

Chapter 13.12

**SEWERS**

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### **13.12.100 Purpose and Policy**

This chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the purpose of enabling the City to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This chapter shall apply to all Users of the Publicly Owned Treatment Works. The chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **13.12.110 Administration**

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

### **13.12.120 Abbreviations**

The following abbreviations, when used in this chapter, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- FOG - Fats, oil and grease

- GPD - gallons per day
- IEPA - Illinois Environmental Protection Agency
- MG/L - milligrams per liter
- NPDES- - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

### 13.12.130 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

1. Accidental Discharges. Unplanned release of substances either directly or indirectly in such magnitude to cause substantial effects on receiving systems or treatment processes. Release is the result of accident, act of nature or operational malfunctions.
2. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
3. Administrator. The Administrator of the United States Environmental Protection Agency.
4. Applicable Pretreatment Standards. For any specified pollutant, the prohibitive discharge standards, specific limitations on discharge, the State of Illinois pretreatment standards or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.
5. Approved. Item or procedure must meet the conditions of and be accepted by the City of St. Charles.
6. Approval Authority. USEPA
7. Authorized Representative.
  - a. If the User is a corporation:
    - 1) The president, secretary, treasurer, or a 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
    - 2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c. If the User is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - d. If the User is a limited liability partnership, limited liability company, or any other entity not previously described:
    - 1) a person in charge of principal business functions or any other person who performs similar policy or decision-making functions for the entity; or
    - 2) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred-fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with the entity's procedures; or

- 3) any person having written authorization satisfying the requirements of paragraph e from such entity.
- e. The individuals described in paragraphs a through d, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- f. If an authorization under paragraph e is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph e must be submitted to the City prior to or together with any reports to be signed by an authorized representative.
8. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 °C centigrade, usually expressed as a concentration (e.g., mg/l).
9. Building Sanitary Sewer. A sewer, which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.
10. Building Storm Sewer. A sewer, which carries storm drainage, surface water, foundation drainage and roof drainage but excludes sewage and industrial wastes from the building plumbing to a public storm sewer or natural outlet.
11. Bypass. The intentional diversion of waste streams from any portion of a User's treatment facility.
12. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA 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 40 CFR Chapter I, Subchapter N, Parts 405-471.
13. Carbonaceous Biochemical Oxygen Demand or CBOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter, excluding the quantity of oxygen utilized for nitrogenous oxygen demand.
14. City. The City of St. Charles, Kane and DuPage Counties, Illinois.
15. Compatible Pollutant. Biochemical oxygen demand, suspended solids, FOG, pH and fecal coli form bacteria.
16. Composite Sample. Sample of wastewater based on a flow proportional or time proportional method.
17. Concentration Limitations. The limits imposing the amount of a given substance in a discrete unit volume of a solution or applied to a unit weight of solid.
18. Control Authority. The City of St. Charles.
19. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.
20. Director of Public Works. The Director of Public Works of the City, or his authorized deputy, agent or representative.
21. Discharge. The discharge of treated or untreated wastewater to the POTW.
22. Discharger. Any person, firm, establishment, or institution, which discharges wastewater, excluding inflow and infiltration, to a sanitary sewer, which eventually leads into a City-owned sanitary sewer or treatment plant. Each single connection is a separate discharge by a discharger. "User" is used interchangeably with "Discharger".
23. Easement. An acquired legal right for the specific use of land owned by others.
24. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director of Public Works, or other duly authorized official of said agency.

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25. Environmental Remediation Water. Discharges from soil and/or groundwater remediations.
26. Existing Source. 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.
27. FOG. Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by freon solvent.
28. Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
29. General Pretreatment Regulations. The General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403, as amended.
30. Grab Sample. A sample, which is taken from a waste stream with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
31. Hazardous Waste. Any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
32. Illinois Act. The Environmental Protection Act, as amended 415 ILCS 5/1 et seq.
33. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
34. Incompatible Pollutant. Any pollutant which is not a compatible pollutant as defined in this section.
35. Industrial User. A source of indirect discharge, including but not limited to, a manufacturing, commercial or process facility, or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders services to the public.
36. Industrial Wastes. The liquid wastes from industrial processes as distinct from sanitary sewage.
37. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
38. Interference. A discharge, which, 1) alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW, its treatment processes or operations or its sludge processes, use or disposal; and, 2) therefore, is a cause of a) a violation of any NPDES permit or other permit of the City issued by any State or Federal agency or b) of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or of permits issued thereunder, or of any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
39. Local Limits. Limits on discharges established by the City in Section 13.12.430.
40. Mass Limitation. Limits imposed upon a discharger based upon volumes or concentrations that are converted to weight units.
41. Medical Waste. 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.
42. Milligrams per liter. A unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in one thousand milliliters of water.
43. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the USEPA 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 40 CFR Section 403.5.
44. Natural outlet. Any outlet into watercourse, pond, ditch, lake or other body of surface water or groundwater.
45. New Source.
- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication in the Code of Federal Regulations 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 307(c), provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
  - (2) A site at which an existing source is located and where construction results in a modification rather than a source as defined in Paragraph 43(1) above, provided the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraph 43 (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (3) A site where construction has commenced, including where the owner or operator has:
    - (a) Begun, or caused to begin, as part of a continuous onsite construction program,
      - (i) any placement, assembly, or installation of facilities or equipment; or
      - (ii) site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation of new source facilities or equipment; or
    - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
46. Non-Residential Dischargers. All dischargers excluding residential dischargers.
47. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
48. NPDES Permit. Any permit or equivalent document or requirements issued by the Administrator or, where appropriate, by the Director of the IEPA, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.
49. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of a City NPDES Permit, including an increase in the magnitude or duration of a violation.
50. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, limited liability company, limited liability partnership,

- governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
51. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
  52. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
  53. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
  54. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.
  55. Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
  56. Prohibited Discharge Standard. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR Part 403.5.
  57. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; such prohibitions appear in Section 13.12.400.
  58. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant owned by the City.
  59. RCRA. The Resource Conservation and Recovery Act, Public Law 94-482 including all subsequent amendments and applicable regulations promulgated pursuant thereto.
  60. Required. That the tasks stated must be done.
  61. Residential User or Commercial User. A nonindustrial User and means any User of the treatment works not classified as an Industrial User or excluded as an Industrial User by this Chapter.
  62. Shall and May. shall is required; may is permissive.
  63. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
  64. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
  65. Significant Industrial User.
    - (1) A User subject to categorical pretreatment standards; or
    - (2) A User that:
      - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
      - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
      - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
    - (3) Upon a finding that a User meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a

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petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

66. Slug Load or Slug. Any discharge at a flow rate or concentration which potentially would cause interference with the POTW and/or a violation of the prohibited discharge standards in Section 13.12.400. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period or duration longer than fifteen minutes, more than five times the average twenty-four hour concentration of flows during normal operation and in no event more than five times the allowable concentration of constituents set forth in this Chapter or the User's permit or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which potentially will cause interference with the POTW and/or violate prohibited discharge standards in Section 13.12.400.
67. Solid Wastes. Any trash, ashes, rags, bottles, tin cans, tree limbs, manure of domestic animals, offal, dead animals or portions thereof, foodstuffs, and wastes thereof other than normally contained in sanitary sewage and any and all other solid objects, materials, refuse or debris. The term ashes shall include the residuum resulting from the combustion of coal, coke, wood or any other material or substance and shall include soot, cinders, slag, and charcoal.
68. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
69. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
70. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. Non-filterable solids expressed in milligrams per liter, contained in wastewater and measured by the methods set forth in "Standard Methods for the Examination of Water and Wastewater" or such other method as approved by the United States Environmental Protection Agency.
71. SWDA. The Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.
72. TSS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.
73. Toxic Pollutants. Any pollutant or combination of pollutants listed in regulations promulgated by the Administrator under provision of the Act.
74. Unpolluted Water. Water of quality equal to or better than effluent criteria in effect, or water that would not cause violation of receiving stream quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
75. User. A source of indirect discharge.
76. User Severe Property Damage. 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.
77. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
78. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
79. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
80. Utility Services – Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider.

