.

Pursuant to the requirements of the Clean Water Act (33 USC 1251 et seq.) and regulations promulgated there under, the General Pretreatment Regulations (Code of Federal Regulations 40CFR403), the Illinois Environmental Protection Act of 1970 as amended (Ch. III 1/2, Ill. Rev. Stat. 1983, Sec. 1001, et seq.), and in accordance with Illinois Municipal Code, (Ch. 24, Ill. Rev. Stat. 1983, Sec. 11-141-1, et seq.), the following Ordinance is hereby enacted by the Board of Trustees of the Village of Addison.

Section 23-01b. - Purpose and Policy.

This Ordinance regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of water and wastes into the Village wastewater and storm sewer system. The Ordinance sets forth uniform requirements for dischargers into the wastewater collection, and treatment system for the Village of Addison and provides for the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for recapture of costs incurred resulting from the program established herein.

The objectives of this Ordinance are:

- a.) To regulate private wastewater disposal systems;
- b.) To prevent the introduction of pollutants into the Village wastewater system that will interfere with the operation of the system, including interference with its use or disposal of resulting sludge; and
- c.) To prevent the introduction of pollutants into the Village wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- d.) To promote and improve the opportunity to recycle and reclaim wastewater and sludges from the system; and
- e.) To protect Village personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
- f.) To enable the Village to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Village wastewater system is subject; and
- g.) To protect waterways from pollution caused by contaminated storm water run-off or illicit disposal of wastes to the villages separate storm sewer.

Section 23-01c. - Jurisdiction.

This Chapter shall apply to the Village of Addison and to persons outside the Village who are, by contract or agreement with the Village, users of the Village POTW.

Section 23-01d. - Effective Date.

The effective date of this Ordinance shall be December 17, 2018.

Section 23-01e. - Right of Revision.

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

Section 23-01f. - Severability.

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

Section 23-01g. - Conflict.

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

Section 23-01h. - Administration.

Except as otherwise proved herein, the Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to, or duties imposed upon, the Director of Public Works may be delegated by the Director of Public Works to other Village personnel.

Section 23-01i. - Funding.

It is the intent of the Village to pass all costs incurred for the Industrial Pretreatment Program to the Industrial Users.

ABBREVIATIONS AND DEFINITIONS

Section 23-02a. – Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practices
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DSE	Domestic Sewer Exclusion
DSS	Domestic Sewer Study

gpd	Gallons Per Day
IEPA	Illinois Environmental Protection Agency
IU	Industrial User
mg/L	Milligrams Per Liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
OG	Oil and Grease
PIRT	Pretreatment Implementation Review Taskforce
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act (42USC 6901 et seq.)
TSS	Total Suspended Solids
TTO	Total Toxic Organic
USC	United States Code
USEPA	United States Environmental Protection Agency

Section 23-02b. - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

8-Hour Composite Sample means a combination of at least three (3) sample aliquots of at least one hundred (100) milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

24-Hour Composite Sample means a combination of at least eight (8) sample aliquots of at least one hundred (100) milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

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

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

Administrator means the administrator of the USEPA.

Approval Authority means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved pretreatment program.

Approving Authority means the President and Board of Trustees of the Village of Addison acting by and through their duly authorized agent or representative, or the Director of Public Works.

Authorized Representative of Industrial User is: (i) a principal executive of at least the level of vice president , or manager of a facility, if the industrial user is a corporation; (ii) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (iii) a director or highest official if the user is a government agency; (iv) a duly authorized representative only if the authorization is made in writing to the Village by a person described above.

Average strength sewage means sewage with characteristics not exceeding a five (5) day 20 degree centigrade biochemical oxygen demand of 200 mg/l; a suspended solids content of 220 mg/l and an ammonia nitrogen content of 15 mg/l based on 100 gpd (per capita).

Best Management Practice (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40CFR403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD) means the quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in Standard Methods and/or 40CFR136.

Building drain means that part of the lowest horizontal 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 (5') (1.5 meters) outside the inner face of the building wall.

Building inspector means the building inspector of the Village of Addison or his authorized deputy, agent or representative as designated by the Village Board of Trustees.

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

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in the 40CFR Chapter I, Subchapter N, Parts 405-471.

Chapter 23 means this chapter.

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

Combined sewer means a sewer that is designed and intended to receive wastewater, storm, surface and groundwater drainage.

Combined Waste Stream Formula means the formula as found in 40 CFR Section 403.6(e), as now existing or hereafter amended.

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

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

Compatible Pollutant means biochemical oxygen demand, chemical oxygen demand, suspended solids, pH, ammonium nitrogen as $\text{NH}_3\text{-N}$, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit.

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

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 provided access for a Village representative to sample and/or measure discharges from an individual, specific industrial user.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

Day means a calendar day or any 24-hour period that reasonably represents the calendar day.

Debt service charge means the amount to be paid each billing period for payment of interest, principal and coverage of revenue bonds outstanding and shall be allocated to the various waste characteristics such as volume, BOD, suspended solids and ammonia nitrogen.

Director means the chief administrative officer of the State of Illinois Environmental Protection Agency.

Director, Public Works Department means Director and Department Head of the Public Works Department, Village of Addison.

Domestic Sewer Study means the report required by the U.S. Congress of the USEPA ensuring that the DSE (Domestic Sewer Exclusion) requirements did not become a loophole encouraging less than adequate treatment of hazardous wastes.

DSS Requirements means any requirement to the IU mandated through the DSS Report as now existing or hereafter amended.

Easement means an acquired legal right for the specific use of land owned by other.

Effluent criteria are defined in an applicable NPDES Permit.

Existing Source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Fecal Coliform means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Federal grant means the U.S. government participation in the financing of the construction of treatment works as provided for by Title II Grants for Construction of Treatment Works of the Act.

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 wastewater does not interfere with the collection system.

Flow means volume of wastewater per unit of time.

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

Grab Sample means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

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

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

Industrial User means a source of indirect discharge.

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.

Infiltration means the water entering a sewer system, including building drains and sewers, from the ground, through such a means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include, and is distinguished from, inflow.)

Infiltration/inflow means the total quantity of water from both infiltration and inflow without distinguishing the source.

Inflow means the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltrations.)

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

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- 1.) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- 2.) Therefore is a cause of a violation on requirement of the POTW 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 under (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, as said statutes and regulations now exist or are hereby amended.

An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above cited authorities whenever such User:

- a) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by Federal, State or Local law;
- b) Discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or
- c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Milligrams per liter (mg/L) is a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

Municipal Separate Storm Sewer System (MS4's) The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Village of Addison and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40CFR403.5.

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

Natural Outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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, and/or as outlined in 40CFR403.3(k) provided that:

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

- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) 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 [may] be considered.
- 2.) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii), or (1)(iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- 3.) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (i) Begun, or caused to begin as part of a continuous onsite construction program:
 - A) Any placement, assembly, or installation of facilities or equipment; or
 - B) 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
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
 - (iii) Written authorization is submitted to the Village of Addison control authority.
- 4.) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the Village of Addison control authority prior to or together with any reports to be signed by an authorized representative.

Noncontact Cooling Water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Storm Water Discharge means any discharge to the storm drain system that is not entirely composed of storm water.

NPDES Permit means a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable water of the United States pursuant to section 402 of PL 92-500.

Oil and Grease (OG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by n-hexane solvent.

Operation and maintenance costs means all costs, direct and indirect, (other than debt service) necessary to insure adequate wastewater treatment on a continuing basis, conforming with related federal, state and local requirements, and assuring optimal long term facility management. These costs include an annual charge for replacement of equipment computed on the basis of the cost of equipment replacement divided by its useful life.

Ordinance means this ordinance.

Particularly severe violations mean any violation that will place an IU into immediate significant non-compliance as defined.

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

Person means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution, measured in standard units. It shall be determined by one of the procedures outlined in "Standard Methods."

PIRT Pretreatment Implementation Review Taskforce (PIRT) means the revisions to the Part 403 General Pretreatment regulations issued October 17, 1988. As now existing or hereafter amended.

PIRT Requirements means any and all requirements set forth by the 1988 Part 403 General Pretreatment Regulation revisions, as now existing or hereafter amended.

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

ppm means parts per million by weight.

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

POTW Treatment Plant means that portion of the Village designed to provide treatment to wastewater and sludges produced.

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. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40CFR403.6(d).

Pretreatment Implementation Review Taskforce (PIRT) means the revisions to the Part 403 General Pretreatment Regulations issued on October 17, 1988, as now existing or hereafter amended.

Pretreatment Requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Prohibited Discharges means absolute prohibitions against the discharge of certain substances as outlined in Section 23-32b.

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 public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Publicly Owned Treatment Works (POTW) means a treatment works as defined by Section 212 of the Act, owned by the Village. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the Village POTW treatment facilities.

Public sewer means a sewer dedicated to or provided by or subject to the jurisdiction of the Village of Addison consisting of collector sewer, interceptor sewer, force main and pumping station. It shall also include sewers within or outside the village boundaries that serve one or more persons and ultimately discharge into the village sanitary sewer system, even though those sewers may not have been constructed with village funds.

Regional Administrator means the Regional Administrator for the USEPA for Region V.

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.

Residential or commercial user or nonindustrial user, for the purpose of establishing industrial cost recovery provisions, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for.

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

Sanitary Sewage means the combination of liquid and water carried wastes discharged from sanitary plumbing conveniences by reason of normal human and domestic use activities.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

Sewerage treatment plant means any arrangement of devices; structures and equipment for treating sewage.

Sewerage means the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

Sewers mean a pipe conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

Shall is mandatory. **May** is permissive.

Significant Industrial User means any Industrial User of the POTW's wastewater system who:

- 1.) Discharges an average flow of twenty-five thousand (25,000) gallons or more per day of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
- 2.) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- 3.) Has in its wastewater incompatible pollutants as defined pursuant to Section 307 of the Act, or by State Statutes, or by applicable federal or state rules and regulations, or compatible pollutants that exceed the strength of normal domestic waste; or
- 4.) Is designated as such by the Village of Addison control authority as defined in 40CFR403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40CFR403.8(f)(6)); or
- 5.) Is subject to any National Categorical Pretreatment Standard.

Significant Non Compliance (SNC) means a violation of this Chapter as outlined in Sections 23-34e., 23-34f. or 23-34g. and/or as outlined in 40 CFR 403.8(2)(vii) as now existing or hereafter amended.

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

Slug means any discharge of water or wastewater which in concentration of any given pollutant, as measured, which exceeds more than five (5) times the allowable concentrations as set forth in Section 23-32 of Chapter 23, 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, or any discharge at a concentration which could cause a violation of the prohibited discharge standards in Section 23-32b.

Standard methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Environmental Association.

Storm sewer means a sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Stormwater Runoff means that portion of the rainfall, or snowmelt that is drained into the sewers.

Superintendent means Superintendent of the Department of Public Works of the Village of Addison or his authorized deputy, agent or representative.

