

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: \*5.C

Title:

Recommendation to Update Title 13 “Public Utilities” of the City Ordinance to Include Modifications to Chapter 13.12 “Sewers”

Presenter:

Tim Wilson

Meeting: Government Services Committee

Date: October 24, 2022

Proposed Cost: 0

Budgeted Amount: 0

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

The City of St. Charles has a federally approved Industrial Pretreatment Program which is outlined in the City’s NPDES Permit for the Wastewater Treatment Facilities. Approximately every 10 years the USEPA will audit local pretreatment programs. The USEPA Pretreatment Compliance Desk performed an audit in September 2016. As a result of this audit the City received an Administrative Order of Consent from USEPA on February 4, 2020 that outlined requirements for the City to update their Industrial Pretreatment Program.

One of the requirements was to update the City’s Sewer Use & Pretreatment Ordinance (Chapter 13.12) to incorporate the USEPA Pretreatment Streamlining Rule. The purpose of the Streamlining Rule is to give the City the ability to reduce the technical and administrative requirements without adversely affecting the environmental protection.

The Ordinance is the backbone of a pretreatment program and is the legal authority for the City to implement and administer their Industrial Pretreatment Program. The City hired Baxter & Woodman, Inc. to assist with the Ordinance update. The Ordinance updates were discussed and reviewed by City staff and the City attorney prior to submittal to USEPA.

On July 7, 2022, USEPA tentatively approved the Ordinance updates which allows staff to bring the Ordinance updates to City Council for approval. Once the City Council approves the Ordinance updates, the Resolution passing the adoption will be submitted to USEPA. The USEPA will send the City a final approval letter.

**Attachments** *(please list):*

\*List of Ordinance Changes \* Draft Redline Ordinance

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve Update Title 13 “Public Utilities” of the City Ordinance to include Modifications to Chapter 13.12 “Sewers”.

## City Council Support Document Descriptive Changes to the Ordinance:

The main purpose for the ordinance updates were to incorporate the USEPA Pretreatment Streamlining Rule which includes:

1. **Section 13.12.130** - Definitions were updated to match USEPA's changes.
2. **Sections 13.12.520 thru 13.12.560** – Added provision for the City to issue General Permits to industries that are substantially similar.
3. **Section 13.12.430.H** - Provide provisions for industries to utilize Best Management Practice provisions to maintain compliance.
4. **Section 13.12.400** - Prohibited Discharge Standards updates to reflect USEPA changes and to also provide additional protection from receiving wastewater that may cause pass through of pollutants, inference or upset at the WWTF.
5. **Section 13.12.410** - National Categorical Pretreatment Standard provisions to provide the ability to use equivalent concentration limits in lieu of mass limits and vice versa.
6. **Section 13.12.480** - Update Accidental Discharge & Slug Control Plan requirements which will help protect the WWTP from receiving slug loads from industries.
7. **Section 13.12.500.C** - Provision to classify small industries as Non-Significant Categorical Industrial Users which reduces the sampling requirements.
8. **Section 13.12.591** - Added section to outline requirements for users located outside of the City limits and that they are required to abide by the City's Ordinance.
9. **Section 13.12.621** - Added section to require permitted industries to notify the City when there is a change in the authorized representative. This is the person the City is in contact with at the industry regarding the permit so it is important that the City is notified when there is a change of personnel.
10. **Section 13.12.636** - Added section to require industries to notify City of discharges of hazardous waste.
11. **Section 13.12.700** - Significant Non-Compliance (SNC) definition updated to reflect USEPA changes on how to determine when an industry's violations constitute SNC.
12. Other USEPA miscellaneous changes designed to maintain consistency with the NPDES regulations or to correct typographical errors.

Additional ordinance updates include:

1. **Sections 13.12.241 & 13.12.242** - Monitoring Facility Requirements such as sampling manholes, flow meters, sampling equipment and garbage grinders.
2. **Section 13.12.243** - Food Service Establishment Requirements to install and maintain grease interceptors.
3. **Section 13.12.244** - Automobile Service, Repair and Fuel Dispensing business requirements to install and maintain oil and grease interceptors.
4. **Section 13.12.340** - USEPA Amalgam Management requirements for Dental Offices (40 CFR 441). This rule became effective in June 2017. Dental offices are required to provide a one-time report to the City about their amalgam management and are required to maintain their amalgam separator units to prevent mercury discharges.
5. **Section 13.12.350** - Industrial User Wastewater Survey Requirements – The City is required to maintain an inventory on an annual basis of all industrial users as part of their Industrial Pretreatment Program. This section outlines the requirements for the industries to complete these surveys.
6. **Section 13.12.755** - Removed Criminal Prosecution section since the State of Illinois does not provide for criminal prosecution by municipalities. The City will need to seek assistance from the IEPA and USEPA Criminal Investigation Division for potential action.
7. **Section 13.12.970** - Added Fee Schedule section so that all fees from this chapter are located in one section, therefore when fees are subsequently updated by the City, only this section needs to be updated.

## City of St. Charles

### 13.12 – Sewers

#### Sections

- 13.12.100 – Purpose and policy
- 13.12.110 – Administration
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- 13.12.130 – Definitions
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- 13.12.201 – Overhead sanitary sewers
- 13.12.202 – Connection permit requirements – Application and issuance
- 13.12.205 – Discharge of stormwater and other unpolluted drainage to sanitary sewer prohibited
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- 13.12.210 – Unlawful use or construction of private sewage disposal systems
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- 13.12.510 – Industrial user wastewater discharge permit application
- 13.12.520 – [Individual and General](#) Wastewater discharge permitting - Existing source
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- [13.12.544 – Monitoring Facilities](#)
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- 13.12.660 – Record keeping
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- 13.12.785 – Disqualification contractor listing
- 13.12.786 – Disconnect notice fee
- 13.12.787 – Right of cut-off service - Reconnection procedure for non-payment
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- 13.12.840 – User charges for metered water consumption and nonresidential use
- 13.12.850 – Bills - When due and payable and charge for late payment
- 13.12.900 – Monitoring program by City
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- 13.12.950 – Severability
- 13.12.960 – Deposit – Required – Refund – Exemption
- 13.12.970 – Fee Schedule

### 13.12.100 – Purpose and policy

This chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of St. Charles, hereafter referred to interchangeably as the City. This chapter provides for the use of public and private sewers and drains, private sewage disposal, and authorizes the installation and continuing of connections into the sewage works of the City upon certain conditions, including permission thereof; providing for the installation and maintenance of such connections and enforcements thereto; regulating the use of municipal and private sewers and drains; individual wastewater disposal, the installation, connection and disconnection of building sewers, the discharge of water and waste in the public sewer system providing for penalties for violation therefore; and providing for penalties for violation thereof; and providing for termination of permits issued by the City pursuant to the provisions hereof.

This chapter enables 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 air, 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 and provides for the enforcement of general requirements for users. The chapter authorizes the issuance of wastewater connection and 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. The chapter authorizes the issuance of Wastewater Discharge Permits that do not allow the discharge of defined process waste streams but continue to allow the discharge of domestic or sanitary wastewater.

### 13.12.110 – Administration

Except as otherwise provided herein, the Director of Public Works or designee 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 or other Duly Authorized Agent(s) of the City.

### 13.12.120 – Abbreviations

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

- BOD - Biochemical Oxygen Demand
- [BMP – Best Management Practice](#)
- [BMR – Baseline Monitoring Report](#)
- CFR - Code of Federal Regulations
- [CIU – Categorical Industrial User](#)
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- FOG - Fats, oil and grease
- GPD - gallons per day
- [IAC – Illinois Administrative Code](#)
- IEPA - Illinois Environmental Protection Agency
- [IU – Industrial User](#)
- MG/L - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- [NSCIU – Non-Significant Categorical Industrial User](#)
- [NSRU – Non-Significant Regulated User](#)
- POTW - Publicly Owned Treatment Works
- [ppm – Part per million](#)
- RCRA - Resource Conservation and Recovery Act
- [SIC- Standard Industrial Classification](#)
- [SIU – Significant Industrial User](#)
- [SNC – Significant Non-Compliance](#)
- [TSS - Total Suspended Solids](#)
- [TTO – Total Toxic Organics](#)
- 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:" or "Clean Water Act" or "Federal 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.
- 3-4. Agency. The Illinois Environmental Protection Agency.
5. Amalgam Process Wastewater. Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.
6. Amalgam Separator. A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.
7. 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.
- 4-8. Approval Authority. The Regional Administrator of Region V of USEPA, until such time that the State of Illinois has a USEPA approved pretreatment program.
- 5-9. Approved. Item or procedure must meet the conditions of and be accepted by the City of St. Charles.
6. ~~Approval Authority.~~ USEPA
- 7-10. Authorized Representative of the User.
  - a. If the User is a corporation:
    1. By a responsible corporate officer - 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 operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater permit (or general permit) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  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~~



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~~manager in accordance with corporate procedures.~~

- ~~b.~~ If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - ~~b.c.~~ If the User is a limited liability company (LLC): any managing member of the company.
  - ~~c.d.~~ 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 a ~~rather~~ duly authorized representative, if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director of Public Works or designee ~~City~~.
  - f. If an authorization under paragraph e of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph e must be submitted to the Director of Public Works or designee ~~City~~ within 30 calendar days prior to or together with any reports to be signed by an authorized representative. If an authorization under paragraph e of this section is no longer accurate because the individual described in paragraphs a through d above has changed, a new authorization satisfying the requirements of paragraph e must be submitted to the Director of Public Works or designee within 30 calendar days.
11. Best Management Practice (BMP). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.12.400 [40 CFR Section 403.5(a)(1) and (b)] and/or prevent or reduce the pollution conveyed to the POTW. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Biosolids or waste disposal, or drainage from raw materials storage.
12. Building Official. The Building Official of the City, or his authorized deputy, agent or representative.
- ~~8-13.~~ 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° centigrade, usually expressed as a concentration (e.g., mg/l).
- ~~9-14.~~ Building Sanitary Sewer. A sewer, which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.
- ~~10-15.~~ 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.

- ~~44-16~~. Bypass. The intentional diversion of waste streams from any portion of a User's treatment or pretreatment facility.
- ~~17~~. Categorical Industrial User (CIU). An industrial user subject to a Categorical Pretreatment Standard or Categorical Standard. A CIU is considered to be a Significant Industrial User (SIU).
- ~~42-18~~. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- ~~13-19~~. 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.
- ~~20~~. Chemical Oxygen Demand. The quantity of oxygen utilized in the chemical oxidation of all compounds, both organic and inorganic in water.
- ~~44-21~~. City. The City of St. Charles, Kane and DuPage Counties, Illinois and any references to "within the City" shall mean all territory within the perimeter of the City limits or wastewater service area.
- ~~22~~. Combined Waste Stream Formula. The formula set forth in 40 CFR Section 403.6(e).
- ~~23~~. Commercial Business. A business that distributes goods or provides service, but does not involve the manufacturing, processing or production of goods. Commercial businesses include those that may either prepare and/or serve food.
- ~~15-24~~. Compatible Pollutant. Biochemical oxygen demand, suspended solids, FOGOil & grease, pH and fecal coli form bacteria.
- ~~16-25~~. Composite Sample. Sample of wastewater composed of two or more discrete samples collected, based on a flow proportional or time proportional method.
- ~~17-26~~. 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.
- ~~18-27~~. Control Authority. The City of St. Charles.
- ~~19-28~~. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.
- ~~29~~. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- ~~30~~. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. Where daily maximum are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day.
- ~~31~~. Dental Amalgam. An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- ~~32~~. Dental Discharger. A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a Publicly Owned Treatment Works (POTW).
- ~~20-33~~. Director of Public Works. The Director of Public Works of the City, or his authorized deputy, agent or representative. The Director of Public Works has the authority to designate the Pretreatment

Coordinator.