(Ord. 2010-M-9 § 1.)

**13.12.200 Sewer engineering and installation.**

All sanitary and storm sewer systems shall be engineered and installed in accordance with Chapter 16, Subdivisions and Land Improvement and 18, Flood Damage Protection, respectively, of the St. Charles Municipal Code.

**13.12.201 Overhead Sanitary Sewers**

- A. All building sewers shall be overhead sewers, and are required where the subdivision's preliminary plan was approved after the effective date of this Chapter. No building sewers shall be laid parallel to or within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in a straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- B. An overhead sewer shall be required to be constructed in the lowest level of all new structures where the lowest level is three feet below the elevation of the crown of the street adjacent to the structure when such structures contain a toilet or shower facility within the lowest level. Plumbing fixtures to be served by an overhead sewer shall drain into an ejection pit with pump and tight seal lid which meets the requirements of the Illinois State Plumbing Code. The ejector pit shall be properly sealed, vented and located to receive sewage by gravity flow from which the liquid shall be lifted and discharged into the sanitary sewer service. The discharge size of the pump shall be a minimum of two inches, and discharge line shall be equipped with a backwater check valve, and ball valve. Plumbing fixtures above the aforesaid elevation shall drain entirely by gravity and shall not be drained through the ejection pit.
- C. Where an overhead sanitary sewer system is not required by this Section, a threaded floor drain and plug shall be required to be constructed in the basement of any structure with a level lower than three feet below the elevation of the crown of the street adjacent to the residence.
- D. Where an overhead sanitary sewer system is not required by this Section, a manual shutoff valve will be required for all utility tubs which are installed in the basement of any structure with a level lower than three feet below the elevation of the crown of the adjacent street.

(Ord. 1997-M-135 § 1.)

**13.12.202 Connection permit requirements - Application and issuance.**

- A. It is unlawful to make any connection with any City sewer without first having obtained a permit therefore.
- B. Applications for connection permits shall be made to the Building Commissioner and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain from the house to the sewer pipe.
- C. No permit for connection to any City sewer shall be issued by the Building Commissioner unless it is determined that all applicable ordinances of the City are complied with including all applicable state and federal requirements.
- D. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Commissioner.

**13.12.205 Discharge of stormwater and other unpolluted drainage to sanitary sewer prohibited.**

- A. No person owning, or in possession of real estate, shall discharge, or cause or permit to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted waters to any sanitary sewer.
- B. All downspouts, outside stairwells and roof drains shall discharge onto the ground or be connected to storm sewers, drainage ditches or storm drainage systems. Footing drains shall be connected to sump

pumps and discharge shall be made into storm sewers, sewer lines connected to storm sewers, drainage ditches or storm drainage systems. Sump pumps installed to receive and discharge groundwaters or surface waters shall be connected to a storm sewer or into a drainage ditch or storm drainage system. Sump pumps installed to receive and discharge building floor drain flow, laundry tubs or other wastewater shall be connected to the sanitary sewers pursuant to Section 15.04.050. Each individual sump pump shall be used for one function only, either the discharge of uncontaminated storm related groundwaters or the discharge of wastewater.

**13.12.210 Unlawful use or construction of private sewage disposal systems.**

It is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in Section 13.12.235.

**13.12.215 Connection of certain sewers to public sanitary sewer prohibited.**

It is unlawful for any person owning or in possession of real estate to connect, permit to be connected or permit to remain connected any sewer to a public sanitary sewer which sewer receives roof drainage, foundation drainage, surface water or groundwater.

**13.12.220 Construction of combined sewers prohibited.**

It is unlawful to construct combined sewers or other facilities intended to receive both runoff and sewage. Separate sanitary sewers and separate storm sewers shall be provided.

**13.12.225 Installation of toilet facilities required by owner.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley, right-of-way, or easement in which there is now located, or may in the future be located, a public sanitary sewer of the City, are required at their expense to install suitable toilet facilities connecting directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety days after date of official notice to do so; provided, that said public sewer is within one hundred feet of the property line and any downstream portion of the wastewater facilities has sufficient capacity to handle the additional flow.

**13.12.230 Unauthorized destruction or defacement of sewage equipment prohibited.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the City sewage works.

**13.12.235 Private sewage disposal systems requirements generally.**

- A. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sanitary sewer shall be connected to a private sewage disposal system complying with the provisions of the section.
- B. Permit and Fee. No construction shall be permitted for any private sewage disposal system or for any building to be served by a private sewage disposal system, within the City limits, unless a permit for private sewage disposal system has first been obtained from Kane or DuPage Counties. In addition, no permit will be issued unless the construction is to be done by an Illinois Department of Public Health licensed private sewage disposal system contractor. All percolation tests and private sewage disposal system plans shall be completed in conformance with Kane or DuPage County regulations, based on location of property and shall conform to City ordinances. No criteria shall be less stringent than the criteria of the Illinois State Plumbing Code, 225 ILCS 320/1 and the Private Sewage Disposal Licensing Act, 225 ILCS 225/1. Percolation tests shall be conducted and evaluated under the supervision of a registered professional engineer licensed to practice in Illinois.
- C. Adoption of Code. There is adopted by the City Council those certain codes, three copies of which have been and are now on file in the Office of the Clerk of the City, which are known as the Illinois

State Plumbing Code and the Private Sewage Disposal Licensing Act, the same being hereby adopted and incorporated as fully as if set out at length herein.

- D. Inspections and Cleaning. All private sewage disposal systems installed and operated within the City limits may be subject to inspection by the City, to determine if the system is functioning properly and which determination shall include, but not be limited to, a finding concerning the following:
1. Contaminated surface or ground water;
  2. Odorant production;
  3. Depth of sludge in the septic tank;
  4. Clogged seepage field;
  5. Improper draining of the plumbing fixtures as a result of clogged septic tank and/or seepage field;
  6. Contaminated footing drain sump water.
- If, after inspection, it is determined that the private sewage system is not functioning properly, the owner and/or occupant shall be notified in writing to have the necessary work performed to correct the malfunction. If modifications to the system are required and are allowable, pursuant to the Illinois State Plumbing Code and the Private Sewage Disposal Licensing Act and Code, both as modified herein, said modifications shall be done by a licensed private sewage disposal contractor. The owner and/or occupant shall be given a reasonable amount of time. It is the responsibility of the property owner and occupant to have the septic tank cleaned no less than once every five years. The City may require the property owner to submit a copy of the paid bill for such cleaning and services rendered by a licensed private sewage disposal contractor. The City may maintain a file system to inform property owners and occupants of the necessity for cleaning the septic tank.
- E. In the event the malfunction cannot be corrected by cleaning and the property is within one hundred (100) feet of an accessible public sewer system, the private system shall be disconnected and connection made to the public sewer system.