Surcharge means that part of the user charge system in addition to the user charge and debt service charge which is levied on those persons whose waste discharges are greater than normal domestic sanitary sewage wastes and is imposed to recover the cost of treating excess strength industrial wastes.

Suspended solids 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 "Standard Methods."

T as in Cyanide-T means total.

Total Metals means the sum of the concentration of metals in Section 23-32d. and/or as defined in the Federal Code of Regulations, 40CFR outlining the Industrial Users Categorical Discharge limits (whichever is most stringent).

Total Solids means the sum of suspended and dissolved solids.

Total Suspended Solids (TSS) means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration using a Reeve Angel type 934A or 984H glass fiber filter disc as described in Standard Methods or the Federal Code of Regulations 40CFR.

Total Toxic Organic means the summation of all qualified values greater than 0.01 milligrams per liter for the toxic organic as specified in the applicable regulation.

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

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

Useful life means the estimated period during which the treatment works will be operated and shall be thirty (30) years from the date of start-up of any wastewater facilities constructed with a federal grant.

User means a source of indirect discharge.

Users charge means a charge established for users of the treatment facilities in the proportionate share to each user of the cost of operation and maintenance including replacement of such facilities pursuant to section 204(b) of PL 92-500 and shall include surcharges for the treatment of any excess strength wastes.

User class means the type of user either "residential or commercial" or "industrial" as defined.

Village means the Village of Addison, and any reference to "within the village" shall mean all territory within the perimeter of the Village of Addison boundaries.

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

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

Wastewater Discharge Permit means the document or documents issued to a User by the Village allowing discharge to the POTW in accordance with the terms of this Ordinance.

Wastewater facilities means The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

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

Wastewater and service charge means the charge per quarterly period established for all users of the wastewater facilities. It shall consist of the total of the basic user charge, the basic user rate, which includes the surcharge, if applicable and the debt service charge.

Wastewater treatment works means and arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "Wastewater Treatment Plant" or "Sewage Treatment Plant" or "Pollution Control Plant".

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

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

Waterworks and Sewerage Fund is the principal accounting designation for all revenues received and expenses incurred in the operation of the waterworks and/or sewerage system. These revenues and expenses shall be recorded in the waterworks account of the waterworks and sewerage fund and revenues and expenses of the sewerage system shall be recorded in the sewerage account of the waterworks and sewerage fund.

Section 23-03. Unlawful Deposition of Wastes.

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

Section 23-04. Unlawful Discharge of Wastes - Storm Sewer Prohibitions.

It shall be unlawful to discharge to any natural outlet, watercourse or municipal separate storm sewer system (MS4) within the Village of Addison, or in any area under the jurisdiction of said village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of

this ordinance and/or provisions as outlined in the National Pollutant Discharge Elimination System (NPDES) requirements.

Storm sewer discharges that violate the General Effluent Standards outlined in Illinois Title 35, Subtitle C, Chapter 1, Part 304, or the General Use Water Quality Standards in Part 302 shall be deemed a violation to this ordinance, and subject to enforcement and penalties as outlined in Section 23-34 and 23-35 herein.

The following non-storm water discharges to the separate storm sewer system are allowed, provided they do not cause an adverse effect on local water quality: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, discharges resulting from fire fighting or other emergency activities to protect public health and safety, and discharges associated with dye testing.

Section 23-05. Unlawful Construction of Sewage Facilities.

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

Section 23-06. Mandatory Sewer Hook-Up.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in a manner approved by the Village of Addison within ninety (90) days after the official notice to do so, provided that said public sewer is within two hundred feet (200') (61 meters) of the property line.

Section 23-07. Private Disposal Systems Prohibited.

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

Section 23-08. Private Disposal Systems.

Where a public sanitary sewer is not available as provided for in Section 23-06 the building sewer shall be connected to a private sewage disposal system, complying with the requirements of the DuPage County Health Department, State Department of Public Health and Environmental Protection Act.

- A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 23-06, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned. The building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt compacted and maintained in a safe condition.
- B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

- C) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the village.

Section 23-09. Building Sewer and Connection Permit Required.

It shall be unlawful to make any connection with the village sanitary or storm system without having first obtained a permit therefore. Application for such permits shall be made to the Village of Addison and shall be accompanied by a statement as to the purpose of the connection, the premises to be served, the specifications of the pipe to be connected and of the drain from the house to the sewer line. Such applications shall be referred to the sewer committee and no permit shall be issued unless they shall have found that the ordinances of the village would be complied with in the making of such connection.

All disposals by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the federal act and more stringent state and local standards.

There shall be three (3) classes of building sewer permits.

- 1.) For residential services,
- 2.) For commercial services, wastes.
- 3.) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village of Addison. Inspection fees as stated in the Addison Building Code shall be paid to the Village of Addison at the time the permit is issued. This inspection fee is in addition to the sewer connection permit fee and also in addition to user fees the provisions of which are detailed in subsequent sections of this ordinance. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

All inspections shall be made during normal working hours.

Each excavation for any of the above purposes shall require a separate permit.

The fee for each connection permit (tap-on fee) shall be in the amount set by the Village Board. Such permit shall not be issued until payment has been made to the Village of the fees outlined in said ordinance for each building to be served by means of such connection, and it shall be unlawful to extend the sewer lateral to be so connected, to serve additional buildings without payment to the Village of an additional sewer connection fee for each such additional building.

Any person who makes any excavation, or does any other work without first obtaining a permit is in violation of Section 6-201.1 of the Addison Building Code. Each day shall constitute a separate offense.

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

Section 23-10. Cost Borne by Owner.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village for any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer.

- A.) **Emergency repairs.** The Village may, in case of emergency, repair or order the repair of any sewer lateral or sewer pipe from the Village sewer main to the premises served thereby, and, if it does so, the cost of such repair work shall be repaid to the Village by the owner of the premises served, which cost shall be treated and collected in the same manner and with the same remedies as for collection of charges for sewer services.
- B.) **Repairs by sewer department.** Any maintenance or repair work performed by the sewer department of the Village on any sanitary sewer lateral, shall be paid for by the owner or the occupant (both of whom shall be liable for the cost thereof) of the property served by such lateral at the currently going rate published by the president and board of trustees.
- C.) **Sewer service lines.** It shall be the responsibility of the property owners to maintain all sewer service lines between the dedicated right-of-way or Village easement for utility services and the building.

Section 23-11. Prohibited Connections.

A separate and independent building sewer shall be provided for every building; except where one building stands for 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 considered as one building sewer. In no case shall any person be permitted to maintain, without the consent of the approving authority, any sewer connection connecting a building owned by him to the public sewer across or under the property of another.

Old building sewers may be used in connection with new building only when they are found, on examination and test by the Director, Public Works, or designee, to meet all requirements of this ordinance.

No connection permit will be required for the removal of stoppage in waste pipes, or for replacing broken or old sewer lines, provided such sewer lines conform to the regulations contained in the section.

Section 23-12. Building Sewer, Materials - Construction.

The methods and materials to be used in excavation, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village

- A.) **Connection,** how made: Approved types of service connections shall be one of the following:

Type 1. Vitrified clay wye branches installed in the main sewer at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material of the bituminous type or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to any damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced either by another undamaged wye or by straight vitrified clay pipe. If straight pipe is used in the replacement, type 2 connection methods shall be used. Concrete encasement of the wye branch, connection joint, or any other part of the connection shall not be deemed watertight and shall not be allowed as a method of repairing a damaged joint.

Type 2. Connections of the saddle type installed in the main sewer. Connections of this type shall be made in a smooth, round hole, machine-drilled into the main pipe. The fitting used in the connection shall be made in such a manner as to insure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The machine-drilled hole shall be of such size to provide one-eighth inch (1/8") clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch (1/8") thick and this space shall also be completely filled with joint material.

The joint material used for the type 2 service connection shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement will not be considered waterproof.

The fitting shall be manufactured of either cast aluminum alloy, cast iron or vitrified clay pipe and shall be capable of receiving all normally used type of pipe for service connections.

The type 2 fitting and drilling machine herein described shall be of the type manufactured by Smith & Loveless, Division-Union Tank Car Co., Lenexa, Kansas, or the approved equal. Tapping and connection shall be made in the presence of an authorized village inspector.

Type 1 and 2 connectors, when and where used: Type 1 connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, type 2 connections may be made. When new sanitary sewers are constructed type 1 connections may be made in cases where the connection is made during construction and before backfilling of the sanitary main sewer trench.

Type 2 connections shall be made in all cases where services are installed subsequent to construction and backfilling operations. No wye branches shall be installed and covered up for future use, except when excessive depth, new subdivision design or other unusual conditions exist, and then only with prior approval of the Community Development Director and the board of trustees.

- B.) The size, slope alignment, 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 be in conformance to the requirements of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications materials and procedures set forth in appropriate specifications of the A.S.T.M. and WEF Manual of Practice no. 9 shall apply.
- C.) 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 an approved means and discharged to the building sewer.
- D.) No person shall make connection of roof downspouts, exterior foundation drains, area-way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in

turn connected directly or indirectly to a public sanitary sewer.

- E.) The applicant for the building sewer permit shall notify the Community Development Director when the building sewer is ready for inspection and connection to the public sewer. Each and every part of a sewer connection shall be inspected and approved by the Community Development Director or his representative before being concealed or backfilled.
- F.) Any person filling in an excavation without having first received the written approval of the sewer or building inspector as provided in this chapter, shall, in addition to suffering the fine herein imposed, expose the sewer for inspection by the Community Development Director or building inspector at no cost to the village. In any case where the inspector finds work on any sewer not done in a satisfactory manner as herein provided, he shall serve written notice on the person to whom the permit is issued, stating wherein such work is deficient, and ordering said person to remedy such defect within twenty-four (24) hours. In the event such person fails to comply therewith, the inspector shall cause such defect to be corrected at the expense of the person to whom the permit was issued. It shall be the duty of the inspector to inspect any sewer connection or sewer pipe within the village. It shall also be the duty of said inspector to inform the approving authority of any violation of this article and to assist in the prosecution of offenders.

All excavations for building sewer installation shall comply with the provisions of this code relating to excavation in streets and 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 village.

- G.) New construction, redevelopment, tear-downs, or other modifications in areas where only a combined sewer exists shall be required to; (1) minimize and/or delay inflow contribution to the combined sewer, and (2) provide for separate domestic waste connection, distinct from the building inflow connection, to facilitate disconnection in the event a storm sewer becomes available.
- H.) Inflow sources on the combined sewer system are required to connect to a separate storm sewer system within twelve (12) months if one becomes available.

Section 23-13. Grease, Oil and Sand Interceptors.

Grease, oil and sand interceptors shall be required and/or provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease, oil and/or fats in amounts in excess of discharge limits set forth in Section 23-32d., of this Chapter, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village of Addison and shall be located as to be readily and easily accessible for cleaning, inspection, and downstream sampling.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, when bolted in place, shall be gas tight and watertight.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 23-14. Predischage Facilities Maintenance.

Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 23-15. Inspection of Easements.

The Director of Public Works and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within 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.

Section 23-16. Wastewater Service Charges.

The user charge system as hereinafter set forth has been developed from data outlined in the report of Pavia-Marting and Company, Consulting Engineers, Roselle, Illinois, dated February, 1978 and updated 1990, 1992, entitled "User Charge and Industrial Cost Recovery System", said report being incorporated herein by reference and which shall constitute the basis for determining industrial and domestic user charges.

Section 23-17. Basis for Wastewater Service Charges.

The wastewater service charges for the use of and for the service supplied by the wastewater facilities of the Village of Addison shall consist of basic user charge to pay fixed expenses of the cost of operation, maintenance and replacement of the system; a basic user rate to pay variable expenses of said operation and maintenance expense, and debt service charge to pay principal and interest of outstanding revenue bonds issued for sewer construction purposes.

Section 23-18. Measure of Flow.

The volume of flow used for computing basic user charges shall be the metered water consumption read to the lowest even increments of one thousand (1,000) gallons. Surcharges may be computed using actual measured discharge flows upon written approval by the Director of the POTW, or by the use of the metered water consumption.

- A.) If the persons or other dischargers (industrial, commercial, etc.) discharging wastes into the public sewers procure and part, or all, of their water from sources other than the public waterworks system, all or part of which discharges into the public sewers, the discharger shall, if directed by the Village of Addison, install and maintain, at his expense, water meters of a type approved by the village for the purpose of determining the volume of water obtained from these other sources.
- B.) Devices for measuring the volume of waste discharged may be required by the village if these volumes cannot otherwise be determined from the metered water consumption records, or as a special requirement of an Industrial Pretreatment Permit as outlined in Chapter 23, Section 23-33.
- C.) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the superintendent.

Section 23-19. User Charges.

There shall be and there is hereby established a basic user charge and a basic sewerage user rate per thousand gallons for the use of and for service supplied by the wastewater facilities of the Village of Addison to be applied to each single metered or multiple unit served. The specific rates are set forth in Chapter 20, Section 20-58, and said rates, as now existing or hereafter amended, are incorporated by reference herein.

Section 23-20. Surcharge Rate.

In the event use of the wastewater facilities by nonresidential users is determined by the village to include wastes in addition to average strength domestic waste, the user shall pay a surcharge cost in addition to the debt service charge, the basic user charge and the basic user rate.

The rates of surcharge for BOD₅, SS, and NH₃-N shall be as follows:

<u>Parameter</u>	<u>As of</u> <u>1/1/2025</u>	<u>As of</u> <u>1/1/2026</u>	<u>As of</u> <u>1/1/2027</u>
For BOD ₅ @	\$0.4375/lb.	\$0.4876/lb.	\$0.5377/lb.
For SS @	\$0.6452/lb.	\$0.6943/lb.	\$0.7434/lb.
For NH ₃ -N @	\$2.0659/lb.	\$2.6697/lb.	\$3.2735 /lb.

(Ord. 24-38)

Section 23-21. Computation of Surcharges.

The surcharge per user shall be computed by the following formula:

$$S = V (0.00834) [A(BOD_5-200) + B(SS-220) + C(NH_3-N)-15]$$

Where S = Amount of surcharge (\$)

V = Wastewater volume in thousand gallons per **surcharge** billing period

(0.00834) = Unit weight of water x 10⁻⁶ per thousand gallons

A = Unit charge for BOD, PER LB.

BOD₅ = 5 day biochemical oxygen demand, average concentration for the surcharge billing period

B = Unit charge for SS PER LB.

SS = Suspended Solids average concentration for the surcharge billing period

C = Unit charge for NH₃-N, PER LB.

NH₃-N, Ammonia Nitrogen average concentration for the surcharge billing period

The concentration of wastes discharged in excess of average strength wastes shall be used for computing surcharges and shall be established by sewage flow metering (or engineering estimates if approved by the Village) and waste sampling. Waste sampling and testing by an approved laboratory shall be completed by the discharger as often as may be deemed necessary by the Director of Public Works and/or Industrial Pretreatment Permit requirements and shall be binding as a basis for surcharge.

Sec. 23-22. Computation of Wastewater Service Charge.

(Section removed)

Section 23-23. General Provisions Bills.

Said rates for wastewater surcharges shall be payable quarterly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village of Addison only upon the condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefore to the Village of Addison.

All sewer bills are due and payable twenty-one (21) days after billing date. A penalty of ten percent (10%) shall be added to all bills where payment is not received within the twenty-one (21) day payment period.

Section 23-24. Delinquent Bills.

If the charge for such services is not paid by the due date (i.e. within twenty-one (21) days after billing date), the account will be delinquent. If the account remains delinquent after an additional nineteen (19) days which includes the final notice period, all water and wastewater services shall be discontinued in the manner provided by Sec. 20-64 of this Code and shall not be reinstated until all claims are settled.

Section 23-25. Lien-Notice of Delinquency.

Delinquent water or sewer charges shall be a lien on the premises, as provided by law. Whenever a statement for sewer service remains unpaid twenty six (26) days after it has been rendered, the Village may file with the Recorder of Deeds of DuPage County a notice of the lien claim. This notice shall contain the legal description of the premises served, the amount of the unpaid statement, and an assertion that the Village claims a lien for this amount as well as for the amount of all charges subsequent to the period covered by this statement.

If the consumer or user whose statement is unpaid is not the owner of the premises in question, the Village Clerk shall send to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number, (a) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and (b) a notice that unpaid charges or rates may create a lien on the real estate under this Section.

The notice of lien shall consist of a sworn statement setting out (a) a description of such real estate sufficient for the identification thereof, (b) the amount of money due for such service, and (c) the date when such amount became delinquent. The Village Clerk shall send a copy of the notice of the lien to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number. The Village has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

The Village also has the power, from time to time, to sue the occupant or user of the real estate in a civil action to recover the money due for services rendered, plus a reasonable attorney's fee, to be fixed by the court. Whenever a judgment is entered in such a civil action, the foregoing provisions in this section with respect to filing sworn statements of such delinquencies in the office of the recorder and creating a lien against the real estate shall not be effective thereafter as to charge sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.

Section 23-26. Foreclosure of Lien.

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village of Addison. The village attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Addison in any court having

jurisdiction over such matters against any property for which the bill has remained unpaid forty (40) days in the case of a quarterly bill after billing date.

Section 23-27. Revenues.

All revenues and monies delved from the operation of the sewerage system shall be deposited in the sewerage account of the combined waterworks and sewerage fund. All such revenues and monies shall be held by the village treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Addison and all of said sum, without any deductions whatever, shall be delivered to the village treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the president and board of trustees.

The village treasurer shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the water works and sewerage fund of the Village of Addison. Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act", effective January, 1942. Revenues generated by the user charge system shall be set aside in a separate account and applied towards the payment of operation, maintenance and replacement expenses of the treatment works.

Section 23-28. Accounts.

The village treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books and show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that wastewater service charges and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- A.) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- B.) Billing data to show total number of gallons billed.
- C.) Debt service for the next succeeding fiscal year.
- D.) Number of users connected to the system.
- E.) Number of non-metered users.
- F.) A list of users discharging non-domestic wastes (industrial users) and volume and strength of waste discharged.

Section 23-29. Notice of Rates.

The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which is attributable to the wastewater operation, maintenance and replacement. In addition, a copy of this article, properly certified by the village treasurer, shall be filed in the office of the recorder of deeds of DuPage County and shall be deemed notice to all users of the sewerage system of the charges of the system of said village on their properties.

Section 23-30. Access to Records.

The United States Environmental Protection Agency and the Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village of Addison which are applicable to the village system of user charges or industrial cost recovery for the purpose of

making audit, examinations, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any federal grant or loan agreement and rules of any state loan.

Section 23-31. Sale of Treated Effluent.

The Director of Public Works is hereby authorized to sell treated effluent generated by the Villages wastewater treatment plant. The charge for such treated effluent shall be two dollars (\$2.00) per one thousand (1,000) gallons; provided, however, all purchasers of treated effluent shall execute a hold harmless agreement which shall indemnify the Village from any legal actions in connection with the use of said treated effluent. (Ord. 89-56)

Section 23-32. WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS

Section 23-32a. -	Use of Wastewater Facilities
Section 23-32b. -	Prohibitive Discharge Standards
Section 23-32c. -	Allocation of Pollutants
Section 23-32d. -	Local Discharge Limits
Section 23-32e. -	Final National Categorical Pretreatment Standards
Section 23-32f. -	Pretreatment
Section 23-32g. -	Excessive Discharge – Dilution
Section 23-32h. -	Spill Containment - Slug Control

WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS

Section 23-32a. - Use of Wastewater Facilities.

- a) It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any Village POTW, any solid, liquid or gaseous waste unless through a connection approved by the Village.
- b) It shall be unlawful to discharge, without an NPDES permit to any natural outlet within the POTW, or in an area under its jurisdiction.
- c) It shall be unlawful to discharge trucked or hauled pollutants to the POTW except at discharge points designated by the POTW: as per 40 CFR 403.5(b)(8).
- d) It shall be unlawful for any new or changed non-domestic discharge in an area contributory to the Combined Sewer without the written consent of the Village. Businesses in the combined area will be periodically inspected and/or monitored to ensure compliance with this section.

Section 23-32b. - Prohibitive Discharge Standards.

- a) General Prohibitions. No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any sanitary sewer. 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) Specific Prohibitions. The following specific prohibitions shall apply to all Users of Village

POTW whether or not a User is subject to National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or Requirements. A User may not contribute the following substances to Village POTW:

- 1) Any liquid, solid, or gaseous pollutants causing toxic gases, vapors, and/or fumes 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 as outlined in 40 CFR 403.5(b)(7) of the Code of Federal Regulations. At no time, shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at a point at the nearest accessible point to the POTW in a sanitary sewer, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%). Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents, and sulfides.
- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent limes, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing wastes, or tumbling and de-burring stones.
- 3) Any wastewater which will cause corrosive structural damage to POTW, but in no case wastewater having a pH less than 5.0 or in excess of 12.0 as measured in standard units (SU), as determined by Grab sample, unless more strictly limited elsewhere in Chapter 23 and/or Federal Pretreatment Standards.
- 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 limitation set forth in a National Categorical Pretreatment Standard (when effective) or in Section 23-32d. of this Chapter 23 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) In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, DDS, PIRT, 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 be introduced to the POTW which exceeds 65 degrees C (149 degrees F) or which exceeds 40 degrees C (104 degrees F) 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 to the POTW.
- 10) Any wastewater containing an radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations.
- 11) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through 40CFR403.5(b)(6)
- 12) Any wastewater containing BOD, total solids, suspended solids, or ammonia nitrogen of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant. A User may be permitted by specific, written discharge permit through the Village in which agreement to discharge such BOD, TSS, or NH₃-N may be provided using special charges, payments or provisions for treatment and analysis.
- 13) Any discharge exceeding the standards established in 34 Ill. Adm. Code 307.
- 14) Any slug discharged to the POTW as outlined in Chapter 23, and/or the Code of Federal Regulations, 40 CFR 403.12(F).
- 15) Any discharge of materials with a closed cup flashpoint of less than 140 degrees F as outlined in 40 CFR 403.5(b) using test methods specified in 40 CFR 261.21.
- 16) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW Effluent.
- 17) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 18) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a TCLP, EP TOX, Chronic, Acute, or other USEPA approved or recognized toxicity test.
- 19) Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- 20) For companies not regulated by Categorical Pretreatment Standards for organics, the Total Toxic Organic standard found in 40CFR433 of 2.13 mg/L shall apply unless a permit is issued by the Village of Addison establishing an alternative limit.
- 21) Medical Wastes, except as specifically authorized by the Superintendent in an individual or general wastewater discharge permit.