- ~~21-34.~~ Discharge. The discharge of treated or untreated wastewater to the POTW.
- ~~35.~~ 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~~ POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act and 35 Ill Adm. Code (IAC) 307. Each single connection is a separate discharge by a discharger. "User" is used interchangeably with "Discharger".
- ~~36.~~ Discharge Permit. An individual or general permit issued to a user which specifies the requirements for discharge of wastewater or the requirements for zero discharge or wastewater as appropriate.
- ~~37.~~ Duly Authorized Agent. The Mayor, City Council of St. Charles, Director of Public Works, City Attorney and designated employees and agents of the City.
- ~~22-38.~~ Dwelling. A unit designated for occupancy by one family. It may be a house designed by the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.
- ~~39.~~ Easement. An acquired legal right for the specific use of land owned by others.
- ~~23-40.~~ Effluent Criteria. Those criteria defined in any applicable "NPDES" permit.
- ~~24-41.~~ Environmental Protection Agency or USEPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator of Public Works, or other duly authorized official of said agency.
- ~~42.~~ Environmental Remediation Water. Discharges from soil and/or groundwater remediations.
- ~~25-43.~~ Existing Dental Discharger Source. A dental discharger that is not a new source.
- ~~26-44.~~ Existing Source. Any source of discharge that is not a "New Source", ~~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.~~
- ~~45.~~ Finance Director. The Finance Director of the City, or his authorized deputy, agent or representative.
- ~~FOG. Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by freon solvent.~~
- ~~46.~~ Flow. Volume of wastewater per unit of time.
- ~~47.~~ Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce or food.
- ~~27-48.~~ Grab Sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- ~~28-49.~~ General Pretreatment Regulations. The General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403, as amended.
- ~~50.~~ 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.
- ~~29-51.~~ Hazardous Waste. Any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
- ~~30-52.~~ Illinois Act. The Environmental Protection Act, as amended 415 ILCS 5/1 et seq.
- ~~34-53.~~ 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.

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- 32-54.** Incompatible Pollutant. Any pollutant which is not a compatible pollutant as defined in this section.
- 33-55.** 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.
- 34-56.** Industrial Wastes. The liquid wastes from industrial processes as distinct from sanitary sewage. A combination of liquid and water carried wastes discharged, permitted to flow or escape from any non-residential source, including the wastewater from pretreatment facilities and polluted cooling water.
- 57.** Infiltration. Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, as is distinguished from, inflow.
- 58.** Inflow. Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- 35-59.** 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.
- 60.** Interference or Interfere. 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 the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or other permit of the City issued by any State or Federal agency or b) of the prevention of sewage sludge use or disposal by the POTW 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.
- 36-61.** Limited Dental Discharger Source. A dental discharger that does not place dental amalgam, and does not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. A new limited dental discharge source means a limited dental discharger whose first discharge to a POTW occurs after July 14, 2017. An existing limited dental discharge source means a limited dental discharger that is not a new source.
- 37-62.** Local Limits. Specific discharge limits developed and enforced by the Director of Public Works or designee upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR Section 403.5(a)(1) and (b). These Limits on industrial and commercial discharges established by the City are listed in Section 13.12.430.
- 38-63.** Mass Limitation. Limits imposed upon a discharger based upon volumes or concentrations that are converted to weight units.
- 64.** Maximum Allowable Headworks Loading. The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference.
- 65.** Maximum Allowable Industrial Loading. The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference. This is usually calculated by applying a safety factor to the Maximum Allowable Headworks Loading and discounting for uncontrolled sources, hauled waste

[and growth allowance.](#)

- ~~39-66.~~ **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.
- 67.** **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.
- 68.** **Mobile Unit.** [A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.](#)
- 69.** **Monthly Average.** [The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.](#)
- ~~40-70.~~ **Monthly Average Limit.** [The highest allowable average of “daily discharges” over a calendar month, calculated as a sum of all the “daily discharges” measured during a calendar month divided by the number of daily discharges measured during that month.](#)
- 71.** **National [Categorical Pretreatment Standard](#), [Categorical Pretreatment Standard](#) or [Categorical Standard](#).** Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act ([33 USC 1317](#)), which applies to [a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.](#) ~~Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.~~
- 72.** **National Pollutant Discharge Elimination System or NPDES.** [The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under sections 402 of the Act.](#)
- ~~41-73.~~ **National Pollution Discharge Elimination System Permit (NPDES Permit).** [A permit issued pursuant to Section 402 of the CWA.](#)
- 74.** **Natural outlet.** Any outlet into watercourse, pond, ditch, lake or other body of surface water or groundwater.
- ~~42-75.~~ **New Dental Discharger Source.** [A dental discharger whose first discharge to a POTW occurs after July 14, 2017.](#)
- ~~43-76.~~ **New Source.**
- a. 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 [one of the following is true](#):
    1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    3. 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.
  - b. A site at which an existing source is located and where construction results in a modification rather

than a [new](#) source as defined in Paragraph [43\(4a\)\(1\)](#) above, provided the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraph [43-\(4a\)\(b2\)](#) or ([e3](#)) above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. [Construction of a new source as defined under this paragraph A site where construction has commenced ~~if, including where~~ the owner or operator has done one of the following:](#)
1. Begun, or caused [one of the following](#) to begin, as part of a continuous onsite construction program,
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. [significant](#) 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
  2. 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.

~~[77. 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.](#)~~

~~[78. Non-Residential Dischargers. All dischargers excluding residential dischargers.](#)~~

~~[44.79. Non-Significant Regulated User. A non-residential user that meets the criteria outlined in Section 13.12.500.C.1.e.](#)~~

~~[45.1. 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.](#)~~

~~[46-80. 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.](#)~~

~~[81. Oil & Grease. Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by Freon solvent.](#)~~

~~[82. Overhead Sewer. A sewer that does not discharge to a public or private sewer main through the use of gravity. Overhead sewers utilize a pump to lift the sewage to an elevation where gravity can then carry away the wastewater. Non-residential waste discharged from overhead sewers are subject to all the same limits and requirements of sanitary sewers.](#)~~

~~[47-83. 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.](#)~~

~~[48-84. 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.](#)~~

~~[49-85. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.](#)~~

~~[50-86. 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,](#)~~

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and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

- ~~51-87.~~ 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.
- ~~88.~~ Pretreatment Coordinator. The person assigned by the Director of Public Works of the City of St. Charles.
- ~~52-89.~~ Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.
- ~~53-90.~~ Pretreatment Standards. ~~That For any specified pollutant, City p~~ Prohibited discharge standards, State of Illinois pretreatment standards in Ill. Adm. Code Section 307, or the national categorical standards, and local limits.
- ~~54.~~ Prohibited Discharge Standard. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR Part 403.5.
- ~~91.~~ Prohibited Discharges or Prohibited Discharge Standards. Absolute prohibitions against the discharge of certain substances; such prohibitions appear in Section 13.12.400.
- ~~92.~~ Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- ~~55-93.~~ Public Sewer. A sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City limits that serve two or more properties and, ultimately discharge into the City sanitary sewer, even though those sewers may not have been constructed with City funds.
- ~~56-94.~~ 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~~ POTW owned by the City, but does not include sewers, pipes, and other conveyances not connected to the City POTW.
- ~~57-95.~~ RCRA. The Resource Conservation and Recovery Act, Public Law 94-482 including all subsequent amendments and applicable regulations promulgated pursuant thereto.
- ~~96.~~ Regional Administrator. The Regional Administrator for USEPA Region V.
- ~~58-97.~~ Required. That the tasks stated must be done.
- ~~59-98.~~ Residential User. Any single family or multi-family dwelling unit designed primarily as a place of human habitation which discharges only domestic wastewater to the City's sanitary sewer system. ~~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.~~
- ~~60-1.~~ ~~Shall and May shall is required; may is permissive.~~
- ~~61-99.~~ Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- ~~100.~~ Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- ~~62-101.~~ Sewerage. The system of sewers and appurtenances for the collection, transportation and pumping

of sewage and industrial wastes.

102. Shall and May. shall is required; may is permissive.

63-103. Significant Industrial User. A user of the POTW (except as provided in paragraphs (c) and (d)) who is:

- a. A User subject to national categorical pretreatment standards; or
- b. A industrial User that:
  - i. 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);
  - ii. 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~~; or
  - iii. Is designated as such by the Director of Public Works or designee 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.

c. The Director of Public Works or designee may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- i. The user, prior to the Director of Public Works' or designee's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- ii. The user annually submits the certification statement required in Section 13.12.615.C. [see 40 CFR Section 403.12(q)], together with any additional information necessary to support the certification statement; and
- iii. The User never discharges any untreated concentrated wastewater.

d. 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 Director of Public Works or designee City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR Section 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

64-104. Slug Load or Slug. Any discharge at a flow rate or concentration, which ~~potentially would~~ could cause interference with the POTW and/or a violation of the prohibited discharge standards in Section 13.12.400. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. 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 13.12.40

65-105. 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



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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.

~~66-106.~~ Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

107. Storm Sewer. A sewer that carries rain water, snowmelt and surface drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

108. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

109. Sump Pump. Any electrical and/or mechanical device designed to raise water from a lower level to a higher level and is designed to remove collected storm water from a pit to a storm sewer or other approved point of discharge.

~~67. 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.~~

~~68-110.~~ SWDA. The Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.

~~69-111.~~ Total Suspended Solids. The total suspended matter Solids that either floats on the surface of, or are is in suspension in, water, sewage, or other liquids, and which are is removable by laboratory filtering, under standard laboratory procedures approved in 40 CFR Part 136.

~~70-112.~~ Toxic Pollutants. Any pollutant or combination of pollutants listed in regulations promulgated by the Administrator under provision of the Act.

~~71-113.~~ Unpolluted Water. Water of quality equal to or better than effluent criteria in effect, or water that would not cause violation of receiving stream-water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

114. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

~~72-115.~~ User. A source of indirect discharge. It also includes such persons or sources that are prohibited from discharging specific pollutants or waste streams to the POTW.

~~73-116.~~ 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.

117. Wastewater. Any combination of 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.

118. Wastewater Discharge Permit. The document or documents issued to a user by the Director of Public Works or designee pursuant to Sections 13.12.565 through 13.12.591.

~~74-119.~~ Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

120. Water Quality Standards. Those standards defined in the Water Pollution Regulations of Illinois, Title 25,

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### Subtitle C, Chapter I.

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

122. Work Day. A day on which work or service is performed by an industry.

~~75.~~123. Utility Services.— Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider.

(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.

(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 Official or designee~~Commissioner~~ and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the

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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 Official or designee ~~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 Official or designee ~~Commissioner~~.
- D.E. The owner or his agent shall make application on a special form furnished by the Building Official or designee. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Building Official or designee. A permit fee, as defined in Section 15.101.150 shall be paid to the City at the time the application is filed.

### **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.

### **13.12.207 – Stormwater/Groundwater Discharge Standards**

- A. Where a sump pump is used for the collection of drainage from foundation footing drains, or any other sub-surface drainage,
  - 1. Such drainage shall not be discharged into the septic tank or public sanitary sewer.
  - 2. Where underground public storm sewer facilities exist, or are proposed to the subject development, the discharge shall be routed and connected to the storm sewer system in accordance with the requirements set forth in the City of St. Charles Engineering Design Inspection and Policy Manual.
  - 3. In the event storm sewer facilities do not exist, sump pumps may be discharged overland on an owner's property, or to a storm water conveyance swale specifically designed and operated as a part of the overall storm water conveyance system, with appropriate drainage and maintenance easements in place for which the City or other operator as identified in easement language (Home Owners Association, Commercial Property Manager, etc.) shall have access and operational maintenance responsibilities.
  - 4. Discharge shall be located a minimum of ten (10) feet from the public street, ally, Right of Way, or property line of a contiguous landowner and shall not be located in an established front yard setback.

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5. Any modifications to the standards set forth shall be at the discretion of the Director of Public Works, or their designee.

B. All down spouts, outside stairwells, roof drains and similar apparatus, shall discharge onto the ground, or as approved under Title 18, and day light a minimum of ten (10) feet from any public Right of Way and five (5) feet from any property line of a contiguous landowner, or half the distance of the established side yard setback. Discharge shall not be located in an established front yard setback.

### **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 (90) calendar 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 owned or contracted by 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:
  - a. Contaminated surface or ground water;
  - b. Odorant production;
  - c. Depth of sludge in the septic tank;
  - d. Clogged seepage field;
  - e. Improper draining of the plumbing fixtures as a result of clogged septic tank and/or seepage field;
  - f. 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 [Official or designee 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 [Official or designee 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.