**13.12.240 Building sewers - Requirements generally.**

- A. A separate and independent building sanitary sewer shall be provided for every building. The sanitary sewer service shall be installed to within ten (10) feet of the center of each lot or as otherwise approved by the Building Commissioner. A building having one common wall with another building is considered a separate building and shall have its own sanitary sewer.
- B. Existing building sanitary sewers and/or storm sewers may be used in connection with new buildings only when they are found on examination and test by the Building Commissioner to meet all requirements of this chapter.
- C. New building sanitary and/or storm sewers shall be installed in accordance with the standards and procedures set forth in Chapter 16.

**13.12.245 Building sewers - Owner and Occupant responsibility for cost of installation and connection.**

All costs and expense incidental to the installation and connection of the building sewers shall be borne by the owner and occupant jointly and severally. The owner shall indemnify and hold the City harmless from any liability or loss including reasonable attorney's fees arising out of or in connection with the installation of the sewer for a building, except, to the extent prohibited by law.

**13.12.250 Owner and Occupant Responsibility for Maintenance**

The owner and occupant of the premises served by the public sewer system shall jointly and severally properly maintain and operate a building service sewer, house connection or sanitary sewer line to the point of connection to the City sewer system. Maintenance means keeping the sanitary sewer connection, sewer lines and other sewer facilities in satisfactory working condition and in a good state of repair (including but not limited to preventing any obstruction of extraneous material or flows from entering said facilities,

protecting said facilities from any damage and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the facilities are intended to perform, discharge or produce.

**13.12.265 Inspections of residences to be connected to sewer system.**

- A. Upon payment of the permit fee, the Building Commissioner shall make the following inspections of each residence to be connected to the sewage system:
  - 1. An inspection shall be made at the time the sewer ditch is opened and the connection is made to the sewer system to determine that there is proper grade and connection.
  - 2. An inspection shall be made before the fill is put around the foundation and while the tile is still exposed around the foundation to see that there has been no connection of such drain tile with the sanitary sewer system. The second inspection shall also include the inspection of rough plumbing on the inside of the residence.
  - 3. A third and final inspection shall be made after the eaves-troughs and downspouts have been installed to see that there is no connection of the aforesaid with the sanitary sewer. This final inspection shall also include an inspection of the fixture connections within the residence.
- B. The provisions of the St. Charles Municipal Code relating to excavations in streets shall be complied with in making excavations in streets or other public places for sewer connections.

**13.12.300 Use of storm sewers.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to an outlet approved by the Director of Public Works. Industrial cooling water or unpolluted water may be discharged, upon approval of the Director of Public Works, to a storm sewer, or natural outlet, subject however, to the delivery of a copy of all necessary State and Federal Permits to the Director of Public Works.

**13.12.310 Unlawful discharge of polluted substances into natural outlets.**

It is unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes, or any other polluted water, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

**13.12.320 Connection of devices discharging polluting substances to stormwater drains prohibited.**

It is unlawful for any person, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any stormwater drain.

**13.12.330 Maintenance of stormwater detention and retention basins.**

- A. Maintenance. The owner or person in possession, if not the owner, of a detention or retention basin shall maintain the same as follows:
  - 1. Control the growth of noxious weeds;
  - 2. Control the creation of conditions which support the growth of mosquitoes and other insects;
  - 3. Control the decrease in available storage by accumulated sediments; and
  - 4. Clean up accumulated debris, flotsam and other materials after run off events have subsided.The City may accept maintenance assignments of basins, but only through specific acceptance and approval by resolution of the City Council.
- B. Inspections. All privately owned detention and retention basins installed and operated within the City limits shall be subject to inspection by the City to determine the physical conditions of required storage capacity and the operational conditions of key elements of the basin and appurtenances.

- C. **Corrective Measures.** If, after inspection, it is determined that the basin and appurtenances are not functioning properly, the owner and person in possession, if not the owner, shall be notified in writing to have the necessary work performed to eliminate the malfunctions. If modifications to the basin and appurtenances are required, they shall be completed in accordance with the provisions of Sections 18.34.52 through 18.34.53 of the St. Charles Municipal Code. The owner and occupant shall be given a reasonable amount of time. The City shall maintain a file system to inform the owner or person in possession, if not the owner, of the necessity for cleaning the basin and appurtenances. The failure of the City to maintain such file system or failure to notify an owner or person in possession shall be no defense to an action taken pursuant to this section.

#### **13.12.400 Prohibited Discharge Standards**

- A. **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in paragraph B of this section apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- B. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.5 or more than 9, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2") or 1.27 centimeters;
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - (5) Wastewater having a temperature greater than 157°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Trucked or hauled pollutants;
  - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (10) 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 treatment plant's effluent, thereby causing a violation of a City NPDES permit;
  - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  - (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Works in a wastewater discharge permit;

- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Director of Public Works in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;
- (19) Hazardous Waste.

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.

#### **13.12.410 National Categorical Pretreatment Standards**

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, as published in the Code of Federal Regulations, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Administration are hereby incorporated by reference.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (3) A User may obtain a variance from USEPA, or if authorized, IEPA of a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (5) The User shall identify the Pretreatment Standards applicable to each regulated process.

#### **13.12.420 State Pretreatment Standards**

State pretreatment standards located at Title 35: Subtitle C, Chapter 1, Section 302 are hereby incorporated by reference.

#### **13.12.430 Local Limits**

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutants in excess of the following:

<u>62.0</u>	mg/L	Ammonia
<u>0.69</u>	mg/L	Arsenic
<u>2.00</u>	mg/L	Barium
<u>574</u>	mg/L	CBOD
<u>0.85</u>	mg/L	Cadmium
<u>0.50</u>	mg/L	Chromium (hex)
<u>3.00</u>	mg/L	Chromium
<u>1.00</u>	mg/L	Chromium (tri)
<u>1000</u>	mg/L	COD

<u>1.00</u>	mg/L	Copper
<u>0.50</u>	mg/L	Cyanide
<u>123</u>	mg/L	FOG
<u>45.0</u>	mg/L	Fluoride
<u>3.00</u>	mg/L	Iron (dissolved)
<u>32.0</u>	mg/L	Iron
<u>0.50</u>	mg/L	Lead
<u>4.00</u>	mg/L	Manganese
<u>0.0005</u>	mg/L	Mercury
<u>3.00</u>	mg/L	Nickel
<u>0.80</u>	mg/L	Phenols
<u>1.00</u>	mg/L	Selenium
<u>0.20</u>	mg/L	Silver
<u>3500</u>	mg/L	Total Dissolved Solids
<u>540</u>	mg/L	Total Suspended Solids
<u>7.50</u>	mg/L	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration based limitations above.

(Ord. 1996-M-72 § 1.)