Compliance with the provisions of this Section 23-32b. and/or provisions outlined in 40CFR403.5(a) and (b) shall be required on the effective date of promulgation of this Ordinance.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 23-32c. - Allocation of Pollutants.

- a) The total allocation of the pollutants to each existing industry will be established for the industrial dischargers of each pollutant as the number of industries is obtained by sampling and analysis, and wastewater discharge permit applications are received, with specific limitations on discharges established in the individual or general discharge permits, consistent with calculated Maximum Allowable Industrial Loads.
- b) The Village will maintain a reserve of ten percent (10%) to twenty percent (20%) of the maximum allowable influent limit of each pollutant for new industries or increase with existing industries. The Village will recalculate the permitted maximum concentrations every 3-5 years, based on using site-specific data to determine if permitted limits exceed the Maximum Allowable Industrial Loading (MAIL).

Section 23-32d. - Limitations on Discharge.

a.) Local Limits for Permitted Sources

Industrial users that apply for a wastewater discharge permit shall be issued limits that are the most stringent of Federal, State and Local limitations (by the method of individual allocation described in Section 23-32c. above).

b.) Local Limits for Non-Permitted Sources

The following general discharge standards shall apply to all users (except for those issued a wastewater discharge permit as stated above). Limitations are based on a one-day maximum limit unless otherwise noted.

Arsenic	0.04 mg/L
Barium.....	4.50 mg/L
Cadmium.....	0.03 mg/L
Chrome (total)	0.45 mg/L
Copper	0.30 mg/L
Cyanide (total).....	0.05 mg/L *
Iron.....	4.60 mg/L
Lead.....	0.10 mg/L
Manganese.....	2.30 mg/L
Mercury	0.0005 mg/L **
Molybdenum	0.10 mg/L
Nickel.....	0.17 mg/L
Selenium.....	0.04 mg/L
Silver	0.03 mg/L
Zinc	0.25 mg/L

BOD	1900 mg/L
Suspended Solids	2000 mg/L
Ammonia as N.....	25 mg/L
Oil and Grease.....	240 mg/L*

- * Sample must be collected using the grab type method. The concentration limit is an instantaneous limit.
- ** The discharge limitation on Mercury shall not exceed a concentration of 0.0005mg/L, or limits as otherwise established in the Illinois Environmental Protection Agency Title 35, Subtitle C, Chapter 1, Section 307.1102.

- c.) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, or general permits, to implement Local Limits and the requirements of Section 23-32b above. The BMP's are enforceable requirements, and violations of BMP's can result in formal or informal enforcement actions as described in Section 23-34f.

Section 23-32e. - National Categorical Pretreatment Standards.

The National Categorical Pretreatment Standards found at 40CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated.

- a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Village of Addison may impose equivalent concentration or mass limits in accordance with Section 23-32e.(c.) below.
- b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Village of Addison may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- c) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Village of Addison convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent, or his/her designee. The Village of Addison may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Section 23-32(e)(c)(1)(A) through 23-32(e)(c)(1)(E) below.
 - 1) To be eligible for equivalent mass limits, the Industrial User must:
 - A. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - B. Currently use control and treatment technologies adequate to achieve compliance with applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - C. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production

rate must be representative of current operating conditions;

- D. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- E. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2) An Industrial User subject to equivalent mass limits must:

- A. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- B. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- C. Continue to record the facility's production rates and notify the Superintendent, or his/her designee, whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 23-32(e)(c)(1)(c). Upon notification of a revised production rate, the Superintendent, or his/her designee, will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- D. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 23-32(e)(c)(1)(a). so long as it discharges under an equivalent mass limit.

3) When developing equivalent mass limits, the Superintendent, or his/her designee:

- A. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- B. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- C. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 23-32g. The Industrial User must also be in compliance with Section 23-34e.3(c)(4)(A).

- d) The Superintendent may convert the mass limits of the categorical pretreatment standards of 40CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations

applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.

- e) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- f) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- g) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

Section 23-32f.- Pretreatment.

- a) All Industrial Users shall provide necessary wastewater pretreatment as required to comply with Chapter 23 and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and this Ordinance. National Categorical Pretreatment Standards, as now existing or hereafter amended, shall be incorporated by reference into this Chapter 23. Any facilities required to pre-treat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the User's expense. All Industrial Users shall obtain all necessary construction operating permits from the IEPA and Wastewater Discharge Permit from the Village prior to commencing construction on such facilities. Such pretreatment facilities shall be under the control and direction of an IEPA Certified Wastewater Treatment Operator.
- b) Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the POTW prior to the Industrial User's initiation of the changes.
- c) Notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, as outlined in Section 23-33(c)(d)(9), including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

Section 23-32g. - Excessive Discharge – Dilution.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with any limitations contained in the National Categorical Pretreatment Standards (NCPS) (when effective), or in any other pollutant-specific limitations developed by the Village and/or as outlined in 40CFR 403.6(d) in the Code of Federal Regulations.

Section 23-32h.- Spill Containment - Slug Control.

- a) 1.) The Director of Public Works or his/her designee shall evaluate whether each Industrial

User having the ability to cause Interference with the POTW treatment plant or to violate the regulatory provisions of this Ordinance needs to provide accidental discharge/slugs control plan protection for accidental discharge to the POTW of prohibited materials or other substances regulated by this Ordinance and/or provisions set forth in 40CFR403.12(f). Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. The POTW may incorporate specific, preventative actions directly into the permit conditions of a Significant Industrial User in lieu of development of a slug control plan as outlined in 40 CFR 403.8(f)(1)(iii)(B)(6).

- 2.) All Industrial Users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file at the Village showing facilities and operating procedures to provide protection from accidental discharge. All Industrial Users shall complete construction of said facilities by January 1, 1987. No User who begins contributing to or could contribute such pollutants to the POTW shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the Village 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 Chapter 23.
- 3.) In case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this Chapter and/or 40CFR403.8, it shall be the responsibility of the Industrial User to notify the Village of the incident within twenty-four hours of becoming aware of the upset. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration and volume.
- 4.) Within five (5) days following such an accidental or deliberate discharge the Industrial User shall submit to the Village a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by Village as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the Village, result in the revocation of the dischargers Wastewater Discharge Permit.
- 5.) The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- 6.) A notice in English and the language of common use shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge of a prohibitive material. Employers shall insure that all employees who are in a position to cause, discover, or observe such accidental discharges are

advised of the emergency notification procedures.

- b) An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - 1.) A description of discharge practices, including nonroutine batch discharges.
 - 2.) A description for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days.
 - 3.) A description of stored chemicals.
 - 4.) Any procedure to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
 - 5.) Any follow-up practices to limit the damage suffered by the treatment plant or the environment.
- c) Notice of potential problems, including slug loading: As outlined in 40CFR 403.12(f) and 40CFR403.8(f)(2)(vi), all categorical and non-categorical IU's shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 40CFR 403.5(b), by the IU. The IU must notify the POTW immediately of changes that occur at the facility affecting the potential for a Slug Discharge, thereby allowing the POTW to reevaluate the need for a slug control plan or actions to prevent such discharges.

Section 23-32i - Hazardous Waste Discharge Notification.

- a.) An Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of would be a hazardous waste as defined in 40CFR Part 261. The procedure for notification is as outlined in 40 CFR 403.12(p).
- b) All notifications must take place within one hundred eighty (180) days of the effective date of this Ordinance, or within one hundred eighty (180) days after the commencement of a new discharge that contains a listed hazardous waste.
- c) Discharges are exempt from the requirements above if during a month an Industrial User discharges no more than fifteen kilograms of hazardous wastes unless the wastes are acute hazardous wastes as defined in 40CFR261.30(D) and 261.33 (e).

SECTION 23-33. WASTEWATER DISCHARGE PERMITS

- Section 23-33a. - Prohibition of Discharges Without or Contrary to a Permit**
- Section 23-33b. - Procedures for Receipt and Analysis of IUs Reports**
- Section 23-33c. - Permits**
- Section 23-33d. - Denial of Permit and Appeal Procedure**
- Section 23-33e. - Reporting Requirements for Permittee**
- Section 23-33f. - Monitoring Facilities**

Section 23-33g. -	Inspection, Sampling, and Records Keeping
Section 23-33h. -	Confidential Information
Section 23-33i. -	Signatory Requirements for IU Reports

Section 23-33a. - Prohibition of Discharges Without or Contrary to a Permit.

- a) It shall be unlawful for any Industrial User to discharge wastewater to the Village POTW without or contrary to a permit issued by the Village in accordance with the provisions of Chapter 23.
- b) As of February 18, 1997, it has been deemed necessary and appropriate to place a moratorium prohibiting the issuance of new wastewater discharge permits to industries performing copper forming, circuit board manufacturing, inorganic chemical production of specific chemicals (copper), molding and casting of copper, nonferrous metals forming and metal powders (copper), nonferrous metals manufacturing for coppers, and other manufacturing which results in a primary source of copper in the wastewater discharge within the Village of Addison in excess of the local limit for copper discharge.

Section 23-33b. - Procedures for Receipt and Analysis of IU's Reports.

All reports and notices submitted to the Village by Industrial Users in accordance with Chapter 23 and 40 CFR 403.12 shall be received by the Director of Public Works and referred to the appropriate technical personnel for review. The Village shall have sixty (60) days from receipt of each Industrial User's submittal to complete its review and make any necessary response.

Section 23-33c. - Permits.

- a) All Significant Users proposing to connect to, or to contribute to the POTW (New Sources) shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. An application for discharge from Significant Users proposing to connect or contribute to the POTW must be submitted ninety (90) days before the first day of discharge. All Significant Users which are Existing Sources connected to or contributing to the POTW that become a categorical user due to promulgation of a new category shall apply for a discharge permit within one hundred eighty (180) days of the effective date of the new category. Other existing industrial users that are deemed significant by the Village of Addison shall submit an application for permit within ninety (90) days of the determination

(The latter includes, but is not limited to, Industrial Users regulated by a newly promulgated National Categorical Pretreatment Standard.)