### 13.12.241 – Monitoring Facilities Requirements

#### A. Sampling Manhole Requirements

1. All Users located in areas zoned industrial and/or business park and such other Users as required by the Director of Public Works or designee, except residential users, are required to install a monitoring manhole for each separate discharge in the building sewer in accordance with the plans and specifications approved by the Director of Public Works or designee.
2. The sampling manhole shall be located on the sewer connection pipe at a point where there are no changes in grade or alignment for at least 15 pipe diameters upstream and downstream from the manhole. The grade (slope) of the pipe shall not exceed 1% (1 foot per 100 feet) through the manhole and for a distance of 15 pipe diameters upstream and downstream from the manhole.
3. There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The manhole shall be installed and maintained by the owner/User at his sole expense so as to be safe and accessible to the Director of Public Works or designee 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.
  - a. Where such a manhole location would be impractical or cause extreme hardship on the User, the Director of Public Works or designee may concur with the manhole being constructed in the public street or sidewalk area providing that the manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a sampling manhole must be in a parking lot, a permanent barricade, such as a bollard shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover.
  - b. The Director of Public Works or designee may postpone the installation of the sampling manhole when specific circumstances prevent the installation of a manhole.
  - c. A postponement for a sampling manhole will be handled on a case-by-case basis by the Director of Public Works or designee when it is determined that the discharge is solely from a residential source and the site is not in a zoned business park/industrial area.
  - d. When a postponement for a sampling manhole installation is granted by the Director of Public Works or designee, an affidavit will be signed by the property owner to install the manhole at a later date should business practices change at the location where the manhole installation was postponed.

#### B. Sampling and Flow Measurement Requirements

1. When in the judgment of the Director of Public Works or designee 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 or designee 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 Director of Public Works or designee.
2. Where nonfunctional or malfunctioning flow measurement equipment exists, the waste generator and/or Industrial User shall notify the Director of Public Works or designee within twenty-four hours of his or her knowledge of the malfunction so appropriate interim measurement arrangements can be made.

### 13.12.242 – Additional Structures Required for the Use of the Public Sewers

#### A. Garbage Grinders.

1. Garbage is required to be properly shredded in order to be approved to be discharged to the public sanitary sewer. Wastes classified as properly shredded garbage contain all particles being carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
2. The installation and operation of any garbage grinder equipped, with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval of the City.
3. The discharge from grinders is prohibited to be connected to a grease interceptor.

### 13.12.243 – Commercial Business Grease Interceptor Requirements

#### A. Grease and Interceptors – Hydro-mechanical grease interceptors and gravity grease interceptors (collectively referred to as grease interceptors or GI) are required to be installed in all new commercial businesses that prepares and/or serves food. All GI shall be of a type and capacity approved by the Director of Public Works or designee based on an evaluation of the volume and characteristics of the discharge in conjunction with the operating plan of the commercial business.

##### 1. Installation Requirements.

- a. All newly constructed commercial businesses that prepares and/or serves food shall install an exterior GI prior to operation of the facility.
- b. Common Interceptors are required to be installed when the tenants or purchasers of sub-properties that are unknown by the complex owner and zoning allows the build-out of a commercial business that prepares and/or serves food in said properties. The owner of the property on which the common interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the common interceptor.
- c. Existing Commercial Business. An existing commercial business that prepares and/or serves food may be required to install a GI at the request of the Director of Public Works or designee. The City may require a GI to be installed or modified within ninety (90) calendar days of notification by the Director of Public Works or designee where:
  - i. The commercial business has caused or contributed to overflows and/or blockages;
  - ii. When any reconstruction, rebuilding, or remodeling of fifty percent (50%) or more of the building occurs; or
  - iii. When streetscapes or street/sewer replacements are installed.

The Director of Public Works or designee may require a new GI to be installed when the existing facility has an undersized, irreparable, or defective GI.

In the event that winter weather will impact the installation of a GI, the Director of Public Works or designee may grant an extension of the installation schedule to a maximum of one hundred eighty (180) calendar days.

- d. Existing Commercial Business where blockages typically occurred. GI's will be required to be

installed within ninety (90) calendar days of notification by the Director of Public Works or designee if blockages typically occur downstream of the commercial business. GI's interior to the building may be required as an interim measure to the installation of an exterior GI. Interior GI will be required to be installed within from five (5) to thirty (30) calendar days, as determined by the Director of Public Works or designee based upon the nature of the hot spot or blockage, after a notice by the Director of Public Works or designee.

2. Location. All GI shall be located to be easily accessible for cleaning, maintenance and inspection. All GI shall be provided exterior to the building for all new construction and when feasible at existing commercial business. The GI shall not be located in drive-through lanes, paved over, covered with landscaping, or have any other hindrances not allowing access.
3. An inspection fee found in Section 15.101.150 shall be paid to the City prior to issuance of the permit should it be determined that the user is required to install any GI.
4. Sign-off Inspection. Prior to the initial operation of any commercial business that prepares and/or serves food, the GI shall be inspected by the Director of Public Works or designee and a sign-off will be issued by the Director of Public Works or designee. Notification will be made by the commercial business to the Director of Public Works or designee during normal business hours of the City. Inspections will be made normally by the Director of Public Works or designee within two (2) City work days of the notice. The commercial business will be required to make appropriate changes prior to initial operation, in the event that the GI does not meet requirements.
5. Modifications. The Director of Public Works or designee may make determinations of GI adequacy, need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding GI performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of the GI.
6. A commercial business that prepares and/or serves food may be issued a general permit as provided by Section 13.12.500.

**B. Grease Interceptor Criteria. GI installed at new and existing commercial business must meet the following criteria:**

1. Sizing. GIs shall be designed in accordance with the City's most recently adopted plumbing code. To calculate the appropriate GI size, the commercial business's engineer, licensed plumber or contractor shall use a formula that considers all kitchen plumbing fixture units, the discharge plumbing pipe diameter for each fixture unit, storage capacity, type of facility, and an adequate retention time. The Director of Public Works or designee will review the GI sizing calculation and will make a decision to approve or require additional GI volume. Where sufficient capacity cannot be achieved with a single unit, installation of GI in series is required.
2. Twenty-five Percent Requirement. Provide for a minimum hydraulic retention time to facilitate the separation of oils and grease between the influent and effluent baffles and prevent pass through of oils and grease from the GI, with twenty-five percent (25%) of the total volume of the GI being allowed for any food derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified as a solids blanket and grease cap respectively.
3. Access Manholes. Access manholes, with a minimum diameter of 24 inches, shall be provided over each exterior GI chamber and each sanitary tee. The access manholes shall extend one inch



above finished grade to prevent storm or surface water inflow or infiltration. One manhole shall be located above the inlet tee and the other manhole shall be located above the outlet tee. The manholes shall also have readily removable covers to facilitate inspection, maintenance, grease removal, and wastewater sampling activities. The manholes shall be accessible for inspection by the Director of Public Works or designee.

4. Plumbing Connections. All GI shall be installed in accordance with the requirements contained in all applicable local plumbing codes. The GI shall be located in the lateral sewer line between all fixtures which may introduce grease into the City's wastewater collection system. Wastewater from domestic facilities and other non-grease laden waste streams shall not be connected to the GI.
5. Prohibitions. Dishwashers and food waste disposal units shall not be connected to or discharged into any GI.

C. Maintenance. Each commercial business shall be solely responsible for the costs of installing, inspecting, pumping, cleaning, maintaining, repairing and replacing its GI. For GIs that serve multiple commercial businesses, then the property owner is the responsible party.

1. Introduction of enzymes, emulsifiers, surfactants, solvents, hot water or other agents into a grease interceptor to dissolve or emulsify grease or as a grease abatement method is prohibited. Introduction of bacteria, caustics or acids as a grease degradation agent is permitted with prior written approval by the Director of Public Works or designee.
2. All GIs shall be serviced and emptied of accumulated waste content as required in order to maintain the design capability or effective volume. The GI cleaning frequency shall be determined based on the Twenty-five Percent Rule, which is when the sum of the grease layer and the solids layer is at 25% of the tank depth volume. At no time shall the cleaning frequency exceed three months. The entire contents of the GI must be cleaned annually and repaired regularly, as needed, by the owner at his expense. It shall be the responsibility of the commercial business to inspect its GI during the pumping procedure to ensure the GI is properly cleaned out and that all fittings and fixtures inside the GI are in working condition and functioning properly. The return of the water pumped from the GI back into the GI or into the City's wastewater collection system is prohibited.
3. In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive discharges as defined in Section 13.12.400, the owner of the commercial business will be required by the Director of Public Works or designee to have the GI cleaned at a more frequent rate or install additional pretreatment as necessary.
4. The commercial business must have documentation consisting of inspection, cleaning, and maintenance logs on site in accordance with and demonstrating compliance with this regulation and must be able to produce the documentation immediately upon request by the Director of Public Works or designee.
5. The commercial business shall notify the Director of Public Works or designee by phone or email within one business day (Monday-Friday) or any noted deficiencies encountered while performing GI pumping, cleaning or maintenance.
6. Disposal. It is the responsibility of each commercial business or property owner to ensure that wastes removed from each GI are properly disposed of at a facility permitted to receive such wastes.

- D. Private Sewer Line Cleaning. Any grease waste hauler, plumber or contractor that cleans FOG from a commercial business's private sewer line must insure that the FOG and other debris cleaned from the private sewer line does not cause an obstruction or blockage in the City's sanitary sewer system. Therefore, the FOG or other debris cleaned from the private sewer line must be removed and hauled off-site. The Director of Public Works or designee shall be contacted immediately if FOG is pushed or jetted into the City sanitary sewer system to make the Director of Public Works or designee aware of the FOG and debris at the specific location.
- E. All commercial businesses that produce yellow grease shall recycle it in an approved grease recycling container, which has a tight-fitting lid and secondary containment, and shall be handled by a licensed recycling company. Yellow grease shall not be discharged into the sanitary sewer line, GI, storm sewer or into the environment whereas to be conveyed to a waterway. The lids to the yellow grease container shall remain closed when stored outside. Spilled yellow grease outside shall be cleaned up immediately and disposed of properly. Washing of yellow grease to the storm sewer or waterway is prohibited.
- F. Inspections. The Director of Public Works or designee may inspect commercial businesses at any time during normal business hours in order to verify continued compliance with all applicable laws and regulations. Commercial businesses with GIs that are inaccessible to the Director of Public Works or designee are responsible for having staff readily available during any inspection to provide access to and to open and close the GI.
- G. Waivers that are available to commercial businesses are identified below. A request for a waiver is required to be filed with the Director of Public Works or designee on a form provided by the City and a waiver review fee will be required at the time of the filing as defined in Section 13.12.970. Waiver requests are not considered to be filed until the request has been reviewed and determined complete. If the Director of Public Works or designee fails to act on a completed waiver request within 45 calendar days, a request for waiver shall be deemed to be denied. While waivers may result in an alteration of the GI requirements, it does not waive the requirement to prevent prohibitive discharges through alternate technologies and best management plan practices.
1. Existing External Commercial Business GI Installation Waiver. The requirement to install and to properly operate and maintain a GI is conditionally stayed, that is, delayed in its implementation by the Director of Public Works or designee. Terms and conditions for application of a stay to a commercial business may be set forth in a general permit. The terms may include the requirement to install GI(s) inside the facility, alternate technology and/or the use of best management practices. The waiver will not apply to any existing facility that has not operated as a commercial business that prepares and/or serves food for the last twelve (12) consecutive months prior to the adoption of this ordinance. Such facilities will be required to install a GI in order to operate as a commercial business that prepares and/or serves food in the City sanitary sewer service area.
  2. Common GI Waiver. Common GI means one or more interceptors receiving FOG laden wastewater from more than one commercial businesses. Common interceptors may be used in lieu of individual GI at each commercial business provided a waiver has been granted by the Director of Public Works or designee. A common GI may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single GI. The owner of the property on which the common GI is located shall be responsible for operating and maintenance of the common GI including program documentation, upkeep, and repair. In such cases, a permit will be issued to the property owner for the GI and general permits may also be required at each commercial business for best management practices requirements.

4. Alternate Technology Waiver. The use of automatic grease removal systems is permissible only upon the written approval of the Director of Public Works or designee, the lead plumbing inspector of the City, and the County Health Department. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Director of Public Works or designee may approve these types of devices dependent on manufacturer's specifications on a case by case basis. Any user operating an alternative technology may be subject to additional operational requirements. Any user with this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistent achieved as required by the Director of Public Works or designee.
5. Cleaning Cycle Waiver. The property may petition the Director of Public Works or designee to reduce the cleaning and servicing of the GI from every three months to a maximum of every six months upon demonstration that the amount removed every three months is significantly less than 25% rule for the basin capacity and the discharge does not exceed the oil and grease local limit.