#### **13.12.440 The City's Right of Revision**

The City reserves the right to establish, by chapter or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

#### **13.12.450 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 treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

#### **13.12.460 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this chapter including Sections 13.12.400, 13.12.410, 13.12.420, and 13.12.430 within the time limitations specified by EPA, the State, or the Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be approved in writing by the Director of Public Works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

#### **13.12.470 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Director of Public Works may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial

waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this chapter.

- B. The Director of Public Works may require any User discharging into the POTW to install and maintain, on the User's property and at the User's expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at the User's expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### **13.12.480 Accidental Discharge/Slug Control Plans**

At least once every two (2) years, the Director of Public Works shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Director of Public Works may require any Significant Industrial User to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 13.12.570; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### **13.12.485 Accidental Discharges**

Each User shall provide protection from an accidental discharge of prohibited materials, regulated materials or any other substances regulated. Where necessary, facilities to prevent an accidental discharge of the above mentioned materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to the city for review, and shall be approved by the city before construction and operation of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet all the requirements.

Users shall notify the City immediately upon knowing of the discharge of substances prohibited or regulated by this chapter. Notification shall include location of discharge, date and time thereof, type of waste, concentrations and volume, and corrective actions to be taken. The User shall be required to submit a written explanation of any "slug loads" or accidental discharges within five working days after the first notification.

Signs shall be permanently posted in conspicuous places advising employees whom to call in the event of an accidental spill of prohibited materials. In lieu of using signs, User may use an alternative method for training employees in the procedures for reporting of accidental discharges.

Follow up reports may be required as needed. Such report, or reports, shall not relieve the 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 chapter or otherwise. Failure to report accidental

or deliberate discharges may, in addition to any other remedies available, result in the revocation of the discharger's wastewater permit.

**13.12.500 Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Works, except that a Significant Industrial User that has filed a timely application pursuant to Section 13.12.540 of this chapter may continue to discharge for the time period specified therein, provided the discharge in all other respects does not violate any provision of this chapter.
- B. The Director of Public Works may require other Users as well as Significant Industrial Users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements and local limits or with any other requirements of Federal, State, and local law.

**13.12.505 Wastewater Analysis**

When requested by the Director of Public Works, a User shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require Users to update this information.

**13.12.510 Industrial User Wastewater Discharge Permit Application.**

- A. Applications for discharge permits shall be made to the Director of Public Works and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain or drains from the structure to the sewer pipe.
- B. Industrial Users, when issued a wastewater discharge permit by the City shall pay a fee of \$100.00. Such fee is due and payable prior to the discharge permit being issued, modified or renewed.

**13.12.520 Wastewater Discharge Permitting: Existing Source**

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to May 25, 1995 and who wishes to continue such discharges in the future, shall, within ninety (90) days after May 25, 1995, apply to the Director of Public Works for a wastewater discharge permit in accordance with Section 13.12.540 of this chapter, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director of Public Works.

**13.12.530 Wastewater Discharge Permitting: New Source**

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW shall obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 13.12.540 of this chapter, shall be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

**13.12.540 Wastewater Discharge Permit Application Contents**

All Users required to obtain a wastewater discharge permit shall submit a permit application. The Director of Public Works may require all Users to submit as part of an application the following information:

- A. All information required by Section 13.12.600(B);

- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Director of Public Works to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

**13.12.550 Application Signatories and Certification**

All wastewater discharge permit applications and User reports shall be signed by an authorized representative of the User and contain the following certification statement:

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

**13.12.560 Wastewater Discharge Permit Decisions**

The Director of Public Works will evaluate the data furnished by the User and may require additional information. A wastewater discharge permit application shall be deemed complete when the Director of Public Works has received all such data and additional information required, if any. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Director of Public Works will determine whether or not to issue a wastewater discharge permit. The Director of Public Works may deny any application for a wastewater discharge permit. No permit shall issue without the specific approval of the Director of Public Works.

**13.12.565 Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**13.12.570 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits shall contain the following matters; provided, however, a failure to include any such matter shall not invalidate or limit the requirements of such permit:
  - (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

- (2) A statement that the wastewater discharge permit is nontransferable;
  - (3) Effluent limits based on applicable pretreatment standards;
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (6) Notification requirement to report to the City either orally or in writing, any violation of applicable pretreatment standards within twenty-four (24) hours of occurrence.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
  - (8) Notification requirement to report to the City, either orally or in writing any slug load discharges into the POTW, within 24 hours of occurrence; and
  - (9) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

### **13.12.575 Wastewater Discharge Permit Appeals**

The Director of Public Works shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the Director of Public Works to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party shall 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.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Director of Public Works 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, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision shall do so by filing a complaint with the Circuit Court for Kane County within thirty-five

(35) days of the date of the final administrative wastewater discharge permit decision. Such proceeding shall be in accordance with the applicable statutes for judicial review of administrative decisions, or declaratory judgement, whichever applies.

### **13.12.580 Wastewater Discharge Permit Modification**

The Director of Public Works may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### **13.12.585 Wastewater Discharge Permit Revocation**

The Director of Public Works may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of Public Works of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 13.12.620;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Public Works timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete and submit a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
- N. Violation of this chapter, its permit, the Illinois Act or the Act, or regulations promulgated under either act.
- O. Failure of a User to factually report the wastewater constituents and characteristics of its discharge as determined by the User's or City's analysis.
- P. Failure to report an accidental discharge of a pollutant.
- Q. Failure to report an upset of User's treatment facilities.

Wastewater discharge permits automatically expire upon cessation of operations or transfer of business ownership, unless a transfer is authorized by the Director of Public Works pursuant to Section 13.12.587.

All wastewater discharge permits issued to a particular User automatically expire and are void upon the issuance of a new wastewater discharge permit to that User.

**13.12.586      Procedures for Revocation**

- A. The Director of Public Works may order any User who causes or allows any action relative to a permit which is subject to revocation under Section 13.12.585 above to show cause before a hearing officer designated by the Mayor with advice and consent of the City Council why the permit should not be revoked. A notice shall be served on the User specifying the time and place of a hearing to be held by such hearing officer regarding the violation, the reasons why the action is to be taken, the proposed action, and directing the User to show cause before the hearing why its permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, except where the Director of Public Works determines an emergency exists, at least ten (10) days before the hearing. Service may be made on any agent or officer of a User.
- B. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, its attorney or other person as a hearing officer to:
  - 1. Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - 2. Take the evidence;
  - 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendation to the City Council for action thereon.
- C. At any hearing held pursuant to this chapter, testimony taken shall be under oath and recorded. The transcript, so recorded, will be made available to any party to the hearing upon payment of the usual copying charges therefore.
- D. After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directing:
  - 1. that the discharge permit be revoked and the service be disconnected;
  - 2. 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;
  - 3. direct the User to cease the unauthorized discharge effective after a specified period of time; or
  - 4. that such other relief as deemed necessary by the City Council to abate the discharge be granted. Further orders and directives as are necessary may be issued.
- E. Following an order of revocation, the User shall cease discharging to the City's POTW. Failure to do so shall be evidence of continuing harm to the City and provide grounds for the granting of injunctive relief or temporary restraining orders.