- b) Wastewater Discharge Permit Application
 - 1.) Significant Users required to obtain a Wastewater Discharge Permit shall complete and file with the Village an application in a form to be prescribed and furnished by the Village, and accompanied by a fee to be determined by the Village.
 - 2.) If a Significant User does not submit an application for a Wastewater Discharge Permit as required by Section 23-33c. of Chapter 23, the User shall be considered in significant non-compliance and in violation of this Ordinance and subject to enforcement procedures as set forth in Section 23-34 of Chapter 23.
 - 3.) In support of the application, the Significant User shall submit, in units and terms appropriate for evaluation, the following information:
 - A.) Name, address and location of the facility including the name of the operator and

owner.

- B.) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- C.) Wastewater constituents and characteristics including, but not limited to, those set forth in Section 23-32 of Chapter 23 as determined by a reliable analytical laboratory using 40 CFR 136 methodology.
- D.) Time and duration of discharge.
- E.) Average and maximum wastewater flow rates, in gallons per day, including monthly and seasonal variations, if any.
- F.) Site plans showing all pipe sizes, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers.
- G.) Total number of employees and hours of operation of a plant.
- H.) Proposed or actual hours of operation of pretreatment system and the name of the IEPA certified pretreatment operator.
- I.) Name of the authorized representative of the Significant User.
- J.) Significant User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.
- K.) If additional Significant User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the shortest schedule by which the Significant User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established under Section 23-32.
- L.) List of any environmental control permits held by or for the facility.
- M.) Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

In addition to the above requirements, any Categorical Industrial User shall submit the following information within a specified time frame, as defined by Village of Addison Industrial Pretreatment personnel, as a Special Condition to the issuance of any discharge permits:

- N.) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - i. regulated process streams, and
 - ii. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

- O.) Significant User shall identify the National Categorical Pretreatment Standards applicable to each regulated process and shall:
- i. 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.
 - ii. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The POTW may waive flow-proportional composite sampling for any IU that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the IU demonstrates that this will provide a representative sample of the effluent being discharged.
 - iii. Sample based on the flow of the sampled stream as follows: (composite samples are required where feasible)
 - a) Where the flow of the stream being sampled is less than or equal to approximately 250,000 gpd, the Significant User shall take a minimum of three samples within a two-week period.
 - b) Where the flow of the stream being sampled is greater than approximately 250,000 gpd, the Significant User shall take a minimum of six samples within a two-week period.
 - iv. Take the samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, in order to evaluate compliance with the National Categorical Pretreatment Standards, the Significant User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e). Where an alternate concentration has been calculated in accordance with 40 CFR Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.
 - v. Submit, only with POTW authorization, information that utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - vi. Provide the time, date and place of sampling, sampling methods and methods of analysis and certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW during the period required by the report.

- P.) The Significant 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 Significant User to meet the National Categorical Pretreatment Standards.
- Q.) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the Significant User will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule will not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
- i. Where the Significant User's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the Significant User submits an application the information required in Section 23-33c.(b)(4)(P) and (Q) shall pertain to the modified limits.
 - ii. If the National Categorical Pretreatment Standard for the Significant User is modified after the discharge application is submitted, the Significant User shall make any necessary amendments to information provided as a response to Section 23-33c.(b)(4)(P) and (Q) and submit them to the Village within sixty (60) days after the modified limit is approved.
- R.) The following conditions shall apply to any compliance schedule submitted in response to Section 23-33c.(b)(3)(Q):
- i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - ii. No increment referred to in Section 23-33c.(b)(3)(Q) shall exceed nine months.
 - iii. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.
- S.) Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be

present in the discharge shall be based on Section 23-33e.(b)(4) of this Ordinance.

c) Review of Wastewater Discharge Permit Applications

The Village will evaluate the data furnished by the Significant User and may require additional information. The evaluation process may, at the discretion of the Village, include the inspection of the facilities of the applicant. After evaluation of the data available, the Village may issue a Wastewater Discharge Permit. No temporary permit will be issued by the Village except as set forth in Section 23-33c.(h)

d) Permit Conditions

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

- 1) The Wastewater Discharge Permit shall include the limits on daily maximum and average pollutant loadings from the applicable pretreatment standard (which includes federal, state, local limits, and Best Management Practices) whichever is more stringent.
- 2) Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)) or net/gross calculations (40CFR Section 403.15) or Fundamentally Different Factor Variance for nontoxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with USEPA guidelines and regulations.
- 3) Limits on maximum and average flow rate and time of discharge or requirements for flow regulation and equalization for each separate discharge of a User.
- 4) Requirements for installation and operation of inspection, sampling and monitoring facilities.
- 5) Specifications for monitoring and/or self monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- 6) Compliance schedule, if necessary for the installation of technology required to meet applicable Pretreatment Standards and Requirements as outlined in 40 CFR 403.8(f)(1)(iii).
- 7) Requirements for submission of technical reports or discharge reports as outlined in 40CFR 403.8(f)(1)(iii).
- 8) Requirements to retain for a minimum of three years any records of monitoring activities and results relating to wastewater discharge and for affording the POTW access to said records.

- 9) Requirements for advance notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to the terms of Section 23-33c.(e) of Chapter 23.
 - 10) Requirements for implementing individual slug control measures and notification of slug discharges as defined in Chapter 23 and as per 40CFR403.5(b).
 - 11) Requirements for reporting pretreatment sludge disposal practices.
 - 12) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 23-33e.(b)(4).
 - 13) Other conditions as deemed appropriate by the Village to ensure compliance with this Chapter and Pretreatment Requirements and Standards.
- e) General Permits
- 1) At the discretion of the Superintendent, the Superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - A.) Involve the same or substantially similar types of operations;
 - B.) Discharge the same types of wastes;
 - C.) Require the same effluent limitations;
 - D.) Require the same or similar monitoring; and
 - E.) In the opinion of the Superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
 - 2) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 23-33e – (b)(4) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent, or his designee, has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 23-33e.
 - 3) The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 23-33c(e)1, A through E and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
 - 4) The Superintendent may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IU's whose limits are based on the Combined Wastestream Formula or Net/Gross calculations.
- f) Notification of Violations

In the event an IU's sampling data indicates a violation, the IU must notify the POTW within 24 hours of becoming aware of the violation. The IU must then repeat the sampling and analysis and submit the results to the POTW within thirty (30) days as per 40CFR403.12(g)(2).

g) Change in Conditions

In the event the type, nature, quality or volume of wastewater from the property for which a Wastewater Discharge Permit was previously granted is excepted to materially and substantially change as reasonably determined by the permittee or Village, the permittee previously granted such must notify the Director of Public Works in writing thirty (30) days prior to any planned changes to the users operations or system and shall make application to the Village prior to said change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by permittee. No permittee shall materially and substantially change the type, nature, quality or volume of its wastewater beyond that allowed by its permit without prior written approval of the Village.

h) Duration

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its permit at least ninety (90) days prior to expiration of the User's permit. The Industrial User shall apply, on a form provided by the POTW, for re-issuance of the Permit. Upon re-issuance, any applicable provisions of the Wastewater Discharge Permit shall be incorporated as conditions of the new Wastewater Discharge Permit. The terms and conditions of the permit may be subject to modification by the Village during the term of the permit as limitations or requirements as identified in Part 300 are modified or other just cause exists. The Significant User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Where any changes are made in the Significant Industrial User's permit, a reasonable time shall be given to achieve compliance.

i) Transfer

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

j) Deadline for Compliance with Categorical Standards Compliance by existing sources with categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, Subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 302(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical Pretreatment Standard. 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 as defined in 403.3(k). 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 (90) days), New Sources must meet all applicable Pretreatment Standards.

Section 23-33d. - Denial of Permit and Appeal Procedure.

- a) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the Village, is not in conformity with Village Codes, Ordinances, Zoning, Regulations, or whose application is incomplete or does not comply with the requirements of Section 23-33c.(b)(c) as applicable. The Village shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within thirty (30) days after denial.
- b) If the application is denied by the Village, the Industrial User may obtain review of the denial by the Village Board of Trustees, provided that the Industrial User shall give written notice of this request therefore, within thirty (30) days after receipt of such denial. The Village Board of Trustees shall review the permit application, the written denial and such other evidence, written and oral, and matters as the applicant and the Director of Public Works shall present. The decision of the Village Board of Trustees shall be final.
- c) Any person, including the User, may petition the Superintendent or Laboratory and Technical Services Supervisor to reconsider the terms of an individual or general permit within thirty (30) days of issuance of the permit.
 - 1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - 2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - 3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - 4) If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of appeal.
 - 5) If the request to reconsider or modify a permit is denied by the Superintendent, the Industrial User may obtain review of the denial by the Village Board of Trustees, provided that the Industrial User shall give written notice of this request therefore, within thirty (30) days after receipt of such denial. The Village Board of Trustees shall review the permit application, the written denial and such other evidence, written and oral, and matters as the applicant and the Director of Public Works shall present. The decision of the Village Board of Trustees shall be final.

Section 23-33e. - Reporting Requirements for Permittee.

- a) Report on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, an Industrial User subject to Pretreatment Standards and Requirements shall submit to the Village of Addison control authority a report containing the information as described paragraphs 1-3 below.

For Industrial Users subject to equivalent mass or concentration limits established by the Village in accordance with the procedures in 403.6(c), this report shall contain a reasonable measure of the Users 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.

1) Flow Measurement

The User shall submit information showing the average measured daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- i) Regulated process streams; and
- ii) Other streams as necessary to allow use of the combined wastestream formula as outlined in 40CFR403.6(e).

The Village of Addison control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

2) Measurement of pollutants

- i) The user shall identify the Pretreatment Standards applicable to each regulated process;
- ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;
- iii) Sampling of discharge shall be performed as described in Section 33-33c.(b)(3)(O) of this document; with the exception of subparts iii and v.
- iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
- v) Samples should 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 pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance

403.6(e) this adjusted limit along with supporting data shall be submitted to the Village of Addison control authority;

- vi) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;
- vii) The report shall indicate the time, date and place, of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3) Certification.

A statement, reviewed by an authorized representative of the Industrial User (as defined in Section 23-33i.) and certified to by an Illinois registered professional engineer, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance O) and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

b) Periodic Compliance Reports

- 1) Any User 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 Village on or before the 15th day of the months of January, April, July, and October for the preceding calendar quarter, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable pretreatment standards. For User's subject to semi-annual monitoring, a report shall be submitted on or before the 15th day of the months January and July for the preceding six-month period. In addition, this report may include requirements to record the measured or estimated average and maximum daily flows for the reporting period.

Significant Noncategorical Industrial User shall submit to the POTW once every quarter (on or before the 15th of the months of January, April, July, and October for the preceding calendar quarter) a description of the nature, concentration, and flow of the pollutants required to be reported by the Village of Addison control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto.