### 13.12.244 – Automobile Service, Repair and Fuel Dispensing Properties

- A. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all discharges shall have installed a sampling manhole consistent with the requirements of Section 13.12.241. All sampling manholes of this type shall be monitored throughout the year in a manner secured and coordinated by the Director of Public Works or designee. Additionally, any property involved in the repair or servicing of automobiles, trucks, or engine-powered equipment shall install a triple basin oil separator in the sanitary line (per State of Illinois Plumbing codes) servicing the repair area of the building. This system shall be cleaned, serviced and inspected at least four times per year by the owner at his expense. The property may petition the Director of Public Works or designee to reduce the cleaning and servicing of the triple basin oil separator to two times per year upon demonstration that the amount removed quarterly is significantly less than 25% rule for the basin capacity and the discharge does not exceed the oil and grease local limit. Conversely, the system may be required by the Director of Public Works or designee to be cleaned at a more frequent rate if the property cannot meet the requirements.
- B. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. All fuel dispensing equipment, piping and venting shall be installed in accordance with the standards listed below and be in accordance and in compliance with the current adopted building, electrical and fire codes:
  1. *Guidance Manual for LUST Cleanups in Illinois*, September 1989; and *Leaking Underground Storage Tank Manual*, September 1991; both published by IEPA, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276.
  2. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP 100, 1994; published by Petroleum Equipment Institute, P.O. Box 2380, Tulsa, OK 74101.
  3. *Flammable and Combustible Liquid Code*, NFPA/30; *Automotive and Marine Services Station Code*, NFPA/30A; *National Electric Code*, NFPA/70; and *Underground Leakage of Flammable and*

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[Combustible Liquids, NFPA/329; latest editions all published by National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.](#)

4. [Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules, 40 CFR Parts 280 and 281, Part II, Federal Register, Friday, September 23, 1988; and Musts for UST's: A Summary of the New Regulations for Underground Storage Tank Systems, and Hazardous Waste Management Standards, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.](#)
5. [Rules of the Illinois State Fire Marshall, Parts 170 & 180, Title 41, Chapter 1, State of Illinois, Office of the Fire Marshall, 1035 Stevenson Parkway, Springfield, IL 62703.](#)

### C. Jurisdiction:

1. [These requirements shall be met by any property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, where any water main, wastewater or stormwater facility is under the jurisdiction of the City, regardless of whether or not such property lies within the corporate limits of the City.](#)
2. [The requirements of this Section shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, involving placement, replacement, reconfiguration, removal or modification of any fueling area, or a discharge has occurred that does not meet the local limits, or a blockage has been caused or contributed to, compliance with the provisions of Section 13.12.250 shall be required.](#)

### **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 [as outlined in Section 15.10.150](#), the Building [Official or designee](#) ~~Commissioner~~ shall make the following inspections of each residence to be connected to the sewage

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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
  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

- A. Discharge of Unpolluted Drainage into Storm Sewers or Natural Outlets. 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 or designee. Industrial cooling water or unpolluted water may be discharged, upon approval of the Director of Public Works or designee, 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 or designee.
- B. Discharge of Unpolluted Discharges Upon Adjacent Property or Public Streets or Ways Prohibited. It shall be unlawful for any person or User to discharge any storm water, surface water, ground water, roof runoff, or subsurface drainage, including the use of a sump pump for such purpose in such manner as to cause waters to overflow of excess storm water onto adjacent property or to be discharged upon any public street or public way.

### 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 and the required permits have been obtained and is in compliance with the Clean Water Act.

### 13.12.320 – Connection of devices discharging polluting substances to stormwater drains prohibited

- A. Discharge of Polluting Substances From Fixtures into Storm Sewers 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 storm sewer or stormwater drainage system within the corporate limits of the City.
- B. Discharge of Sanitary and Industrial Waste into Storm Drainage Systems Prohibited, Nuisance Declared. For reasons of the protection of the health, safety and welfare of the inhabitants of the City, is the declared policy of the City to prohibit sanitary and industrial waste from entering into the storm water drainage system, and any such connection to the storm water drainage system is determined to be injurious to the public health and welfare and is hereby declared a public nuisance.

### 13.12.330 – Maintenance of stormwater detention and retention basins

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- 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 [Director of Public Works or designee 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 [Director of Public Works or designee 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 [Director of Public Works or designee 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.

### 13.12.340 – Amalgam Management at Dental Offices

#### A. Applicability.

1. Except as provided in paragraphs 3, 4, and 5 of this section, this part applies to dental dischargers as defined in Section 13.12.130.
2. Dental dischargers subject to this part are not Significant Industrial Users (SIUs) as defined in 40 CFR Part 403, and are not Categorical Industrial Users (CIUs) or industrial users subject to categorical pretreatment standards as those terms and variations are used in 40 CFR Part 403, as a result of applicability of 40 CFR Part 441.
3. This part does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
4. This part does not apply to wastewater discharges from mobile units as defined in Section 13.12.130 operated by a dental discharger.
5. This part does not apply to dental dischargers that do not discharge any amalgam process wastewater as defined in Section 13.12.130 to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility as defined in 40 CFR Part 437.
6. Dental dischargers that do not place dental amalgam as defined in Section 13.12.130, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the control authority as required in 40 CFR Part 441.50 are exempt from any further requirements of this part.

- B. Existing Dental Discharger Compliance. Within the shortest reasonable time, but not later than July 14, 2020, any existing dental discharger as defined in Section 13.12.130 subject to this section must comply with the requirements of 40 CFR Section 441.30(a) that defines removal of amalgam solids and (b) implementation of two best management practices. Dental dischargers must file a one-time compliance report per 40 CFR Section 441.50(a) by October 12, 2020 to the Director of Public Works or designee and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of an existing source occurs after July 14, 2020, the new owner must submit a new one-time compliance report no later than ninety (90) calendar days after the transfer.
- C. New Dental Discharger Compliance. As of July 14, 2017, any new dental discharger source as defined in Section 13.12.130 subject to this section must comply with the requirements of 40 CFR Section 441.40 that states discharges must comply with the requirements of 441.30(a) that defines removal of amalgam solids and (b) implementation of two best management practices. Dental dischargers must file a one-time compliance report per 40 CFR Section 441.50(a) no later than ninety (90) calendar days following the introduction of wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of a new source occurs after July 14, 2017, the new owner must submit a new one-time compliance report no later than ninety (90) calendar days after the transfer.
- D. Limited Dental Dischargers. Limited dental dischargers must file a one-time compliance report with certification that they do not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020 for existing sources and within ninety (90) calendar days following the introduction of wastewater for new sources.
- E. Signatory Requirements. The one-time compliance report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR Section 403.12(j) and Section 13.12.130 under authorized representative (5) and (6).

### 13.12.350 – Wastewater Survey

- A. The initial wastewater survey shall be completed in order to ensure that said non-residential users that discharge wastewater to the POTW of the City adhere to and comply with the restrictions and prohibitions pertaining to pretreatment standards of wastes discharged into the POTW of the City set forth in this chapter; spill control of raw materials, intermediates and waste as set forth in Section 13.12.480; and to facilitate the City's investigation of apparent or suspected violations thereof. The requirements are as follows:
1. All existing or new non-residential users, or in areas receiving sewer service from the City, shall complete and submit an initial wastewater survey on a form provided by the City when requested by the Director of Public Works or designee.
  2. All Users defined in paragraph A.1 above seeking to establish a new account for sanitary sewer service from the City or to establish a new connection to the POTW of the City shall file a completed initial wastewater survey with the Director of Public Works or designee as a condition to the establishment of such new sanitary sewer service account or connection to the POTW of the City.
  3. All Users defined above that fail to complete and submit to the Director of Public Works or designee an initial wastewater survey shall be in violation of the provisions of this section and shall be

subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or industrial User in question for the discharge of sewage or wastewater into the POTW of the City.

### B. Commercial Business Survey

The initial commercial business survey shall ensure that commercial businesses discharging to the POTW of the City adhere to and comply with the restrictions and prohibitions pertaining to pretreatment standards of wastes discharged into the POTW of the City set forth in Section 13.12.400 and to control spills of raw materials, intermediates and waste as set forth in Section 13.12.480, and shall facilitate the Director of Public Works' or designee's investigation of apparent or suspected violations thereof. The requirements for the initial commercial business survey are as follows:

1. All existing or new commercial businesses, including those in areas receiving sewer service from the City, shall complete and submit an initial commercial business survey on a form provided by the City when requested by the Director of Public Works or designee.
2. The initial commercial business survey shall cover at a minimum information that includes a description of processes, kitchen fixtures, water usage and wastewater characteristics, plus grease usage and management for the facility. This information will be required to be submitted and will be evaluated by the Director of Public Works or designee for determination of the requirement to issue a general discharge permit per Section 13.12.570.D.
3. All new commercial businesses that establish a new account for sanitary sewer service or those that transfer an existing commercial business account in the City shall file a completed initial commercial business survey with the Director of Public Works or designee as a condition to the establishment of such new or transferred sanitary sewer service account or connection to the POTW of the City.
4. The initial commercial business survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an authorized representative of the User as defined in Section 13.12.130. In the event that the Director of Public Works or designee obtains the information through a site inspection that the initial survey is not signed by an authorized representative, the Director of Public Works or designee may proceed to determine classification and permit as appropriate based on the information obtained at the site.
5. All Users defined above that fail to complete and submit to the Director of Public Works or designee an Initial Commercial Business Survey within thirty (30) calendar days of notice by the Director of Public Works or designee shall be in violation of the provisions of this Section and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the User in question for the discharge of sewage or wastewater into the POTW of the City.

### C. Additional Survey Information

1. After review of the initial wastewater survey completed, all non-residential Users that the Director of Public Works or designee has defined to have the potential to be defined a Significant Industrial User (SIU) or a Non-Significant Regulated User (NSRU) shall be required to complete and file a more detailed wastewater survey on a form provided by the Director of Public Works or designee. At



a minimum, a description of processes, water usage and wastewater characteristics for the facility will be required to be submitted. This information will be evaluated by the Director of Public Works or designee for determination of the requirement to issue an individual or general wastewater discharge permit.

2. In addition to the detailed wastewater survey, Categorical Industrial Users (CIUs) may be required to complete a category specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by an USEPA Effluent Guideline category.

### D. Affirmation to Initial Survey

1. The Director of Public Works or designee shall determine based on building, zoning and occupant usage whether the User shall be required to file an affirmation of survey. The Users status will be defined by the Director of Public Works or designee after review of the initial wastewater survey submitted as required in paragraphs A & B above.
2. Any User, defined in paragraphs A & B above, having filed an initial survey where the information remains true, complete and correct in all respects may be required to submit a statement that the information remains current as part of a discharge permit application process.
  - a. The statement is required to be signed by an authorized representative of the firm.
  - b. The statement will be due upon request by the Director of Public Works or designee.
  - c. All Users defined above that fail to file an affirmation with the Director of Public Works or designee shall be in violation of the provisions of this section and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or industrial User in question for the discharge of sewage or wastewater into the POTW of the City.