**13.12.587      Transfer of Permits**

- A. The Director of Public Works may authorize a transfer of a wastewater discharge permit upon application, providing notice of proposed transfer of business ownership has been given him which contains such information the Director of Public Works may require.
- B. At a minimum, the Director of Public Works will require the new owner or operator to provide a written certification that:
  - (1) states that the new owner or operator has no immediate intent to change the facility's operations and processes;
  - (2) identifies the specific date on which the transfer is to occur; and
  - (3) acknowledges full responsibility for complying with the existing wastewater discharge permit.

**13.12.590      Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.12.510, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit.

### **13.12.600 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, any existing categorical User currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of its discharge, a new source, or source that becomes a categorical User subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of Pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.645.
    - (c) Sampling shall be performed in accordance with procedures set out in Section 13.12.645.
  - (6) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in Section 13.12.605.
  - (8) Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 13.12.550.

### **13.12.605 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 13.12.600.

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

### **13.12.610 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 13.12.615. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 13.12.550.

### **13.12.615 Periodic Compliance Reports**

- A. All Significant Industrial Users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 13.12.550.
- B. Such reports shall contain:
  - (1) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (2) **Measurement of Pollutants.**
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.645.
    - (c) Sampling shall be performed in accordance with procedures set out in Section 13.12.650.
  - (3) **Certification.** A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- C. All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 13.12.650, the results of this monitoring shall be included in the report.

**13.12.620 Reports of Changed Conditions**

Each User shall notify the Director of Public Works of any planned significant changes to the User's operations or system which might alter the nature, character, or volume of its wastewater at least thirty (30) days before the change.

- A. The Director of Public Works may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.12.540.
- B. The Director of Public Works may issue a wastewater discharge permit under Section 13.12.570 or modify an existing wastewater discharge permit under Section 13.12.580 in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

**13.12.625 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within ten (10 days) following such discharge, the User shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to St. Charles Municipal Code.
- C. A notice 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 described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

**13.12.630 Reports from Unpermitted Users**

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

**13.12.635 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User shall notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director of Public Works monitors at the User's facility at least once a month, or if the Director of Public Works

samples between the User's initial sampling and when the User receives the results of this sampling unless the Director of Public Works requires otherwise.

**13.12.645 Analytical Requirements**

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in Sections 13.12.400, 13.12.430, 13.12.460 and 13.12.600 shall be determined in accordance with 40 CFR Part 136 and amendments thereto or any other test procedures approved by the Administrator.

**13.12.650 Sample Collection**

- A. Except as indicated in Paragraph B, below, the User shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. A minimum of four (4) grab samples are required.

**13.12.655 Timing**

Written reports will be deemed to have been submitted on the date received.

**13.12.660 Record Keeping**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Such records shall be retained and made available for a period of at least three (3) years. Such period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director of Public Works.

**13.12.670 Falsification**

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or General and/or Supplemental Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be subject to the penalties and costs provided in Section 13.12.750 and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed six (6) months.

**13.12.690 Confidential Information**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Works' inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report

that such information should be held confidential, the portions of 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

### **13.12.700 Public Notification of Significant Non-Compliance**

The Director of Public Works shall publish annually, in the largest daily newspaper published in the City, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-(6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-)month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works' exercise of his or her emergency authority to halt or prevent such a discharge;
- E. 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;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the City pretreatment program.

### **13.12.705 Notice of Violation**

When the Director of Public Works or his/her authorized designee finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works or designee may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Public Works. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **13.12.710 Consent Orders**

The Director of Public Works or his/her authorized designee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the

same force and effect as the administrative orders issued pursuant to Sections 13.12.720 and 13.12.725 and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **13.12.715 Show Cause Hearing**

The Director of Public Works may order a User which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least three (3) days prior to the hearing, unless the Director of Public Works determines an emergency exists and less time is warranted. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### **13.12.720 Compliance Orders**

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

#### **13.12.725 Cease and Desist Orders**

When the Director of Public Works or his/her authorized designee finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director of Public Works may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **13.12.730 Administrative Settlement in Lieu of Civil Penalty**

- A. When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may upon agreement of the User, enter an order of administrative settlement in lieu of civil penalty against such User in an amount not to exceed \$1000.00. Such settlements shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, administrative settlements in lieu of civil penalty shall be assessed for each day during the period of violation.

- B. Users desiring to dispute such settlements shall file a written request for the Director of Public Works to reconsider the administrative settlements in lieu of civil penalty along with full payment of the administrative settlement in lieu of civil penalty amount within ten (10) days of being notified of the administrative settlement in lieu of civil penalty. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Public Works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the administrative settlement in lieu of civil penalty.
- C. Issuance of an administrative settlement in lieu of civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

**13.12.735 Emergency Suspensions**

The Director of Public Works or his/her authorized designee may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works or designee may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Public Works may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 13.12.740 are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Sections 13.12.715 or 13.12.740.

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

**13.12.740 Termination of Discharge**

In addition to the provisions in Section 13.12.585, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Sections 13.12.410, 13.12.420 and 13.12.430.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.12.715 of this chapter why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the User.

**13.12.745 Injunctive Relief**

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition the Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the User. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

**13.12.750 Civil Penalties/Penalties and costs.**

Any User who is found to have violated an order of the City Council or who has failed to comply with any provision of this chapter, any rules and regulations, permits or orders issued hereunder, shall be fined in an amount not less than five dollars (\$5.00) nor more than one thousand dollars (\$1000.00). For the purpose of this section, each day in which any such violation shall occur or continue, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent found to exceed the limits established in this chapter during any such day. For each separate violation, each such person shall be fined an amount not to exceed one thousand dollars (\$1000.00). In addition to the penalties provided in this Chapter, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the rules, regulations, permits or orders issued hereunder.

**13.12.755 Criminal Prosecution**

- A. A User who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 per violation, or imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than \$1000.00, or be subject to imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation, or imprisonment for not more than six (6) months, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1000.00 per violation, or imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.

**13.12.760 Remedies Nonexclusive**

The remedies provided for in this chapter are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan; provided, however, the Director of Public Works may take other action against any User when the circumstances warrant. Further,

the Director of Public Works is empowered to take more than one enforcement action against any noncompliant User.

**13.12.770 Performance Bonds**

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory bond, payable to the City, in a form and of a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

**13.12.777 Liability Insurance**

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained liability insurance or provides financial assurances sufficient to restore or repair any damage to the POTW it may cause by its discharge.

**13.12.780 Water Supply Severance**

Whenever a User has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

**13.12.783 Public Nuisances**

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

**13.12.785 Disqualification Contractor Listing**

Users which have not achieved compliance with applicable pretreatment standards and requirements may not be eligible to receive a contractual award for the sale of goods or services to the City.

**13.12.786 Disconnect Notice Fee**

If it is determined that a notice of disconnection of service shall be issued to a customer due to utility charges being over 30 days past due, a payment being returned unpaid by a bank, a deposit not being paid by the due date, and/or a violation of the terms of this Code, an additional fee (a disconnect notice fee) will be charged. This fee will escalate based on the number of disconnect notices previously issued to the customer in the last twelve months. The disconnect notice fee schedule is \$20.00 for the first notice, \$35.00 for the second notice and \$50.00 for any subsequent notices.

(Ord. 2011-M-32 § 1.)