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

- 2) Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Director. This sampling and analysis may be performed by the POTW in lieu of the significant non-categorical industrial user. Where the POTW itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.
- 3) At the discretion of the Village, this report shall also include concentrations of BOD/COD/TSS or other pollutants specified by Village. Permittee shall sample and analyze its wastewater for BOD/COD/TSS or other pollutants at the discretion of Village as set forth in the permit issued to permittee or as outlined and dictated in the Federal Code of Regulation guidelines.
- 4) The Village of Addison may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from the intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
 - i) The Waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 23-33b.(b)(3)(S) of this Ordinance.
 - iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - iv) The request for a monitoring waiver must be signed in accordance with Section 23-33i, and include the certification statement in 23-33i.(D).
 - v) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - vi) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.

- vii) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement noted below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40CFR_____ (specify applicable National Pretreatment Standard Part), I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ (list all pollutants) in the wastewaters due to the activities at the facility since filing of the last periodic report under the provisions of Section 23-33e.(b)(4).”
 - viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Notify the Superintendent; and comply with the monitoring requirements of Section 23-33e.(b)(1) or other more frequent monitoring requirements imposed by the Superintendent.
 - ix) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- 5) If an IU subject to the reporting requirements in Section 23-33e.(b)(1) or (2) of this section monitors their effluent for any pollutant more frequently than required by the POTW, the results of this monitoring shall be included in the Discharge Monitoring Report for that period.
 - 6) At the discretion of the Village and in consideration of such factors as a local high or low flow rates, holidays, budget cycles, or individual company performance, the Village may agree to alter the months during which the above reports are submitted.
 - 7) All wastewater sampling and analysis performed for discharge monitoring must be representative of the users discharge.
- c) All Industrial Users that generate pretreatment hazardous or special wastes from a facility shall be required to submit a report to the POTW which will describe the waste disposal methods of the Industrial User. The report shall state the volume of waste produced on an average daily basis, whether it is on a dry or wet basis, the ultimate method and location of the sludge disposal and the Permit Number authorizing the disposal. The report shall be submitted with the first Periodic Compliance Report unless directed otherwise by the POTW. The IU shall also submit copies of manifests for sludge hauling, special wastes, hazardous wastes and/or waste by-products. Copies of the manifests shall be submitted to the Village as part of the periodic compliance reports.
 - d) Reporting requirements for IU's upon effective date of categorical Pretreatment Standards baseline report.

Within one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40CFR403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or

scheduled to discharge to a POTW shall be required to submit to the Village of Addison control authority, a report which contains the information listed in paragraphs 1-3 of this section and Section 23-33e.(a)(1) and (2).

Where reports containing this information already have been submitted to the Director of Public Works in compliance with the requirement of 40 CFR 126.140(b)(1977), the Industrial User will not be required to submit this information again. At least ninety (90) days prior to 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 POTW a report which contains the information listed in paragraph 1 of this section and Section 23-33e.(a). 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 Section 23-33e.(a)(1) and (2).

1) Identifying information.

The User shall submit the name and address of the facility including the name of the operator and owners;

2) Permits. The User shall submit list of any environmental control permits held by or for the facility;

3) Description of operations.

The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

Section 23-33f. - Monitoring Facilities.

a) All Significant Users shall provide and operate at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems. Such monitoring facilities shall be provided at the end of a process and/or at the end of the pretreatment as required for Industrial Users subject to Categorical Standards. Pollutant concentrations and other prohibitions will be monitored at the end of the pipe. The monitoring facility will normally be situated on the Users premises but the Village may, when such a location would be impractical or 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. (Also reference Chapter 20-54)

b) Whenever required by permit, any Significant Users 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 Village installed and maintained at all times at User's expense, which shall have ample room in each sampling chamber to permit the Village to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the Village twenty-four (24) hours per day, seven (7) days per week.

1) The IU may be required to install a Palmer-Bowlus, Parshall flume or equivalent in each sampling chamber unless a weir or similar device is approved by the Village with a

recording and totalizing register for measurement of the liquid quantity or,

- 2) At the discretion of the Village the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the Village that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Village is made in the metered water supply to determine the liquid waste quantity. Categorical Significant Industrial Users (SIU's) shall be required to read and record the incoming water meter on a daily basis. Non-Categorical SIU's may be allowed to read the water meter at the beginning and end of the reporting period to calculate the daily average flow.
 - 3) Sampling shall be performed as required by the User's Wastewater Discharge Permit. The Village shall have the right to perform its own sampling at any reasonable time.
 - 4) The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the Village.
- c) All measurements, tests, and analyses to which reference is made in this Ordinance shall be determined and performed in accordance with 40 CFR Section 403.12(g), as amended from time to time where sampling and analytical techniques are not contained in said Federal Register reference, or are inappropriate for a pollutant, sampling and analyses should be performed using validated analytical methods as approved by the Village.
- d) All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Section 23-33g - Inspection, Sampling and Records Keeping.

- a) The Village may inspect the facilities of all Industrial Users and/or require the completion of an industrial survey form provided by the Village to ascertain whether the purposes of Chapter 23 are being met and if all requirements of Chapter 23 are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which records are kept shall allow the Village or its representative ready access upon presentation of credentials to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by Chapter 23, and in the performance of any of their duties. The Village shall have the right to set up on the User's property such devices as are necessary to conduct sampling, monitoring and metering operations of wastewater and sludges. Where a User has security measures in force which would require suitable identification necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by Users with their security guards within thirty (30) days of the enactment of Chapter 23.
- b) The Village and Industrial Users shall maintain records of all information resulting from any monitoring activities required by this Ordinance and, in the case of Industrial Users, 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 use; and
 - 5) The results of such analyses.
- c) The Village and Industrial Users shall maintain such records for a minimum of three (3) 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 operation of Village pretreatment program or when requested by the USEPA Regional Administrator or the Director of IEPA.

Section 23-33h. - Confidential Information.

- A) Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the Village, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. All effluent data shall be available to the public without restriction.
- B) Private information (as defined in Sec. 2 of 5 ILCS 140/1 of the Freedom of Information Act as “unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person”), is exempt from release unless its disclosure is required by another provision of FOIA, a different State or federal law, or a court order.
- C) When requested by the person furnishing a report, and until such time as the Village 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 related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, and for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.
- D) Information and data provided to the Village which is effluent data shall be available to the public without restriction.
- E) Information accepted by the Village as confidential shall not be transmitted to the general public by the Village until and unless a thirty-day notification is given to the User.
- F) The Village shall implement measures to prevent the negligent release of confidential information; however, neither the Village nor its employees shall be held legally responsible for release of information.

Section 23-33i. - Signatory Requirements for IU Reports.

The reports required by Section 23-33c., 23-33e.(a), and 23-33e. shall include the certification statement as set forth in 40CFR403.6(a)(2)(ii), and shall be signed as follows:

- A) By a responsible corporate officer, if the Industrial User submitting the reports required by Section 23-33c. of this document is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - ii) the manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual or general wastewater discharge permit requirements; where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B) By a general partner or proprietor if the Industrial User submitting the reports required by Section 400.115(A) of this document is a partnership or sole proprietorship respectively.
- C) By a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee, if the User is a Federal, State, or local government.
- D) By a duly authorized representative of the individual designated in paragraph (A), (B), or (C) of this section if:
 - i) The authorization is made in writing by the individual described in paragraph (A), (B), or (C);
 - ii) The 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.
- E) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

SECTION 23-34. - ENFORCEMENT PROCEDURES AND MANAGEMENT SYSTEM

Section 23-34a. -	Publishing Lists of IU’s with Significant Violations
Section 23-34b. -	General Description of Enforcement management System
Section 23-34c. -	Enforcement Management System
Section 23-34d. -	Department of Public Works: General Responsibilities
Section 23-34e. -	Enforcement Procedures
Section 23-34f. -	Enforcement Actions
Section 23-34g. -	Additional Remedies

Section 23-34a. - Publishing Lists of IU’s with Significant Violations.

General Pretreatment Regulations require the Village of Addison to publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Village of Addison, a list of industrial users which were significantly violating applicable pretreatment standards and requirements during the previous twelve months as outlined in 40CFR403.8(f)(2)(vii)(A)-(H).

Section 23-34b. - General Description of Enforcement Management System.

The purpose of the Village of Addison POTW Enforcement Management System is to provide guidance for Addison’s staff in all phases of enforcement related to Addison’s Industrial Pretreatment (IPT) Program. General guidance has been provided by the Village of Addison Board of Trustees by Chapter 23, but specific application of that general guidance to the range of possible enforcement actions is needed. The Enforcement Management System and Enforcement Response Guide (ERG) are intended to implement portions of Chapter 23 and/or PIRT requirements as per 40CFR403.8(f)(5).

Section 23-34c. - Enforcement Management System.

Chapter 23 implements Addison’s Pretreatment Program mandated by the Clean Water Act and the General Pretreatment Regulations. It provides local limitations on discharges in Section 23-32, permits for categorical and significant industrial users in Section 23-33, describes enforcement actions and enforcement response in Section 23-34, and describes penalties and costs in Section 23-35. The enforcement philosophy is progressive; that is, problems are intended to be addressed at the lowest level and with the least formality possible consistent with the specific problem, however, no enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations as defined, Formal Enforcement Compliance Actions may be initiated immediately without the use of Letters of Violation, Compliance Meeting, Compliance Schedules and/or Compliance Directives.

Section 23-33 of Chapter 23 requires that all categorical, or significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits may be for a period as long as five (5) years, and may limit wastewater constituents and flows, may require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents Addison’s first means of controlling the wastewater discharge by categorical, or significant industrial users. The IPT permit also represents a major enforcement tool for Addison’s use against industrial users violating Addison’s IPT Ordinance.

Section 23-34d. - Department of Public Works: General Responsibilities.

Section 23-34d.1. - General.

The Enforcement Management System is administered by the Superintendent, Public Works Department, under the general supervision of the Public Works Department Director. The Public Works Superintendent may delegate tasks to his subordinates. The Superintendent shall maintain complete, accurate records of activities conducted as part of the Enforcement Management System and render periodic reports to the Village of Addison Board of Trustees at such frequency and in such detail as the Board shall determine. Specific responsibilities are set forth in succeeding sections of this document.

Section 23-34d.2. - Collection and Dissemination of Information.

For each industrial user, the Superintendent, or his/her designee, shall determine what data is required or needed to determine compliance with applicable pretreatment standards as well as when, how, and in what time frame it can be obtained. The Superintendent, or his/her designee, shall specify reporting requirements for each industrial user in its permit as required by United States Environmental Protection Agency and shall then track the submission of reports. If information submitted is deficient or late, the industrial user shall be notified (within thirty (30) days) and required to complete the submission as detailed in the appropriate enforcement response.