### **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 into the POTW:
  1. Any unpolluted water including, but not limited to, uncontaminated non-contact cooling water, storm-water, surface and ground-waters, subsurface drainage, roof run-off, spill contaminant area run-off, footing drains or construction drainage except as specifically permitted by the Director of Public Works or designee;
  2. Any Ppollutants which by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, ~~create a fire or explosion~~ or be injurious in any other way to the facilities or personnel of the City, or to the operation of the City~~hazard in the~~ POTW~~;~~ including, but not limited to, ~~waste streams~~. ~~Materials considered in this regard are those~~ with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR Section 261.21;

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3. Wastewater having a pH less than 5.5 or more than 9, or otherwise causing corrosive structural damage or hazard to structures, equipment or personnel in the POTW or equipment. The pH limits are instantaneous limits that shall be met at all times, and are not subject to averaging;
4. Any Ssolid, solid waste or viscous substances in amounts which will cause obstruction of the flow in a sewer or the POTW, or other interference to the operation of the POTW. Prohibited materials include but are not limited to: waste cooking oil, grease, grease interceptor wastes, Garbage with particles greater than one-half (1/2-inch) in any direction, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, paper, wood, plastics, residues from gas, tar or asphalt, residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acids, or any material which can be disposed of as trash; -resulting in interference but in no case solids greater than one-half inch (1/2") or 1.27 centimeters;
5. Any Ppollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration (including any slug load)-which, either singly or by interaction with other pollutants, which may cause interference with, inhibit, or cause a potential problem at-will cause-interference with the POTW;
6. Any wastewater containing substances in sufficient quantity to interfere with the POTW;
7. Any wastewater containing toxic pollutants in sufficient, either singly or by interaction, to injure, interfere with or cause a potential problem to any POTW treatment processes or facilities, constitute a hazard to humans or animals, or to exceed limitation as set forth in the existing Act, or the Act as it may be amended.
8. Any Wwastewater having a temperature greater than 157°F (65°C), or which will inhibit biological activity or cause interference in the treatment plantCity's POTW facilities-resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plantPOTW to exceed 104°F (40°C);
9. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
10. 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 or which necessitates the City taking special measures to counteract and/or alleviate the impact of the pollutant(s);
11. Trucked or hauled pollutants except for septic waste from recreation vehicles who are residents of the City and only at discharge points designated by the Director of Public Works or designee;
12. Any Nnoxious 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 interfere with, inhibit or cause a potential problem to any operation of the POTW, including but not limited to, prevention of entry into the sewers for maintenance or repair;
13. Any substance withWastewater which imparts color which cannot be removed by the treatment processes, cause potential problems, damages POTW equipment or interferes with POTW operations, such as, but not limited to, dye wastes, ink, and vegetable tanning solutions, which consequently

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- imparts color to the POTW treatment plant's effluent, thereby causing a violation of a City NPDES permit;
14. Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable City, State or Federal regulations governing such discharges;
  15. 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 or designee in a wastewater discharge permit;
  16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
  17. Any solid, solid waste or viscous substances that have caused an obstruction to the flow in a sewer that is eliminated by a professional service or contractor;
  18. Inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) that will cause a potential problem or interfere with POTW operations;
  19. Any wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to POTW organisms other than by direct excrement and any other wastes defined as ~~M~~medical wastes, except as specifically authorized by the Director of Public Works or designee in a wastewater discharge permit;
  20. Any wastewater causing, alone or in conjunction with other sources, the ~~treatment plant's~~POTW's effluent to fail a toxicity test;
  21. Ammonia nitrogen in amounts that would cause a violation of the Water Quality Standards of the receiving waters of the POTW;
  22. Any wastes containing ~~D~~detergents, surface-active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the collection system or the POTW treatment process that result in POTW interferences and/or pass through and/or is shown to inhibit the nitrification process. Wastes prohibited in this section shall not be processed or stored in such a manner that they could be discharged to the POTW;
  23. Fats, oils, or greases of animal or vegetable origin in concentrations greater than the Oil & Grease local limit in Section 31.12.430-100 mg/l.
  24. Additives for the purpose of emulsifying or biologically/chemically treating Oil & Grease for grease remediation or as a supplement to interceptor maintenance that have a content of enzymes, surfactants or solvents that is greater than ten percent (10%) of the volume without the written consent of the Director of Public Works or designee;
  25. 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;
  26. Hazardous Waste;

27. Wastewater or wastes containing iron pickling wastes or concentrated plating solutions whether neutralized or not;
28. Any leachate, groundwater remediation wastewater or waste material, originating within the POTW service area, which does not meet discharge limitations as set forth in this chapter or determined by this chapter except at discharge points designated by the Director of Public Works or designee;
29. Any substances that inhibit the use of UV for disinfection purposes;
30. Wastewater or wastes containing substances which are not amenable to treatment or reduction by the POTW treatment processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters;
31. Any substance or combination of substances which shall cause the POTW facilities to be in violation of its NPDES permit(s), or to cause the City's POTW to violate receiving stream water quality and/or general effluent discharge standards;
32. Any substance which may cause the City's POTW effluent or sludge, to be unsuitable for reclamation and re-use, or interfere with the reclamation processes. In no case shall a substance discharged to the City's POTW cause the City to be in noncompliance with any sludge use or disposal regulations developed under Section 405 of the Act; or any regulations affecting sludge use or disposal developed pursuant to the Resource Conservation and Recovery Act, Solids Waste Disposal Act, Toxic Substance Control Act, or any State; or local standards applicable to any sludge management methods either being used, or considered by the City;
33. Any waste containing items that could clog or damage the City's sanitary sewers, pump stations or POTW operation including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and any plastic products.

- C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged or introduced to the POTW. All Users with prohibited wastes described in this Section or those that have hazardous wastes as defined in Section 13.12.636 shall develop and implement an Accidental Discharge & Slug Control Plan consistent with the requirements in Section 13.12.480. The Director of Public Works or designee may also determine spill prevention and slug control is required of liquids and solids not previously described on either list based on an evaluation of a site potential to cause spills or slug loads to be introduced to the POTW.

### 13.12.410 – National categorical pretreatment standards

These pretreatment requirements shall apply to all non-residential users subject to national categorical pretreatment standards, promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, currently discharging or scheduled to discharge to the City. The categorical pretreatment standards found ~~at in~~ 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 into this chapter.

Limits in categorical pretreatment standards shall apply to the discharge from the process regulated by the standard or as otherwise specified by the standard. Compliance with national categorical pretreatment standards is mandatory.

- A. 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 or designee may impose equivalent concentration or mass limits in accordance with paragraphs B and E below and 40 CFR Section 403.6(c) unless specifically restricted by the categorical pretreatment standard. These equivalent limitations calculated in accordance with the following requirements are deemed pretreatment standards. Users shall be required to comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.
- B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Director of Public Works or designee may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users.

The Director of Public Works or designee calculating equivalent mass-per-day limitations shall calculate such limitations by multiplying the limits in the standard by the User's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the User's actual long-term daily production during a representative year. For new sources, actual production shall be estimated using projected production.

The Director of Public Works or designee calculating equivalent concentration limitations shall calculate such limitations by dividing the mass limitations by the average daily flow rate of the User's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

- A.C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works or designee shall impose an alternate limit using the combined waste stream formula in 40 CFR Section 403.6(e) provided that the regulation allows the wastewaters to be mixed and the User can supply the information necessary to allow issuance of an alternative limit.
- B.D. A User may ~~obtain request and 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 Section 403.13, that factors relating to its discharge are fundamentally different from the factors considered by USEPA when developing the categorical pretreatment standard.
- E. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, a User may request that the Director of Public Works or designee convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director of Public Works or designee. The Director of Public Works or designee may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 1.a through 1.e below.
1. To be eligible for equivalent mass limits, the User must:
    - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual wastewater discharge permit;
    - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
    - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as

- the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
  - e. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the User's request for equivalent mass limits.
2. A User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director of Public Works or designee whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 1.c of this Section. Upon notification of a revised production rate, the Director of Public Works or designee will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 1.a of this Section so long as it discharges under an equivalent mass limit.
3. When developing equivalent mass limits, the Director of Public Works or designee:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 13.12.450. The User must be in compliance with Section 13.12.799 regarding the prohibition of bypass.
- F. The Director of Public Works or designee may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Director of Public Works or designee.
- G. Once included in its wastewater discharge permit, the User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived. Note: see 40 CFR Section 403.6(c)(7).
- H. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations.

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Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations. Note: see 40 CFR Section 403.6(c)(8).

- I. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Director of Public Works or designee within two (2) work days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of Public Works or designee of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. Note: see 40 CFR Section 403.6(c)(9).

~~A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.~~

~~C. The User shall identify the Pretreatment Standards applicable to each regulated process.~~

All Users that are subject to national categorical pretreatment standards are required to file reports as required in this Ordinance, signed by an Authorized Representative per Sections 13.12.600 through 13.12.615. These reports shall include all information that the Director of Public Works or designee deems necessary to make compliance determinations.

### 13.12.420 – State pretreatment standards

All Users are subject to State standards and requirements as defined in 35 Ill Adm. Code (IAC) 307. Specifically, the standard for discharge of mercury is as follows: State pretreatment standards located at Title 35: Subtitle C, Chapter 1, Section 302 are hereby incorporated by reference.

#### A. Mercury (35 IAC 307.1102)

1. Except as provided below, no person shall cause or allow the concentration of mercury in any discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 IAC 304.104(a):

<u>CONSTITUENT</u>	<u>STORET</u>	<u>CONCENTRATION</u>
	<u>NUMBER</u>	
<u>Mercury</u>	<u>71900</u>	<u>mg/l</u> <u>0.0005</u>

2. It shall be an exception to subsection A.1 if the discharge is to a publicly owned or publicly regulated sewer system which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it discharges.
3. It shall be an exception to subsection A.1 above, if all the following conditions are met:
  - a. The discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or, the discharger uses mercury only in chemical analysis or in laboratory or other

- equipment and takes reasonable care to avoid contamination of wastewater; and,
- b. The discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 IAC 304.104(a); and,
  - c. The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,
  - d. The discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury discharges.
4. The discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of subsection 1.A above if all the following conditions are met:
- a. The total discharge is less than 227 g (one half pound) as mercury (Hg) in any year;
  - b. This discharge is to a public sewer system; and
  - c. The discharge does not, alone or in conjunction with other sources, causes the effluent from the sewer system or POTW to exceed 0.0005 mg/l of mercury.
5. No person shall cause or allow any discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the sewer ~~treatment plant~~ discharge of the Water Quality Standard of 35 IAC 302 for mercury applicable in the receiving stream.
6. For purposes of permit issuance the IEPA may consider application of the exception of subsection A.2 or A.3 above to determine compliance with this Section. The IEPA may impose permit conditions necessary or required to assure continued application of the exception. When subsection A.2 or A.3 above applies, the IEPA may impose an effluent limitation in the permit which allows the discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.

### 13.12.430 – Local limits

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

62.0	mg/L	Ammonia
0.69	mg/L	Arsenic
2.00	mg/L	Barium
574	mg/L	BOD
0.85	mg/L	Cadmium
0.50	mg/L	Chromium (hex)
3.00	mg/L	Chromium
1.00	mg/L	Chromium (tri)
1000	mg/L	COD
1.00	mg/L	Copper
0.50	mg/L	Cyanide
123	mg/L	<u>FOGOil &amp; Grease</u>
45.0	mg/L	Fluoride
3.00	mg/L	Iron (dissolved)
32.0	mg/L	Iron



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0.50	mg/L	Lead
4.00	mg/L	Manganese
0.0005	mg/L	Mercury
3.00	mg/L	Nickel
0.80	mg/L	Phenols
1.00	mg/L	Selenium
0.20	mg/L	Silver
3500	mg/L	Total Dissolved Solids
540	mg/L	Total Suspended
7.50	mg/L	Zinc

All concentrations for metallic substances are for total metals unless indicated otherwise.

### B. Grease Interceptor (GI) Twenty-five Percent (25%) Requirement.

The Director of Public Works or designee reserves the right to apply a Twenty-five Percent (25%) Requirement at the discharge side of the external GI prior to mixing with any other wastewater from the contributing commercial business's property in lieu of the limits listed in Section 13.12.430.A above. The last section of an external GI at a commercial business shall be measured to determine that the total volume of the GI being used for any food-derived solids to settle or accumulate plus the floatable grease-derived materials that rise and accumulate, identified as a solids blanket and grease cap respectively, is less than twenty-five percent (25%) of the total design hydraulic depth as measured from the effluent discharge pipe to the bottom ("Twenty-five Percent (25%) Requirement"). The Director of Public Works or designee may also apply the Twenty-five Percent (25 %) Requirement for external GI that are used at locations such as an automobile service, repair and dispensing properties.

- C. The Director of Public Works or designee will apply the local limits found above in Section 13.12.430.A above normally at the end-of-pipe point where the non-residential waste is discharged to the municipal sewer system. Provisions to apply local limits at end-of-process are outlined in Section 13.12.644.A.2.
- D. The Director of Public Works or designee reserves the right to establish requirements, by ordinance or in a wastewater discharge permit or general permit, to require control over the quantities and rates of discharge from any User.
- E. The Director of Public Works or designee reserves the right to establish, by ordinance or in a wastewater discharge permit, mass limitations rather than concentration limitations on discharge particularly if Users are using dilution to meet applicable pretreatment standards and requirements, or in other cases when the imposition of mass limitations is appropriate.
- F. The Director of Public Works or designee reserves the right to set specific limits for those pollutants not identified in Section 13.12.430.A above on a case by case basis for impacts caused to the POTW including but not limited to interference, potential problem, pass through and prevention of beneficial sludge re-use. Those limits shall be set forth in a wastewater discharge permit per Section 13.12.570.
1. Local limits for additional pollutants not identified in Section 13.12.430.A above will be noticed to the permit holder a minimum of thirty (30) calendar days prior to the effective date of the wastewater discharge permit. In the event that the Director of Public Works or designee receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by the Director of Public Works or designee.
- G. Any User whose discharge may be pretreated and/or treated more effectively by the City POTW, and discharges to the City's POTW that cause the City POTW to alter its method of wastewater treatment or sludge disposal to a more costly method shall be assessed the differential cost between the more

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costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the City Council.