**13.12.787 Right of cut-off service - Reconnection procedure for non-payment.**

A. The City shall have the right to discontinue any utility service provided to the customer on due notice and to remove its property from the customer's premises whenever monthly City bills, or a portion thereof, remain unpaid for 30 days after the due date specified, or in case the customer fails to comply with, or perform, any of the conditions or obligations of this chapter.

(Ord. 2010-M-4 § 1.)

- B. A customer's service so discontinued shall be connected after the customer has made settlement for City utility bills in arrears, plus any current amount outstanding at the City Clerk's office, or has, to the City's satisfaction, complied with or performed such other conditions or obligations which were in default, as the case may be. A minimum fee shall be charged equal to two times one and one-half the midpoint of the wage rate for a meter technician at the time of reconnection. In the event the City incurs expense for labor in excess of the average cost of reconnection, the City may charge that additional cost for disconnection and reconnection to the customer.  
(Ord. 2010-M-4 § 1.)

**13.12.788 Lien rights.**

- A. Whenever a bill for sewer service, including any charge, penalty or fine pursuant to this chapter, remains unpaid sixty days after it has been rendered, the City Attorney shall file with the Recorder of Deeds of the appropriate county a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for such amount as well as for all charges for sewer service subsequent to the period covered by the bill.
- B. If the customer whose bill is unpaid is not the owner of the premises, the City Clerk shall notify the owner of the premises if his address is known to the Clerk, whenever such bill remains unpaid for a period of ninety days after it has been rendered.
- C. The failure of the City Attorney to record such lien claim or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid sewer bills mentioned in subsection D of this Section.
- D. Property subject to a lien for unpaid sewer service charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity or other appropriate proceeding in the name of the City. The City Attorney is authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill for sewer service has remained unpaid ninety days after it has been rendered:

**13.12.790 Affirmative Defense - Upset**

- A. 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the User can identify the cause(s) of the upset;
  - (2) 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
  - (3) The User has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission shall be provided within five (5) days:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- F. 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.

### **13.12.795 Affirmative Defense to Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.12.400 or the specific prohibitions in Sections 12.12.410, 13.12.420, and 13.12.430 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 City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **13.12.799 Bypass**

- A. A User may allow any User 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. Such User Bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- B.
  - (1) If a User knows in advance of the need for a User Bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the User Bypass, if possible.
  - (2) A User shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the User Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the User Bypass. The written submission shall contain a description of the User Bypass and its cause; the duration of the bypass, including exact dates and times, and, if the User 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 User Bypass. The Director of Public Works may waive in writing the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- C.
  - (1) User Bypass is prohibited, and the Director of Public Works may take an enforcement action against a User for a bypass, unless
    - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) 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

- (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The Director of Public Works may approve an anticipated User Bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

### **13.12.800 Pretreatment Charges and Fees**

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City of St. Charles's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties collectable by the City.
- F. Fees for sampling and testing as described in Section 13.12.900 are as follows:

Sample Collection	\$13.00/sampling
Heavy Metal Analysis	\$10.00/test
Acid Digestion	\$10.00/sample
Biological Oxygen Demand	\$ 6.00/sample
Fats, oils, and grease	\$ 6.00/sample
Fluoride	\$ 6.00/sample
Total Dissolved Solids	\$ 6.00/sample
pH	\$ 2.00/sample
Nitrogen, ammonia	\$10.00/sample
Nitrogen, ammonia distillation	\$10.00/sample
Chemical Oxygen demand	\$10.00/sample
Total Suspended Solids	\$ 6.00/sample

Bills for monitoring services shall be sent out monthly for all customers and shall be due and payable thirty days from the billing date. An additional charge of ten percent shall be made on all bills which have not been paid when due, except that one late payment shall be allowed within each calendar year at no increase in cost.

### **13.12.810 Surcharge to Industrial Users for Discharge of Compatible Pollutants**

- A. All Users shall comply with the limits imposed upon the discharge of Compatible Pollutants. Upon written request by a User, the Director of Public Works may, in his or her sole discretion, approve the discharge of such pollutants in excess of the stated concentration limits, provided that such User shall pay a surcharge calculated in accordance with this Section 13.12.810. Approval of such discharge and the surcharge requirement shall be set forth in the User's wastewater discharge permit.
- B. Users permitted to discharge Compatible Pollutants in excess of the stated limits, either singly or collectively, shall pay a surcharge according to the following schedule:
  - \$0.43 for every pound of BOD discharged above the stated limits
  - \$0.32 for every pound of TSS discharged above the stated limits
  - \$0.15 for every pound of FOG discharged above the stated limits

The following formula shall be used for calculating the pounds of excess in the User's discharge: (actual concentration {mg/L}-Code limit {mg/L})(8.34 lbs./gal.)(Volume of discharge)" (Ord. 2014-M-11 § 1; Ord. 2013-M-33 § 1; Ord. 2012-M-17 § 1.)
- C. All measurements, tests, and analysis of the characteristics of the wastewater to determine the User surcharge shall be conducted as under Sections 13.12.645 and 13.12.690.

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- D. All Industrial Users shall be charged for sample collection and laboratory analysis in accordance with Section 13.12.800.
- E. Environmental Remediation  
  - Surcharge: \$0.10 per gallon of discharge  
 (Ord. 1998-M-12 § 1.)
- F. Charge for Use Outside of City Limits: Any customer discharging Compatible Pollutants into the sewer system at a service location outside the corporate limits of the City of St. Charles shall pay an additional charge of 20% of all user surcharges imposed by Section 13.12.810B. above unless the customer has a sewer service agreement with the City that was in existence prior to May 6, 2013 that provides for a different additional charge.  
 (Ord. 2013-M-33 § 1.)

**13.12.820 Connection fees.**

A. The fees for each permit allowing connection with the City sewer systems and tributary to the Fox River Wastewater Treatment Facility located along IL Route 25 shall be as follows:

1. Residential Dwelling Units

Single and multiple family dwelling units.

<u>Class</u>	<u>Description</u>	<u>Square Feet</u>	<u>Connection Fee</u>
1	Dwelling Unit	Over 1,000	\$1,520
2	Dwelling Unit	Under 1,000	\$1,120
3	Dwelling Unit	800 Maximum	\$1,000

2. Other Uses

- a. All Users other than residential dwelling units, described above, shall pay a connection fee based upon the estimated daily maximum (i.e., peak) water usage as determined by the City Engineer. The Building Commissioner and/or City Engineer may require the applicant to provide an estimate certified to by an engineer licensed in the state of Illinois. The charge per gallon of the daily maximum (i.e., peak) water usage for calculating the connection fee is \$4.30. In no case shall the connection fee be less than the fee for a Class 1 dwelling unit.
- b. Once the actual usage begins and it is determined that the actual daily maximum (i.e., peak) water usage is larger than the estimated daily maximum (i.e., peak) water usage, there will be an additional fee for the gallons per day over the original estimated daily maximum (i.e., peak) water usage based on \$4.30 per gallon. There will be no rebates if the actual daily maximum (i.e., peak) water usage falls below the estimated daily maximum (i.e., peak) water usage.

B. The fees for each permit allowing connection with the City sewer systems and tributary to the West Side Wastewater Treatment Facility located along IL Route 38 shall be as follows:

1. Residential Dwelling Units

Single and multiple family dwelling units.