Baseline monitoring reports, 90-day compliance reports, reports required by the compliance directives and continuing compliance reports as received shall be retained for at least three years under the provisions of 40CFR403.112(n).

The Superintendent, or his/her designee, shall notify significant industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR, Part 403.8(f)(2)(iii). By reporting the results of Village of Addison sampling and analysis to industrial users, the Superintendent, or his/her designee, will provide feedback to users on compliance status and inform industrial users of their compliance with Addison's enforcement requirements and Addison's general responses to instances of noncompliance.

Section 23-34d.3. - Sampling and Inspection of Industrial Users.

The Superintendent shall prepare and continually update an inspection plan for field investigations including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor industrial user self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. Village of Addison personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications. The Superintendent shall further develop such checklists, procedures, and frequencies for routine inspections and sampling as are necessary to assure that the results of each visit are documented and notify industrial users of any deficiencies found during any inspection and/or inspection POTW sampling and inspections of all SIU's shall be in as outlined in 40CFR403.8(f)(2)(v). Investigation and/or sampling collection follow-up reports shall be mailed to the IU within thirty (30) days following the inspection and/or sample collection results. The Superintendent shall advise Region V of the Environmental Protection Agency and the Illinois Environmental Protection Agency of its routine and special field investigation activities each year. Joint investigations of industrial users with the Environmental Protection Agencies may be conducted by mutual agreement.

Section 23-34d.4. - Compliance Screening.

Using all available information, the Superintendent, or his/her designee, shall conduct an initial compliance review or screening process to determine and assess compliance with schedules, reporting requirements and

applicable pretreatment standards within five (5) working days. Such screening shall be undertaken at quarterly Discharge Monitoring Report (DMR) Submittal Review. Reviews completed under this section are designed to identify apparent violations rather than determining an appropriate enforcement response to such apparent violations.

During the screening process, the reviewer shall verify that any required reports are submitted on schedule, that they cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with the requirements in the industrial user's permit. Discrepancies between information provided and information required by Chapter 23 and/or the Industrial Users Permit shall be considered to be a violation of the ENVIRONMENTAL MANAGEMENT SYSTEM. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

SECTION 23-34e. - ENFORCEMENT PROCEDURES

Section 23-34e.1. - Enforcement Evaluation.

Violations and discrepancies identified during the compliance screening process will be reviewed by the Superintendent, or his/her designee, within five (5) working days to evaluate the type of enforcement response required. The enforcement response guide will be used for this determination, however, enforcement shall be initiated within thirty (30) days, unless the violation threatens health, property, or the environment, which in those cases, the violations shall receive immediate response.

The Public Works Superintendent, or his/her designee, will set deadlines for industrial users to respond to letters of violation. If contacts and commitments are oral, they will be confirmed in writing to preserve the record.

Section 23-34e.2. - Significant Non-Compliance (SNC).

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of industrial users as being in Significant Noncompliance (SNC) allows Addison to establish priorities for enforcement action and provides a means for reporting on the significant industrial user performance summary. Instances of SNC are industrial user violations which meet one or more of the following criteria and/or criteria as set forth in 40CFR403.8(f)(2)(vii):

- a) Violations of Wastewater Discharge Limits.
 - 1) Chronic Violations. A pattern of significantly violating applicable pretreatment standards and/or requirements set forth in Village of Addison, Chapter 23, or IPT Permit, indicated by sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined.
 - 2) Technical Review Criteria (TRC) Violations. Equal to or greater than thirty-three percent (33%) of the measurements exceed the same daily maximum limit or the same average limit, including Instantaneous Limits as defined, by more than the TRC in a six month period. The Technical Review Criteria (TRC) for BOD, TSS and Oil and Grease is 1.4 X limit. All other pollutants are 1.2 X limit except pH.

- 3) Any other violation or violations of an effluent limit (daily maximum, Instantaneous Limit, or longer-term average) that has or have caused, alone or in combination with other discharges, interference (e.g. slug loads or contamination of sludge) or pass-through as defined in Chapter 23; or endangered the health of Village of Addison personnel or the public.
- 4) Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the Village of Addison exercise of its emergency authority to halt or prevent such a discharge.
- 5) Violations of compliance schedule milestones, contained in compliance directive or plan approved following a Compliance Directive, for starting construction, completing construction, and attaining final compliance by ninety (90) days more after the schedule date, unless due to good and valid cause.
- 6) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports), within 45 calendar days from the due date. When Addison returns such reports to a permittee because they are incomplete, inaccurate or improper, failure to resubmit corrected reports within forty-five (45) days to the Village of Addison.
- 7) Failure to accurately report noncompliance.
- 8) Reporting false information.
- 9) Failure to install monitoring facilities.
- 10) Discharging without permit or approval or when such discharge causes, alone or in combination with other discharges, interference or pass-through including endangerment to the health of POTW personnel or the general public.
- 11) Refusal by significant industrial user to allow access by Addison POTW personnel to its premises with proper ID.
- 12) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- 13) Any other violation(s), which may include a violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the industrial pretreatment program.
- 14) Any other violation or group of violations of similar nature to those set forth in Paragraphs A(1)-(14) which the Village of Addison considers to be significant.

When an industrial user is in Significant Noncompliance (SNC), the Village of Addison shall (1) report such information to the Environmental Protection Agency Region V part of the Pretreatment Annual Report; (2) list the industrial user in the Village of Addison newspaper in accordance with 40CFR403.8(f)(2)(viii) as having significant violations; and (3) address the Significant Noncompliance (SNC) through appropriate enforcement action.

Section 23-34e.3. - Affirmative Defenses to Discharge Violations

a) Upset

- 1) For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the 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.
- 2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- 3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - A. An upset occurred and the user can identify the cause(s) of the upset;
 - B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - C. The user has submitted the following information to the Superintendent, or his/her designee, within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- 5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- 6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

b) Prohibitive Discharge Standards

- 1) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 23-32b.(a) of this ordinance or the specific prohibitions in Section 23-32b.(b) through Section 23-32b.€ [not including 23-32b.(b)(1) and 23-32b.(b)(3)] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Village of Addison was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

c) Bypass

- 1) For Purposes of this Section,
 - A. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - B. 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 a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraph (3) and (4) of this section.
- 3) Bypass Notifications
 - A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, or his/her designee, at least ten (10) days before the date of the bypass, if possible.
 - B. A user shall submit oral notice to the Superintendent, or his/her designee, of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent, or his/her designee, may waive the written report on a case-by-case basis if the oral report has been received

within twenty-four (24) hours.

4) Bypass

- A. Bypass is prohibited, and the Superintendent, or his/her designee, may take enforcement action against a User for a bypass, unless
- i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. The user submitted notices as required under paragraph (3) of this section.
- B. The Superintendent, or his/her designee, may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (4)(A.) of this section.

SECTION 23-34f. - ENFORCEMENT ACTIONS

INFORMAL AND FORMAL MEANS OF ENFORCEMENT

Means of enforcement available to the Village of Addison are:

Informal Actions

- Informal Notice to Industrial User, including verbal warnings by telephone or in person.
- Compliance Inquiry Letter
- Informal Review Meetings
- Other informal actions as deemed necessary by Addison POTW

Formal Actions

- Notice of Violation
- Pre-enforcement Compliance Meeting
- Compliance Directives
- Enforcement Compliance Monitoring
- Administrative Penalties
- Civil Penalties
- Revocation of Permit Procedures
- Order to Show Cause Regarding Disconnection and Appeal Procedure
- Termination of Service
- Civil Suit for Injunctive Relief
- Other Formal Actions as deemed necessary by Addison POTW

Description of Enforcement Activities / POTW Officials Who Are Responsible For Enforcement Response Initiation

The categories of enforcement activities are described in the succeeding paragraphs. No enforcement procedure outlined within this section, or the Enforcement Response Guide is contingent upon the completion of any less informal or formal procedure. For particularly severe violations as defined, Formal Enforcement Compliance Actions may be initiated immediately without the use of Letters of Violation, Compliance Meeting, Compliance Schedules and/or Compliance Directives. The POTW Officials who shall be responsible for the initiation of enforcement procedures shall be the Public Works Director, Superintendent of Public Works, the Laboratory and Technical Services Supervisor, or the Laboratory Technician.

The Laboratory and Technical Services Supervisor and Laboratory Technician shall be responsible for the inspection of all facilities, review of records, and determination of compliance with reporting requirements and effluent standards. The Laboratory and Technical Services Supervisor shall determine the appropriate level of enforcement, and carry out all informal actions, and formal actions up to and including Civil Penalties.

The Director or Superintendent of Public Works or Laboratory and Technical Services Supervisor shall carry out all enforcement action above Civil Penalties, to include Revocation of Permit, Show Cause Hearing, Termination of Service, and Injunctive Relief.

Section 23-34f.1 - INFORMAL ACTIONS

Informal Notice to Industrial User. Informal notice consists of personal contact, telephone calls or reminder letters to an appropriate official of an industrial user. The Public Works Superintendent or Laboratory and Technical Services Supervisor may use such a call or letter to notify industrial user of a minor violation and to seek an explanation, suggest the exercise of more due care or notify the violator that subsequent violation of the same type may be dealt with more severely. Such informal notice may be used to correct minor inadvertent noncompliance and to demonstrate that the Village will note and follow up on all instances of noncompliance. Instances of informal notice shall be reduced to writing to preserve the record.

Section 23-34f.1.a - Compliance Inquiry Letter (CIL).

A Compliance Inquiry Letter (CIL) is a written notice to the industrial user that the Addison POTW has observed a violation of pretreatment standards or requirements and expects the noncompliance to be corrected and explained together with a statement that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. A Compliance Inquiry Letter (CIL) shall also state that an explanation of the violation does not excuse it or any previous violations. Compliance Inquiry Letter (CIL) may be sent to certified mail, return receipt requested, with copies maintained in the industrial user's file.

The industrial user is hereby required to submit to the Village of Addison within fifteen (15) days of the date of the letter a written response to the cause of the violation and steps taken to prevent future excursions.

Section 23-34f.1.b - Informal Review Meetings.

Where violations of Village of Addison Ordinances have occurred, or appear to have occurred, the user may be notified by the Superintendent, or his/her designee, in writing, as to the particulars of the violation and call for a voluntary meeting with the industrial user. The meeting held shall be called an Informal Review Meeting. Informal Review Meetings are intended to provide a voluntary means of preventing future violations of Addison's Pretreatment Program.

Section 23-34f.2 - FORMAL ACTIONS

Section 23-34f.2.a - Notice of Violation/Pre-Enforcement Compliance Meeting.