B.H. The City may develop Best Management Practices (BMPs), by ordinance or in individual or general Wastewater Discharge Permits, to implement local limits and the requirements of Section 13.12.400.

~~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.~~

(1996-M-72 : § 4)

### 13.12.440 – The City's right of revision

A. The Director of Public Works or designee City reserves the right to establish, by ~~chapter ordinance~~ or in wastewater discharge permits or general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of the chapter. The local limits listed in Section 13.12.430 are derived from the maximum allowable industrial loading (MAIL) calculation.

A.B. The City's POTW will maintain a reserve of the maximum allowable headworks pollutant loading for each pollutant for new industries or increase with existing industries. The Director of Public Works or designee will recalculate the maximum concentrations from time to time using site specific data taking into consideration revisions to State and Federal regulations that may impact the calculations.

### 13.12.450 – Dilution

No User shall ever increase the use of potable or 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 and in a wastewater discharge permit. The Director of Public Works or designee 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 or designee, 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 or designee for review, and shall be approved in writing by the Director of Public Works or designee 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 Director of Public Works or designee City under the provisions of this chapter.

All Users are required to comply with IEPA permitting requirements. Users shall obtain all necessary construction-operating permits from the IEPA prior to the City connection and/or discharge permit(s) being issued. IEPA will make the determination of actual permitting requirements based on changes in the

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wastewater volume or characteristics generated at the User site. The City will parallel this IEPA permitting process with the City permitting process. No sources of non-residential wastewater will be allowed to discharge to the City POTW until all permitting requirements have been satisfied. Such pretreatment facilities shall be under the control and direction of an IEPA-certified wastewater operator.

Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director of Public Works or designee and IEPA prior to the User's initiation of the changes. Users shall obtain all additional construction-operating permits from IEPA and the City for the changes prior to discharge.

### 13.12.470 – Additional pretreatment measures

At minimum, the Director of Public Works or designee may require the additional pretreatment measures defined below. The Director of Public Works or designee reserves the right to make unannounced inspections of any additional pretreatment measures during normal business hours whether the User has been issued an individual or general wastewater discharge permit or not.

- A. Whenever deemed necessary, the Director of Public Works or designee 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 or designee 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. The design and installation of the equipment shall be subject to the review and approval of the Director of Public Works or designee and subject to the requirements of all applicable codes, ordinances and laws. Said facilities shall also be subject to approval by IEPA consistent with IEPA regulations. A wastewater discharge permit or general permit may be issued solely for flow equalization. This equipment shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- C. Grease, oil, and sand interceptors for non-food service establishments shall be provided when, in the opinion of the Director of Public Works or designee, 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 or designee 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.
- D.E. Laboratory and other facilities that commonly use acid and alkaline chemicals or compounds may be required to install a neutralizing basin. All basins shall be of the type and capacity approved by the Director of Public Works or designee and shall be located for easy accessibility for cleaning and inspection.

### 13.12.480 – Accidental discharge/slug control plans

A. All permitted Non-Residential Users are required to develop, implement and maintain an Accidental Discharge/Slug Control Plan hereafter referred to as Spill Plan. All Non-Residential Users that meet the below criteria are required to develop and implement a Spill Plan regardless whether that User is regulated by a discharge permit or not.

1. Chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;
2. Prohibited Discharge Materials as defined in Section 13.12.400 at or on its site; or
3. Hazardous Waste as defined in Section 13.12.636 at or on its site; or
4. Been defined by the Director of Public Works or designee to have a need to control slug discharges.

A.B. 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. The Spill Plan shall address, at a minimum, the following and be submitted to the Director of Public Works or designee for review if the User's discharge is regulated by the City with a wastewater discharge permit:

1. Specifics of Spill Plan:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals, including quantity of chemicals and type and number of storage containers;
- b.c. Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing eight drum or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;
- d. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 13.12.570; and Location of notice/signs posted in conspicuous places advising employees in English and the language of common use whom to call in the event of a spill, accidental discharge or prohibited material, slug discharge or a bypass of any part of a pretreatment system;
- e.e. Emergency telephone number (24-hour) off-site and backup telephone number. If the Spill Plan has been submitted to the Director of Public Works or designee, any change in the telephone numbers should be submitted to the Director of Public Works or designee within five (5) working days when revised; and
- d.f. 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. Building containment structures or production equipment changes are considered procedures to prevent adverse spills. If containment structures are connected to the sanitary sewer, a valve normally left in a closed position is required.

2. Notification Procedure. The Spill Plan shall contain procedures for immediately notifying the Director of Public Works or designee of any accidental or slug discharge, as required by Section 13.12.625.

3. Documentation. The Spill Plan shall contain a sample of the documentation maintained at the site that:

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- a. Ensures that all employees who are in a position to cause, discover, or observe such discharge are advised of the emergency notification procedures; and
- b. Such logs to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify valves in containment structures, if present, are closed.
- C. Review of such plans and operating procedures by the Director of Public Works or designee shall not relieve the User from the responsibility to modify the User's facility or Spill Plan as necessary to meet all requirements of this ordinance. Review by the Director of Public Works or designee does not constitute an approval of a Spill Plan and the Director of Public Works and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or slug load.
- D. At least once every two (2) years the Director of Public Works or designee shall evaluate whether each SIU needs a revision to its Spill Plan. The Director of Public Works or designee may require any User to submit at a frequency less than two (2) years such Spill Plan or require modification of an existing Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

In alternate years, the Director of Public Works or designee shall evaluate whether each NSRU is required to file a revision to its Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

### **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.~~

### **13.12.485 – Closure Plan**

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Any non-residential user meeting the requirements of Section 13.12.480.A that determines it will cease operations permanently, or if some of the processes that classify the User as significant are closed, the User shall file a written closure plan with the Director of Public Works or designee. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:

- A. A description of each wastewater generating process that will be closed;
- B. A description of how the facility will be closed and the extent of operations during the closure period;
- C. An inventory and estimate of the volume of all process wastewater, chemicals, and hazardous waste on-site. A description of the methods of disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used;
- D. A schedule of the closure activities indicating the time required to complete each closure step; and
- E. Additional monitoring scheduled that will identify compliance with pretreatment standards during the closure operations.

### 13.12.500 – Wastewater discharge permit authority and requirements

#### A. Individual Wastewater Discharge Permit issued to Significant Industrial Users (SIUs) which includes Categorical Industrial Users (CIUs):

1. No Significant Industrial User, including any CIU, shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Works or designee, except that a Significant Industrial User, including any CIU, 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. General Wastewater Discharge Permit issued to SIU and CIU:

1. At the discretion of the Director of Public Works or designee, the City may use general wastewater discharge permits to control SIU or CIU discharges to the POTW if the following conditions are met:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of waste;
3. Require the same effluent limitations;
4. Require the same or similar monitoring and/or reporting requirements; and
5. In the opinion of the Director of Public Works or designee, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

#### C. Other Wastewater Discharge Permits:

1. The Director of Public Works or designee may require other non-residential users obtain either individual or general wastewater discharge permits as necessary to carry out the purposed of this chapter. The wastewater discharge permit will define that holders of permits issued under this section not be classified as SIUs. Non-residential users with wastewater discharge permits in this class may include but are not limited to:

- a. Any User that has been determined to be a non-significant CIU as defined in Section 13.12.120;
- b. Any User that has been determined not to be a SIU as defined in Section 13.12.120 that the Director of Public Works or designee requires to be regulated by wastewater discharge permit;
- c. Any User subject to national categorical pretreatment standards that opts not to discharge pollutants shall obtain a zero process wastewater discharge permit;
- d. Any User that is a non-categorical zero process wastewater discharger that the Director of Public Works or designee determines shall be permitted;
- e. Non-Significant Regulated Users (NSRU) as defined below. In the event that the City operates more than one POTW, the percentage shall be determined based on the plant to which the User discharges rather than the total capacity of all the City plants:
  - i. NSRU that discharge a process wastewater flow greater than or equal to one-half (0.5) percent of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller;
  - ii. NSRU that discharge more than or equal to one-half (0.5) percent of the design dry-weather organic treatment capacity of the POTW;
  - iii. NSRU that discharge one-half (0.5) percent of the maximum allowable headworks loading for any pollutant regulated by a local limit developed in accordance with Section 13.12.430; or
  - iv. NSRU that intermittently discharge any individual batch or batches that would meet the criteria in 1, 2, or 3 above when discharged or otherwise has the potential to discharge a slug load to the POTW.
- f. Non-residential users that have devices installed to remove oils, grease and sand; and
- g. Commercial businesses that prepares and/or serves food.

~~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.D.~~ Any violation of the terms and conditions of an individual or general 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 an individual or general 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 or designee, a User shall submit information on the nature and characteristics of its wastewater within thirty (30) calendar days of the request. The Director of Public Works or designee is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Director of Public Works or designee may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Sections 13.12.350 and 13.12.540.

### 13.12.510 – Industrial user wastewater discharge permit application

A. Applications for discharge permits shall be made to the Director of Public Works or designee and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to

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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 [Director of Public Works or designee](#), ~~City~~ shall pay a fee [as defined in Section 13.12.970](#) of ~~\$100.00~~. Such fee is due and payable prior to the discharge permit being issued, modified [due to a building or process modification](#), or renewed.

### 13.12.520 – [Individual and General](#) Wastewater discharge permitting - Existing source

- A. Any [SIU or CIU-User](#) required to obtain an [individual or general](#) wastewater discharge permit who was discharging wastewater into the POTW prior to [the effective date of this ordinance May 25, 1995](#) and who wishes to continue such discharges in the future, shall, within ninety (90) [calendar](#) days after [said date May 25, 1995](#), apply to the Director of Public Works [or designee](#) for [the appropriate](#) 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) [calendar](#) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director of Public Works [or designee](#).
- B. [Any non-SIU or non-CIU that is required to obtain individual or general wastewater discharge permits shall file an application not less than ninety \(90\) calendar days or within the time frame required in a notification sent by the Director of Public Works or designee.](#)
- C. [General Permits for Commercial Businesses. The Director of Public Works or designee may require a commercial business that is required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the City. The form may require but is not limited to contact information, general business information; facility operation; kitchen fixtures; fats, oil and grease handling, kitchen clean-up and water usage, grease interceptor or alternatives used, and sampling locations. The City requires commercial businesses that prepare and/or serve food to comply with a BMP and the commercial business shall submit documentation as required by the Director of Public Works or designee.](#)

### 13.12.530 – [Individual and General](#) Wastewater discharge permitting - New source

- A. Any [SIU or CIU-User](#) ~~required to obtain a wastewater discharge permit~~ who proposes to begin or recommence discharging into the POTW shall obtain [such an individual or general wastewater discharge permit](#) prior to the beginning or recommencing of such discharge. An application for this [individual or general](#) wastewater discharge permit, in accordance with Section 13.12.540 of this chapter, shall be filed at least ~~one hundred eighty (180)~~ [ninety \(90\) calendar](#) days prior to the date upon which any [process](#) discharge will begin or recommence [pending review by the Director of Public Works or designee](#).
- B. [Any non-SIU or CIU who proposes to begin or recommence discharging into the POTW that is regulated to obtain an individual or general wastewater discharge permit must obtain such permit prior to the beginning or recommencing of such discharge or operations in the case of a zero process discharger, in accordance with Section 13.12.540. An application for this individual or general wastewater discharge permit must be filed at least thirty \(30\) calendar days prior to the date upon which any discharge or operations will begin or recommence pending review by the Director of Public Works or designee.](#)
- A-C. [A commercial business that prepares and/or serves food that proposes a new connection may be required to obtain a general discharge permit in accordance with Section 13.12.540.](#)

### 13.12.540 – [Individual and General](#) Wastewater discharge permit application contents



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A. Individual Application Requirement. All Users required to obtain an individual wastewater discharge permit or zero process wastewater discharge permit shall submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

A.B. Individual Application Contents. The Director of Public Works or designee may require all Users to submit as part of an application the following information:

1. All information required by Section 13.12.600(B);

2. Identifying and contact information for the site including name and address of the facility, the name of the operator and owner as well as contact information for the authorized representative and daily on-site contact.