<u>Description</u>	<u>Connection Fee</u>
Single Family Detached	\$2,985.50
Single Family Attached	\$2,559.00

2. Public Land District – Correctional Facility

- a. A Public Land District – Correctional Facility shall pay a connection fee based upon fifty percent (50%) of the estimated daily wastewater discharge as determined by the City Engineer. The Building Commissioner and/or City Engineer may require the applicant to provide an estimate certified to by an engineer licensed in the state of Illinois. The charge per gallon of the daily wastewater discharge for calculating the connection fee is \$8.53.

- b. After twelve (12) months of full occupancy the balance of the connection fee shall be paid based on the actual daily wastewater discharge at the facility. The charge per gallon of the daily wastewater discharge is \$8.53.
3. Other Uses
- a. All Users other than residential dwelling units and public land district – correctional facility described above, shall pay a connection fee based upon the estimated daily maximum (i.e. peak) water usage, as determined by the City Engineer. The Building Commissioner and/or City Engineer may require the applicant to provide an estimate certified to by an engineer licensed in the state of Illinois. The charge per gallon of the daily maximum (i.e. peak) water usage for calculating the connection fee is “\$8.53. In no case shall the connection fee be less than the fee for a single-family detached dwelling unit.
  - b. Once the actual usage begins and it is determined that the actual daily maximum (i.e. peak) water usage is larger than the estimated daily maximum (i.e. peak) water usage, there will be an additional fee for the gallons per day over the original estimated daily maximum (i.e. peak) water usage based on \$8.53 per gallon. There will be no rebates if the actual daily maximum (i.e. peak) water usage falls below the estimated daily maximum (i.e. peak) water usage.

(Ord. 2008-M-23 § 1; Ord. 2000-M-3 § 1; Ord. 1998-M-117§1; Ord. 1998-M-30§1; Ord. 1997-M-65 § 1; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

### **13.12.830 Charges for Residential Users**

- A. The residential sewer user charge shall be as follows:
- 1. The following rate shall be charged for sewer service to all residential users of City sewers based upon metered water consumption: fourteen dollars and ten cents (\$14.10) demand charge per month plus four dollars and forty six cents (\$4.46) per one thousand gallons of water used with a maximum sewer charge not to exceed 130% of a residential user’s winter quarter water usage average. The residential user’s “winter quarter” water usage shall be defined as the water that is billed to the user in the months of January, February, and March. When the 130% calculation produces a fractional result, the customer maximum will be raised to the next whole number.”  
(Ord. 2014-M-11 § 1; Ord. 2013-M-33 § 1; Ord. 2012-M-16 § 1; Ord. 2011-M-19 § 1; Ord. 2010-M-32 § 1.)
  - 2. Residential users in a building with more than one dwelling unit and with each unit having a sewer connection but no city water meter shall be charged the existing residential sewer demand charge per month. Sewer usage charge shall be billed to the customer billed for the water service and shall be based on the water used at the existing residential sewer rate per one thousand gallons.
  - 3. Residential users in a building with only one dwelling unit with sewer connection but no city water purchases shall be charged for eight thousand gallons of usage at the existing residential rate per one thousand gallons plus the existing demand charge per month.
  - 4. For new or recently constructed residential buildings or other customers which have a water meter and an incomplete history of water consumption during a winter quarter, the existing residential rate per thousand gallons plus the existing demand charge per month shall be applied to their metered water consumption until the completion of a winter quarter.
  - 5. Charge for Use outside of City Limits: Any customer receiving sewer service at a location outside the corporate limits of the City of St. Charles shall pay an additional charge of 20% of all user charges imposed for sewer service unless the customer has a sewer service agreement with the City that was in existence prior to May 6, 2013 that provides for a different additional charge.

(Ord. 2013-M-33 § 1.)

(Ord. 2009-M-24 § 1; Ord. 2008-M-30 § 1; Ord. 2007-M-40 § 1; Ord. 2005-M-19 § 1; Ord. 2002-M-28 § 1; Ord. 2000-M-44 § 1; Ord. 1999-M-34 § 1; Ord. 1998-M-30 § 2; Ord. 1997-M-82 § 1; Ord. 1997-M-18; Ord. 1996-M-80 § 1; Ord. 1996-M-79 § 1; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

### **13.12.840 User Charges for Metered Water Consumption and Nonresidential Use**

A. The non-residential sewer user charge shall be as follows:

1. The following rate shall be charged for sewer service to all non-residential users of City sewers based upon metered water consumption: fourteen dollars and ten cents (\$14.10) demand charge per month plus four dollars and forty six cents (\$4.46) per one thousand gallons of water used.

(Ord. 2014-M-11 § 1; Ord. 2013-M-33 § 2; Ord. 2012-M-17 § 1; Ord. 2011-M-19 § 1; Ord. 2010-M-32 § 1.)

2. The following rate shall be charged for sewer service to all non-residential users of City sewers where water consumption does not reflect the actual quantity of wastewater tributary to the wastewater treatment works: fourteen dollars and ten cents (\$14.10) demand charge plus four dollars and forty six cents (\$4.46) per one thousand gallons of wastewater actually discharged into the sewer system.”

(Ord. 2014-M-11 § 1; Ord. 2013-M-33 § 1; Ord. 2012-M-17 § 1; Ord. 2011-M-19 § 1; Ord. 2010-M-32 § 1.)

3. Non-residential users in a building with more than one non-residential unit and with each unit having a sewer connection but no city water meter shall be charged the existing non-residential sewer demand charge per month. Sewer usage charge shall be billed to the customer billed for the water service and shall be based on the water used at the existing non-residential sewer rate per one thousand gallons.
4. Non-residential users in a building with no water purchases and a sewer connection without flow measurement equipment shall be charged the existing non-residential sewer demand charge per month, plus a user charge equivalent to six thousand gallons of usage at the existing non-residential sewer use rate per one thousand gallons. Non-residential users may be required to install flow measurement equipment pursuant to the conditions set forth in Section 13.12.940B.
5. Charge for Use Outside of City Limits: Any customer receiving sewer service at a location outside the corporate limits of the City of St. Charles shall pay an additional charge of 20% of all user charges imposed for sewer service unless the customer has a sewer service agreement with the City that was in existence prior to May 6, 2013 that provides for a different additional charge.

(Ord. 2013-M-33 § 1.)

(Ord. 2010-M-32 § 1; Ord. 2009-M-24 § 2; Ord. 2008-M-30 § 2; Ord. 2007-M-39 § 1; Ord. 2005-M-19 § 2; Ord. 2002-M-28 § 2; Ord. 1999-M-34 § 2; Ord. 1998-M-118 § 1; Ord. 1998-M-30 § 3; Ord. 1998-M-8 § 1; Ord. 1997-M-65 § 1; Ord. 1996-M-80 § 2; Ord. 1996-M-79 § 2; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

### **13.12.850 Bills - When due and payable and charge for late payment.**

Bills for sewer service shall be sent out monthly for all customers and shall be due and payable no less than eighteen days from the billing date. An additional charge of ten percent shall be made on all bills which have not been paid when due except that one late payment shall be allowed within each calendar year at no increase in cost.