In cases where, following a review meeting or CIL, continued violations occur or where violations of themselves are either of significant magnitude or duration, a user may be required through a Notice of Violation (NOV) to attend a "Pre-Enforcement Compliance Meeting"(PECM). The Notice of Violation (NOV) shall contain the particulars of such violation(s) and set a time and place for the Pre-Enforcement Compliance Meeting. Attendance is mandatory by the industrial user and failure to comply with such a notice may result in an order for Show Cause Hearing or suit for fines or penalties or such other remedies as are provided by Village Chapter 23. The Pre-Enforcement Compliance Meeting (PECM) shall establish procedures, investigations, studies and compliance measures as the Village deems necessary and desirable to control and prevent violation of this Chapter 23. The industrial user shall cooperate fully with the Village in making such investigations and studies. Following the completion of the PEC Meeting, as described in Section 23-34f., the Village may issue compliance directive(s), or enter into a consent order, specifying actions to be undertaken. Actions may include studies to identify and solve the problem, installation of pretreatment, and/or other actions deemed necessary. Time tables may be established to complete any such actions as are required. Failure to comply with Compliance Directive(s) from the Village of Addison shall be deemed a violation of the provisions of this Ordinance and may be grounds for Enforcement Compliance Monitoring, revocations of the Industrial Users Wastewater Discharge Permit, and/or grounds for such other action as may be authorized for violation of Chapter 23.

Section 23-34f.2.b - Issuance of Citations, Administrative and Civil Penalties.

Issuance of Citations, Administrative and Civil Penalties for violations of the Terms and Conditions of this Ordinance shall be as outlined in Section 23-35a.

Section 23-34f.2.c - Order To Show Cause Regarding Disconnection and Appeal Procedure.

The Village may order any user who causes or allows an unauthorized discharge or violates Addison's pretreatment program to show cause before the Village of Addison Board of Trustees why the Village of Addison Board of Trustees or its designee, should not revoke the user's wastewater discharge permit or take such other enforcement action as is dictated by the facts of the case. The Public Works Director, or designee, shall issue such Orders for Show Cause Hearings and they shall be served upon the user specifying the time and place of a hearing to be held by the Board of Trustees, or its designee, of the Village of Addison regarding the violations, the reasons why the action is to be taken, the proposed enforcement action and shall direct the user to show cause before the Board why such action should not be taken. The notice of hearing shall be served personally or by certified or registered mail. Service may be made on any agent or officer of a corporation or agent of a partnership. Show Cause Hearings shall be conducted by the Board of Trustees, or its designee, as specified in Village Chapter 23.

Subpoenas shall be issued by the Mayor of the Village of Addison, or designee, upon request of any party to compel attendance of witnesses at such hearing. All testimony shall be under oath in accordance with rules of procedure and evidence developed by Addison's Board of Trustees for the conduct to show cause hearings.

Following such hearing, Addison's Board of Trustees may take such action as it deems appropriate in the circumstances, including, but not limited to/seeking injunctive relief, revocation of permit, direction that discharge be ceased immediately or after a specified period of time, that suit be instituted against the industrial user to collect fines and penalties or to terminate service or for such other purposes as directed by Addison Board of Trustees. A formal notice of the hearing results shall be sent, by certified or registered mail, to the Industrial User.

In the event a User is dissatisfied with the final hearing decision, the User shall file a written protest to the Village of Addison, Board of Trustees within ten (10) days of receipt of the notice. An Arbitration Board shall be formed by the Public Works Director, or his designee, comprised of one attorney appointed by the Village of Addison, one attorney appointed by the User, and one selected and agreed to by the two appointees. The final ruling by a majority of the Arbitration Board shall be binding to both parties, and the costs for services of the Arbitration Board shall be shared equally by both parties.

Section 23-34f.2.d - Revocation of Permit.

a) Conditions for Revocation

Any User who violates Chapter 23, its permit, the Illinois Environmental Protection Act or the Federal Act, or regulations promulgated under either act, or any of the following, is subject to having its permit revoked in accordance with the procedures of this Section 23-34f.2.d.

- 1) Failure of a User to factually report the wastewater constituents and characteristics of its discharge as determined by the User's or Village analysis.
- 2) Failure of the User to report significant changes in process activity or wastewater constituents and characteristics.
- 3) Refusal of reasonable access to the User's premises by Village representatives for the purpose of inspection or monitoring. or
- 4) Tampering with, disrupting, or destroying Village equipment.
- 5) Failure to report an accidental discharge of a pollutant.
- 6) Failure to report an upset of User's treatment facilities.
- 7) Violations of conditions of the permit.
- 8) Failure to comply with Compliance Directives as outlined in Section 23-34f.2.

b) Procedures for Revocation

- 1) The Village may order any User who causes or allows any action which is subject to revocation under Section 23-34f. above to show cause before the Village of Addison Board of Trustees, or its designee why its permit should not be revoked. A notice shall be served on the User specifying the time and place of hearing to be held by the Village of Addison Board of Trustees or its designee regarding the violation, the reasons why the action is to be taken, the proposed action, and directing the User to show cause before the Village of Addison Board of Trustees or its designee why its wastewater discharge permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days prior to the hearing. Service may be made on any agent or office of a corporation.
- 2) The Village of Addison Board of Trustees or its designee may conduct the hearing and take the evidence, and may:

- A) Issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - B) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village of Addison Board of Trustees or its designee for action thereon.
- 3) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded steno-graphically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefore.
- 4) After the Village of Addison Board of Trustees or its designated hearing officer(s) has reviewed the evidence, it may issue an order to the User responsible for the discharge directing either
 - A) that the discharge permit be revoked and the service be disconnected or
 - B) that following a specified time the permit shall be revoked and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the discharge permit or
 - C) direct the User to cease the unauthorized discharged effective after a specified period of time or
 - D) that such other relief as deemed necessary by the Village of Addison Board of Trustees or its designated hearing officer(s) to abate the discharge be granted. Further orders and directives as are necessary may be issued.
- 5) Following an order of revocation, the User shall cease discharging to the Village POTW. Failure to do so shall be evidence of continuing harm to Village and provide grounds for the granting of injunctive relief or temporary restraining orders.
- c) Appeal Procedure
 - 1) The Appeal Procedure for the Industrial User shall be as outlined in Section 23-34f.2.c

Section 23-34f.2.e - Immediate Disconnection of Service.

- a) Conditions for Immediate Disconnection of Service

Any 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 Village to present an imminent endangerment to the health or welfare of persons; or
- 2) Whenever the User's Wastewater Discharge Permit is revoked.

b) **Procedures for Immediate Disconnection**

- 1) Notwithstanding Sections 23-34f.(2), 23-34f.(2)(c) or 23-34f. (2)(d), the Public Works Director shall have the authority, after informal notice to the User, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Director of Public Works determines that such an emergency situation exists, he shall issue a verbal order (followed by a written order) to the User stating the problem and requiring immediate cessation and desist of the discharge. The Director actions may include disconnection of wastewater collection service. The Director shall obtain the concurrence of the Village Attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between User and Village employees, telephone calls, letters, hand delivered messages or notices posted at the User's premises or point of discharge.

Section 23-34f.2.f - Elimination of Discharge/Reinstatement.

Any user notified of a disconnection of wastewater treatment service under Sections 23-34f.(2) or 23-34f.(2)(d) and/or revocation of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the User to comply voluntarily with the disconnection or revocation order, the Village shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any individuals. The Public Works Director shall reinstate the Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

Section 23-34f.2.g - Injunctive Relief.

The Village may institute a civil action for an injunction to restrain continuing violations of Chapter 23.

Section 23-34g. - Additional Remedies.

- a) In addition to remedies available to Village set forth elsewhere in Chapter 23, if the Village is fined by the State of Illinois or USEPA for violation of the Village NPDES Permit or violation of water quality standards as the result of a discharge of pollutants, then the fine, including all Village legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible User. Such charge shall be in addition to, and not in lieu of, any other remedies Village may have under Chapter 23, statutes, regulations, at law or in equity.
- b) If the discharge from any User causes a deposit, obstruction, or damage to any of the Village wastewater facilities, the Director of Public Works 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 causing such deposit, obstruction, or damage.
- c) The remedies provided in Chapter 23 shall not be exclusive and the Village may seek whatever other remedies are authorized by statute, at law or in equity against any person violating the provisions of Chapter 23.
- d) In addition to any fine levied under Section 23-35, the Village may, where the circumstances of

the particular case so dictate, seek injunctive relief to prohibit the User from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

Section 23-35 PENALTIES AND COSTS

- Section 23-35a. - Penalties and Costs**
- Section 23-35b. - Falsification**
- Section 23-35c. - Recovery of Costs Administrative Fines**

SECTION 23-35. PENALTIES AND COSTS

Section 23-35a. - Civil Penalties and Costs /Costs.

Any User who is found to have violated an order of the Village or who has failed to comply with any provision of this Ordinance and the orders, rules and regulations and permits hereunder, shall be fined in an amount not less than one thousand dollars (\$1,000.00) nor more than a maximum of five thousand dollars (\$5,000.00) for each such violation in accordance with PIRT requirements and in accordance with the Terms and Provisions of the Illinois Municipal Code (Ill. Rev. Stat. Chapter 24, Section 11-141-1 et seq.) For the purpose of this section, each day, as defined, in which any such violation shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in Section 23-32 of Chapter 23 found to exceed the limits established in this ordinance during any such day, as defined. In addition to the penalties provided herein, the Village may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit in equity against the User found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder. Upon obtaining knowledge that civil penalties have not been paid within the specified time frame, the Village of Addison may begin non-payment actions as outlined in the guidelines set forth in Section 20-64, Section 23-24, Section 23-25, Section 23-26 and/or other methods outlined in Village Codes.

Section 23-35b. - Falsification.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be subject to the penalties and costs provided in Section 23-35a. and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) and/or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed thirty (30) days.

Section 23-35c. - Recovery Of Costs Incurred/ Late Report Administrative Fines.

- A) In addition to the provisions set forth in Section 23-01i., and, Section 23-35a., any IU who violates any parameter, or provision set forth in the Industrial Pretreatment Ordinance and/or IPT Permit which places the IU in Non-Compliance, shall be liable to the Village for any and all expenses incurred by the Village, including but not limited to the expense of resampling. If resampling is required by the Industrial Pretreatment Ordinance and/or an IPT permit, the IU shall reimburse the Village in the amount of one hundred seventy-five dollars (\$175.00) for grab samples and/or two hundred twenty-five dollars (\$225.00) for any samples requiring a twenty-four (24) hour composite sampler. Procedures to protect the Village against late or non-payment for costs incurred shall follow the guidelines outlined in Section 20-64, Section 23-24, Section 23-25, Section 23-26 and/or other methods outlined in Village Codes.

- B) Any IU who fails to file any report so required by this Ordinance within the time allotted shall be subject to a late filing fee of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, three hundred dollars (\$300.00) for the third offense, four hundred dollars (\$400.00) for the fourth offense, and Formal Legal Action after the fourth offense during a twelve-month period (any magnitude of excursion). Any report that is submitted forty-five (45) days or more after the due date falls into Significant Non-Compliance (SNC) and is subject to all provisions outlined under enforcement actions for SNC. (Ord. 26-39)

The Village Clerk of the Village of Addison be and is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois made and provided.