2.3. Description of Operations:

a. A brief description of the nature of the activities, services, production, and plant processes on the premises. Include each product produced by type, amount, process or processes, and a general rate of production;

b. Number and type of employees, hours of operation, and proposed or actual hours of operation;

a.c. Type and amount activities, facilities, and plant processes on the premises, including a list of all raw materials processed (average and maximum per day) 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;

~~Number and type of employees, hours of operation, and proposed or actual hours of operation;~~

~~3. Each product produced by type, amount, process or processes, and rate of production;~~

~~Type and amount of raw materials processed (average and maximum per day);~~

4. Time and duration of discharges with an estimate of the average daily and maximum flow;

5. Waste Characteristics. Information showing the nature and concentration of the discharge in relation to applicable pretreatment standards and local limits;

6. Requests for a monitoring waiver for a pollutant regulated as a categorical pretreatment neither present nor expected to be present in the discharge based on 40 CFR Section 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;

7. Plans and Diagrams:

a. Site plans/floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;

b. 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; and

c. A diagram showing the location for monitoring the discharge of all wastes covered by the permit.

~~4.8. Time and duration of discharges~~Environmental Permits. A list of any environmental control permits held by or for the facility; and

~~5.9.~~Any other information as may be deemed necessary by the Director of Public Works or designee to evaluate the wastewater discharge permit application.

- C. General Application Requirement. The Director of Public Works or designee may require all Users that are required to obtain a general wastewater discharge permit to submit an application on a form provided by the City, which is specific to the category regulated by the general wastewater discharge permit. The form may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit.
- D. General Application Requirement for Commercial Businesses. The Director of Public Works or designee may require a commercial business that is required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the City. The form may require but is not limited to contact information, general business information; facility operation; kitchen fixtures; fats, oil and grease handling, kitchen clean-up and water usage, grease interceptor or alternatives used, and sampling locations. The City requires commercial businesses that prepare and/or serve food to comply with a BMP and the commercial business shall submit documentation as required by the Director of Public Works or designee.
- E. Categorical Monitoring Waivers
1. Authority. Pursuant to 40 CFR Section 403.12(e)(2)(v) and (vi), the Director of Public Works or designee may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the User. This waiver is not available to Users whose concentration standards are derived from mass standards or production based standards. This authorization is subject to the following conditions:
    - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical pretreatment standard and otherwise includes no process wastewater.
    - b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
    - c. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
  2. Application Requirements
    - a. In making a demonstration that a pollutant is not present, the User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
    - b. The request for a monitoring waiver must be signed and include the certification statement in accordance with Section 13.12.550.
    - c. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  3. Documentation and Record Retention for CIU Monitoring Waivers

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Any grant of the monitoring waiver by the Director of Public Works or designee must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director of Public Works or designee for three (3) years after expiration of the waiver.

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

### 13.12.550 – Individual and General Application signatories and certification

- A. 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.”

- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Public Works or designee prior to or together with any reports to be signed by an authorized representative.

### 13.12.560 – Individual and General Wastewater discharge permit decisions

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

### 13.12.561 – Intermittent Discharges and Clean-ups

- A. No person, firm or corporation shall discharge atypical waste, contaminated waters from any non-domestic source, or special waste on an intermittent or one-time basis without first obtaining a connection permit and wastewater discharge permit as provided in Sections 13.12.202 and 13.12.504, respectively. The request to discharge and project description shall be submitted on a form provided by the City.
- B. An evaluation by the Director of Public Works or designee shall be made to determine provisions necessary to prevent the introduction of pollutants to the POTW which could:

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1. Cause injury, interference or otherwise be incompatible with the system or the use or disposal of sludge;
2. Constitute a hazard to humans, animals or the environment; and/or
3. Cause pass-through of pollutants into the receiving waters or the atmosphere.

Provisions may include site specific discharge rates, unique standards (either concentration or mass based or both), special monitoring and/or pretreatment requirements.

### 13.12.565 – Wastewater discharge permit duration

- A. An individual or general wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual or general wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works or designee. Each individual or general wastewater discharge permit will indicate a specific date upon which it will expire.
- B. The Director of Public Works or designee may extend a permit issued with a duration of less than five (5) years to a maximum duration of five (5) years upon written notification.

### 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 or designee to prevent pass through or interference, protect the quality of the water body receiving the ~~treatment plant's~~POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual and general ~~W~~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 issuance date, expiration date, effective date, and duration, which in no event shall exceed five (5) years;
  2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Director of Public Works or designee in accordance with Section 13.12.587, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  3. Effluent limits, including best management practices for CIUs with best management requirements, based on applicable pretreatment standards;
  4. Requirements to control accidental spills and slug discharges;
  - 4.5. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored or BMPs, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - 5.6. 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; and
  - 6.7. Notification requirement to report to the Director of Public Works or designee City either orally or in writing, any violation of applicable pretreatment standards within twenty-four (24) hours of occurrence.

B. An individual wastewater discharge permit may contain the process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 13.12.540.E. Any grant of the monitoring waiver by the Director of Public Works or designee shall be included as a condition of the User's permit.

B.C. Individual and general 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 equalize, reduce, eliminate, or prevent the introduction of pollutants into the ~~treatment works~~POTW;
3. Requirements that allow the use of bypass of the pretreatment system conditions consistent with 40 CFR Section 403.17 and Section 13.12.799.
- ~~3.4.~~ 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;
- ~~4.5.~~ Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- ~~5.6.~~ The unit charge and/ or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
7. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
8. Requirements for the zero discharge of process waste regulated by a national categorical pretreatment standard or local standard;
- ~~6.9.~~ Documentation of any monitoring waiver approved by the Director of Public Works or designee for categorically regulated pollutants found to be not present and requirements to re-institute monitoring in the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operation.
- ~~7.10.~~ 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;
- ~~8.11.~~ Notification requirement to report to the Director of Public Works or designeeCity, either orally or in writing any slug load discharges into the POTW, within 24 hours of occurrence; and
- ~~9.12.~~ Other conditions as deemed appropriate by the Director of Public Works or designee to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

D. General Permits for Commercial Businesses. The general permit for commercial businesses that prepares and/or serves food will include grease interceptor requirements with operation and maintenance requirements. All commercial businesses shall implement a BMP plan in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for BMP plans shall be specified in the permit. This may include but is not limited to:

1. Installation of drain screens;
2. Segregation and collection of waste cooking oil;
3. Disposal of food waste into the trash or Garbage;
4. Employee training;
5. Record keeping requirements;

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- [6. Notifications required, and](#)
- [7. Kitchen signage.](#)

[If the commercial business has a waiver for some aspect of the program, that waiver will be documented in an attachment to the permit.](#)

### 13.12.575 – [Individual and General Wastewater discharge permit appeals](#)

The Director of Public Works [or designee](#) shall provide public notice of the issuance of an [individual or general](#) wastewater discharge permit. Any person, including the User, may petition the Director of Public Works [or designee](#) to reconsider the terms of a wastewater discharge permit within thirty (30) [calendar](#) 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.](#)

~~A.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.

~~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 [or designee](#) fails to act within thirty (30) [calendar](#) 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 [sixty \(60\) ~~thirty five \(35\)~~ calendar](#) 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 judgment, whichever applies.

### 13.12.580 – [Individual and General Wastewater discharge permit modification](#)

The Director of Public Works [or designee](#) 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. To address introduction of a pollutant for which a monitoring waiver had been obtained;](#)

[D. To reflect the issuance of a monitoring waiver;](#)

~~C.E.~~ A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

~~D.F.~~ Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

~~E.G.~~ Violation of any terms or conditions of the wastewater discharge permit;

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**F.H.** Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

**G.I.** Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR [Section 403.13](#);

**H.J.** To correct typographical or other errors in the wastewater discharge permit; or

**I.K.** To reflect a transfer of the facility ownership or operation to a new owner or operator [as provided by Section 13.12.587](#).

### 13.12.585 – Wastewater discharge permit revocation

The Director of Public Works [or designee](#) may revoke an [individual or general](#) wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of Public Works [or designee](#) of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of Public Works [or designee](#) 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 [and certification statements](#);
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Public Works [or designee](#) 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 [or operation](#) 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 [or operation](#) 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 or designee 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 or designee determines an emergency exists, at least ten (10) calendar days before the hearing. Service may be made on any agent or officer of a User.
- B. The Director of Public Works or designee ~~City Council~~ may ~~itself~~ conduct the hearing and take the evidence, or may designate any of its members/designees, 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 Director of Public Works or designee ~~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~~ Director of Public Works or designee 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 Director of Public Works or designee ~~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's POTW and collection system and provide grounds for the granting of injunctive relief or temporary restraining orders.

### 13.12.587 – Transfer of permits

Wastewater discharge permits shall not be transferred, assigned, or sold to a new owner or new User in different premises or to a new or different operation in the same or different premises without the expressed written approval of the Director of Public Works or designee. If the premises sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permittee, then the permit held by the seller and/or owner shall be reissued by the City to the new owner and/or operator as a temporary permit, provided:



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- A. The new owner and/or operator notified the Director of Public Works or designee thirty (30) calendar days in advance of the transaction, and
- B. The new owner and/or operator confirmed to the Director of Public Works or designee within five (5) working days of the transaction, of completion of the date of sale or execution of an operating contract, and

A.C. The new owner and/or operator shall apply for a new permit within ninety (90) calendar days.

Failure to provide the sale/transfer notification defined in subsections A and B above, renders the wastewater discharge permit void as of said sale and/or transfer date. It is further provided that the temporary permit shall only be effective for one hundred eighty (180) calendar days after the date of sale or transfer. The Director of Public Works or designee shall have the same remedies for violation for violation of temporary permits as it has for violation of other wastewater discharge 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 – Individual and General 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 ninety (90) calendar ~~one hundred eighty (180)~~ days prior to the expiration of the User's existing wastewater discharge permit.

### 13.12.591 – Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City shall enter into an intergovernmental agreement with the contributing municipality.
- B. The City shall request the following information from the contributing municipality at a frequency determined by the Director of Public Works or designee:
  1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  3. Such other information as the Director of Public Works or designee may deem necessary.
- C. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
  1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in

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Sections 13.12.400 and 13.12.430 for the area to be served by the City. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits.

2. A requirement for the contributing municipality to submit a revised non-residential User inventory at a frequency determined by the Director of Public Works or designee but at least annually;
3. A provision specifying that pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the Director of Public Works or designee;
4. A requirement for the contributing municipality to provide the Director of Public Works or designee with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Director of Public Works or designee access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Public Works or designee; and
8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

### 13.12.600 – Baseline monitoring reports

- A. Within either one hundred eighty (180) calendar days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, any existing CIU-categorical User currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works or designee a report which contains the information listed in paragraph B, below. At least ninety (90) calendar days prior to commencement of their-its discharge, a new source, or source that becomes a CIU-categorical User subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works or designee 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 (including each product produced by type, amount, processes, and 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 Section 403.6(e).
  5. Measurement of Pollutants.

- a. The categorical pretreatment standards applicable to each regulated process [and any new categorically regulated processes for existing sources](#).
- 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 [or designee](#), 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. [In cases where the standard requires best management practices or pollution prevention alternative, the User shall submit documentation as required by the Director of Public Works or designee or the applicable standards to determine compliance with the standards.](#)
- c. The User shall take a minimum of one representative sample to complete that data necessary to comply with the requirements of this paragraph. A minimum of four (4) grab samples are required for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
- d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow the use of the combined wastestream formula of 40 CFR Section 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.
- e. Sampling must be performed in accordance with procedures set out in Section 13.12.650 and shall be analyzed in accordance with procedures set out in Section 13.12.645.
- f. The Director of Public Works or designee may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- ~~e-g. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the City's POTW. Sampling shall be performed in accordance with procedures set out in Section 13.12.645.~~
6. Compliance 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 must be provided. 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 B.7.

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- 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 or designee no later than fourteen (14) calendar 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 or designee.
- D.E. All compliance schedule progress reports must be signed and certified in accordance with Section 13.12.550.

### 13.12.610 – Reports on compliance with categorical pretreatment standard deadline

Within ninety (90) calendar 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 or designee 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 Section 403.6(c) and Section 13.12.410, 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. Significant Non-Categorical Industrial User

1. All Significant Non-Categorical Industrial Users shall, at a frequency determined by the Director of Public Works or designee but in no case less than twice per year on dates specified by the City (in June and December), submit a report to the Director of Public Works or designee 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director of Public Works or the Pretreatment Standard necessary to determine compliance status of the User. All periodic compliance reports shall be signed and certified in accordance with Section 13.12.550.
2. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All wastewater samples must be representative of the User's discharge and comply with the requirements of Sections 13.12.645 and 13.12.650.
3. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the wastewater discharge permit, using the procedures prescribed in

Sections 13.12.645 and 13.12.650, the results of this monitoring shall be included in the report.