### **13.12.900 Monitoring program by City.**

The Director of Public Works shall maintain a program of monitoring Industrial User discharges; provided, that any Significant Industrial User shall be monitored no less than twelve times annually and any Industrial User that has a population equivalent, as determined by Section 13.12.810, equal to or greater than one hundred shall be monitored no less than once annually. All other Industrial Users shall be monitored at such frequency as deemed necessary by the Director of Public Works. Monitoring shall consist of the taking and testing of grab samples or twenty-four hour composite samples as deemed reasonably necessary by the Director of Public Works for determination of the population equivalent of the industrial User. The monitoring data collected shall be used to determine the population equivalent in accordance with Section 13.12.810. In the event that a sampling manhole does not exist, the "sampling manhole" shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, until such time as the sampling manhole has been constructed. Industrial Users shall be subject to fees for sampling and testing of their discharge as it pertains to the City's monitoring program.

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

### **13.12.910 Right of Entry: Inspection and Sampling**

The Director of Public Works or his/her authorized designee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director of Public Works or his/her authorized designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The industrial User may request that the representative of the City state the purpose of any inspection, and further, may request that such representative abide by reasonable safety and hygiene requirements.
- D. The Director of Public Works may require the User to install monitoring equipment as necessary in accordance with Section 13.12.690. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated bi-annually to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the User.
- F. Nothing herein shall be construed to limit or restrict any User from exercising any right it may have to object to the nature and extent of any inspection access request or to object to any inspection access request as not necessary to carry out the purposes of the City pursuant to this chapter.
- G. Unreasonable delays in allowing the Director of Public Works or his/her authorized designee access to the User's premises shall be a violation of this chapter.

**13.12.920 Search Warrants**

If the Director of Public Works or his/her authorized designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works or his/her authorized designee may seek issuance of a search warrant from the Circuit Court.

**13.12.940 Control manhole device and sampling requirements: Location, construction, maintenance and facility monitoring**

- A. When required by the Director of Public Works, the owner and/or occupant of any property served by a building sanitary sewer carrying industrial waste shall install a suitable control manhole in the building sanitary sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall include but not be limited to being accessible, safely located, and provide for 110 volt hookup and shall be constructed in accordance with plans approved by the Director of Public Works. The manhole shall be installed by the owner and/or occupant at his expense, and shall be maintained by him so as to be safe and accessible to the City at all times.
- B. When in the judgment of the Director of Public Works there exists sufficient volumes and/or quantities of contaminants that may interfere with the performance of the City sewage system, the Director of Public Works may require the owner and/or occupant of any property and/or an Industrial User served by a building sanitary sewer carrying industrial wastes to install composite sampling equipment and/or flow measurement equipment. Said composite sampling and flow measurement equipment shall be installed by the property owner and/or occupant at its expense and shall be maintained by it as to be functional at all times, safe and accessible to the City.
- C. The owner and/or occupant shall be responsible for monitoring its effluent to insure that its discharge meets City chapters, state and federal law. It is also responsible for having knowledge of the contaminants in its wastewater and the specific limitations relative to its discharge. Records shall be kept by the owner and/or occupant of the results of all sampling and/or flow measurements. Such documentation shall be available to appropriate City personnel at all reasonable times. Records shall be kept by the owner and/or occupant no less than three years or longer if required by state or federal laws prior to discard or if an enforcement action is pending.
- D. Where composite sampling equipment is available, the City shall utilize such composite samples for purposes of calculating surcharges pursuant to Section 13.12.810. The average of all composite samples during the monitoring period shall be used to determine the multiplier. Should the composite sampling equipment malfunction or if it does not exist, the City shall use composited grab samples of not less than four aliquots in a 24 hour period, unless the User agrees to less than four grab samples in a 24 hour period, to determine surcharges as set forth in Section 13.12.810. The average of all grab samples taken by the City during the billing period shall be used for the multiplier. Where nonfunctional composite equipment exists and at such time that a grab sample exceeds the limitations specified in Section 13.12.400 hereof for total suspended solids, C.B.O.D., ammonia, phosphorous or grease, the City and waste generator shall split grab samples no less than five samples per week until the composite sampler is once again functional. Should the composite sampler become functional prior to the end of the billing period, composite samples shall be taken no less than five per week for the remainder of the billing period for computing the average of the grab and composite samples to determine the billing multiplier. The Director of Public Works shall decide the time when split sampling will be taken. Should there be a significant discrepancy between the owner's and/or occupant's test results and the City's test results on split samples, the owner and/or occupant may request billing to be based upon testing results from an independent testing laboratory. Upon investigation by the Director of Public Works as to the reasons for the

discrepancy in sample results, the Director of Public Works shall take appropriate corrective actions and/or authorize in writing the terms of using a certified independent testing laboratory. The choice of independent laboratory shall be at the discretion of the Director of Public Works. All expenses incurred for monitoring by an independent certified laboratory shall be at the expense of the owner and/or occupant.

- E. In the event that no special manhole is available, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sanitary sewer is connected.
- F. Should the Director of Public Works find violations of standards set forth in this Chapter including Section 13.12.410, Section 13.12.420, and/or Section 13.12.430, the Director of Public Works may require the owner and/or occupant to provide access for the use of laboratory testing equipment or to contract for laboratory testing services and provide the City with a copy of the test results of the constituent(s) monitored. Upon review of the products and by products of the owner and/or occupant operation and the type of wastewater that is indigenous to the operation, the Director of Public Works shall also stipulate what constituents are to be monitored to insure proper performance by the City sewerage system in compliance with this Chapter, state and federal law.
- G. Where nonfunctional or malfunctioning flow measurement equipment exists, the waste generator and/or Industrial User shall notify the Director of Public Works within twenty-four hours of his or her knowledge of the malfunction so appropriate interim measurement arrangements can be made.

#### **13.12.950 Severability**

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect."  
(Ord. 1995-M-15 § 1.)

#### **13.12.960 Deposit – Required – Refund – Exemption.**

- A. Deposit shall be charged to any customer, whether owner or non-owner, at any time if such customer meets any of the following criteria:
  1. The customer pays late four times during the prior twelve-month period, or
  2. The utility has disconnected service within the last twelve-month period for violation of the provisions of the St. Charles Municipal Code, or
  3. The utility finds out that the application for service was falsified, or
  4. The customer has two or more checks returned unpaid by the bank during the prior twelve-month period.

The deposit charged shall be in the amount equal to the aggregate of the two highest monthly billings for the twelve-month period ending immediately prior to the request for the deposit; or if a twelve-month period is unavailable, then any portion thereof, which amount shall be reduced by the amount of the deposit on hand.

The deposits set forth above shall be repaid to such applicant when the City has discontinued or refused the service for which such application was made and when all bills have been paid in full; provided, however, that if the applicant has not paid all bills owing the City for such service within thirty days after such service has been discontinued, then the Finance Department shall deduct the amount of the bills so owing from the deposit and remit the balance, if any, to such applicant.

- B. All deposits made by applicants as provided in subsection A of this section who are not delinquent shall be refunded by the City after one year of continuous service during which the applicant has not paid late more than one time during the latest twelve-month period and has received no disconnection notice during that same twelve-month period. Such a deposit may be returned by crediting the customer's utility bill for the amount of deposit at the discretion of the City Finance Director.

(Ord. 2010-M-12 § 1.)