4. All sampling and analysis may be performed by the City in lieu of the Significant Non-Categorical Industrial User. In such cases, the City will issue an attachment to the wastewater discharge permit that specifies the City will perform sampling and analysis semi-annually at minimum.
5. Where the City itself collects all the information required for the report, the Significant Non-Categorical Industrial User will not be required to submit the report.

### B. Categorical Industrial User

1. All industrial Users subject to categorical pretreatment standards (CIU) shall, at a frequency determined by the Director of Public Works or designee but in no case less than twice per year on dates specified by the City, 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. At the discretion of the Director of Public Works or designee and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of Public Works or designee may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Section 13.12.550.
2. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All wastewater samples must be representative of the User's discharge and comply with the requirements of Sections 13.12.645 and 13.12.650.
3. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the wastewater discharge permit, using the procedures prescribed in Sections 13.12.645 and 13.12.650, the results of this monitoring shall be included in the report.
4. Where the Director of Public Works or designee has imposed mass limitations on Users as provided for by 40 CFR Section 403.6(c), the report required by paragraph B.1 of this section shall indicate the mass of pollutants regulated by the pretreatment standards in the discharge from the industrial User.
5. For Users subject to equivalent mass or concentration limits established by the Director of Public Works or designee in accordance with the procedures in Section 13.12.410, the report required by paragraph B.1 shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph B.1 shall include the User's actual average production rate for the reporting period.
6. In cases where the categorical pretreatment standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director of Public Works or designee or the pretreatment standard necessary to determine the compliance status of the User.
7. Upon approval of a monitoring waiver for pollutants found to be not present and revision of the User's wastewater discharge permit by the Director of Public Works or designee, the User must certify on each periodic report with the statement in Section 13.12.550, that there has been no increase in the pollutant in its wastestream due to activities of the User with the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ (specify applicable National Categorical Pretreatment Standard part (s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of the \_\_\_\_\_ (list the categorically regulated pollutant(s)) in the

wastewaters due to the activities at the facility since filing of the last periodic report.”

- 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately comply with the monitoring requirements of paragraph B.1 of this section or other more frequent monitoring requirements imposed by the Director of Public Works or designee, and notify the Director of Public Works or designee.
- 9. All sampling and analysis may be performed by the City in lieu of the CIU. In such cases, the City will issue an attachment to the wastewater discharge permit that specifies the City will perform sampling and analysis semi-annually at minimum.
- 10. Where the City itself collects all the information required for the report, the CIU will not be required to submit the report.

C. Non-Significant Categorical User

- 1. Non-Significant Categorical Industrial Users as defined in Section 13.12.130 shall, at a frequency determined by the Director of Public Works or designee but no less frequently than annually (on dates specified by the Director of Public Works or designee) submit a report which contains the certification statement contained in Section 13.12.615.C.2 below.

2. Certification Statement.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (months, days, year):

- a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by Section 13.12.130;
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

The compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_”

D. Other Non-Significant Regulated Users

- 1. Categorical Zero Process Dischargers, Non-Categorical Zero Process Discharges, Batch Dischargers, Commercial Businesses and any firms regulated by individual or general permit requirements including but not limited to BMPs shall, at a frequency determined by the Director of Public Works or designee, submit a periodic report at a frequency defined in their wastewater discharge permit.
- 2. The reports may require sampling and analyses or some other measures to determine compliance with permit pretreatment standards and requirements. The User must submit documentation necessary to determine the compliance status of User including BMP documentation as defined by the Director of Public Works or designee and identified in the wastewater discharge permit.
- 3. All commercial businesses with GI’s must maintain cleaning logs. These logs shall be immediately available at the time of an inspection and are required to contain the following information:
  - a. Person and company that performed the cleaning;
  - b. Measurement of the depth of solids blanket and grease cap prior to cleaning in each interceptor;

c. Volume of material removed from each interceptor; and

d. Location where waste will be disposed.

A copy of the cleaning log may be required to be submitted to the City by a date specified in a request issued by the Director of Public Works or designee.

~~A. 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.~~

~~B. 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.~~

~~C. 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 or designee of any planned significant changes to the User's operations or system which might alter the nature, character, quality or volume of its wastewater at least thirty (30) calendar days before the change that for example results in an increase or addition or planned shutdown or deletion of products. Immediate shutdowns or deletions of products are required to be noticed to the Director of Public Works or designee within five (5) working days of determination.

A. The Director of Public Works or designee 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 or designee 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

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twenty percent (20%) or greater, the addition or deletion of a shift, and the discharge of any previously unreported pollutants including changes to the listed or characteristic hazardous waste for which the User has submitted initial notification under Section 13.12.636, introduction of a pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste discharge or lack of discharge, shutdown of a process, or deletion of a product.

- D.** SIUs and CIUs are required to notify the Director of Public Works or designee immediately of any changes at its facility affecting the potential for a slug discharge.

### **13.12.621 – Authorized Representative Change Notification**

Any SIU that changes the authorized representative of its company as defined in Section 13.12.130 shall file a change notice with the Director of Public Works or designee within thirty (30) calendar days.

### **13.12.625 – Reports of potential problems**

- A.** Initial Notification. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone (within fifteen (15) minutes), and notify the Director of Public Works or designee of the incident. If this notification cannot be made to the POTW staff during routine business hours, the User shall notify the City Police Department. This notification shall include the name of the caller, location of the discharge, type of waste, concentration, duration and volume, if known, and corrective actions taken by the User. The notification shall include what Federal, State and local entities have also been notified by the User.
- B.** The User shall control production of all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- B.C.** Written Notification. Within ten (10) calendar days following such discharge, the User shall, unless waived by the Director of Public Works or designee, 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. The postmarked date of the report will count as the submittal date. 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, civil penalties, or other liability which may be imposed pursuant to St. Charles Municipal Code. 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.
- D.** A notice/sign shall be permanently posted on the User's bulletin board or other prominent place advising employees in English and the language of common use 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 or designee as ~~the Director of Public Works may~~ required. These reports include but are not limited to surveys of business activities, water usage, wastes discharged, spill and slug loading potential, pretreatment equipment, waste hauling and facility layout.



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### 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 or designee 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 or designee within thirty (30) calendar days after becoming aware of the violation. The User is not required to resample if the Director of Public Works or designee monitors at the User's facility at least once a month, or if the Director of Public Works or designee samples between the User's initial sampling and when the User receives the results of this sampling unless the Director of Public Works or designee requires otherwise. If the City performed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

### 13.12.636 – Notification of the Discharge of Hazardous Waste

- A. Pursuant to 40 CFR Section 403.12 (p) any User who commences the discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) calendar days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.12.620. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 13.12.600, 13.12.610 and 13.12.615.B.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Section 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Section 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director of Public Works or designee, the USEPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

### 13.12.644 – Monitoring Facilities

#### A. Sampling Manhole Applicability.

1. All non-residential Users are required to install a sampling manhole for each separate discharge in the building sewer in accordance with the plans and specifications approved by the Director of Public Works or designee and Section 13.12.241.
  - a. When required by the Director of Public Works or designee, a SIU or NSRU, that does not have a unique sampling chamber at end-of-pipe, shall install a monitoring manhole or sampling chamber for use as the regulation location of local limits in the building sewer in accordance with plans and specifications approved by the Director of Public Works or designee.
  - b. When required by the Director of Public Works or designee, a CIU shall install a monitoring manhole or sampling chamber for use as the regulation location of the categorically regulated discharge in the building sewer in accordance with plans and specifications approved by the Director of Public Works or designee. This sampling chamber may be required to be installed within the building and may be in addition to an end-of-pipe manhole.
2. The Director of Public Works or designee reserves the right to apply said local limits in Section 13.12.430 at an end-of process discharge location that connects to the POTW sewer system in the event that:
  - a. A unique sampling manhole at end-of-pipe is not available;
  - b. A more representative sample can be taken of a process batch discharge even though an end-of-pipe manhole exists;
  - c. A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute wastestreams; or
  - d. An end-of process location is used because the User is unable to provide adequate flow documentation to use a combined wastestream formula.
3. In the event that a suitable sampling manhole does not exist as per this Section and no end-of-process discharge sampling location exists, the “sampling facility” shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

#### B. Wastewater Monitoring and/or Flow Measurement Facility Operation and Maintenance

1. Such facilities will be installed and maintained at all times at the User’s expense. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its discharge. Installation will be consistent with the requirements of Section 13.12.241.
2. The manhole or chamber located on a building sewer discharge shall be easily accessible to representatives of the City twenty-four (24) hours per day, seven (7) days per week.
3. The manhole or chamber at a discharge location within the building shall be accessible to representatives of the City during normal User operating hours.
4. Metered water supply may be used to determine wastewater flow if it is substantiated to the Director of Public Works or designee that the metered water supply and wastewater quantities are approximately the same, or where an adjustment agreed to by the Director of Public Works or designee is made in the metered water supply to determine wastewater flow which is documented

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through the use of sub-meters and/or production records. In the event that the wastewater flow cannot be substantiated at any regulated location, the User will be required to install flow monitoring consistent with Section 13.12.241.

5. The sampling chamber, flow metering device, sampling equipment and documentation of the frequency of sampling, sampling methods and analysis of samples shall be subject, at any reasonable time, to inspection by the Director of Public Works or designee.

### 13.12.645 – Analytical requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report. 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 performed in accordance with 40 CFR Part 136 and amendments thereto or any other test procedures approved by the Administrator unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the USEPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Public Works or designee or other parties approved by USEPA.

### 13.12.650 – ~~Sample collection~~ Monitoring Requirements

#### A. Applicability

At minimum, all SIU including CIU as well as Non-Significant Regulated Users (NSRU) are required to sample based on the monitoring frequency as stated in the wastewater discharge permit. Other Users are required to sample upon the request of the Director of Public Works or designee. The Users shall pay the costs of sampling of its discharge and the costs of analyses of its samples.

#### B. Frequency

1. All SIU including CIU with wastewater discharge permits must sample their effluent consistent with the permit requirements and report the results to the POTW at least twice yearly. The Director of Public Works or designee may specify more frequent reporting, quarterly or monthly, dependent of the frequency for those parameters specified in the User's Permit and the City monitoring frequency defined in the City's Enforcement Response Plan. The SIU may have the City conduct routine monitoring using an independent laboratory. Sampling visits of this type will normally be unannounced.
2. Any NSRU with an individual or general wastewater discharge permit shall sample their effluent and report the results to the POTW consistent with the requirements of the wastewater discharge permit and the City monitoring frequency.
3. Batch discharges that have been approved by the Director of Public Works or designee will have sampling and analysis defined in an individual wastewater discharge permit.
4. The Director of Public Works or designee shall have the right to perform its own sampling at any time at any location.

5. The Director of Public Works or designee may resample a commercial business within thirty (30) calendar days when a violation of the twenty-five percent (25%) requirement as defined in Section 13.12.430.B is identified.
6. The Director of Public Works or designee may initiate sampling and analyses at a greater frequency as a result of a violation of any discharge permit limit, including cases where hot spot maintenance issues or blockage to the sanitary sewer system has occurred.

### C. Sample Collection

1. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the wastewater discharge permit.
2. Except as indicated in Paragraph BC.4, below, the User shall collect wastewater samples using flow or time proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director of Public Works or designee may authorize the use of time proportional sampling that collects samples every 15 minutes during a 24-hour work day; or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. A proportional number of samples shall be collected for wastewater discharges less than 24 hours.
- 4.3. Single ~~In addition,~~ grab samples may be required in the event of an infrequent batch discharge or to show compliance with instantaneous discharge limits.
4. Samples for oil and grease, temperature, pH, cyanide, hexavalent chromium, phenols, sulfides, and volatile organic compounds shall be obtained using the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements. ~~collection techniques.~~ A minimum of four (4) grab samples are required. Multiple grab samples that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:
  - a. For cyanide, hexavalent chromium, phenols, and sulfides: multiple grab samples may be composited in the laboratory or in the field;
  - b. For volatile organics and fats, oil and grease: multiple grab samples may only be composited in the laboratory.

### **13.12.655 – Report Submittal Due DatesTiming**

Written reports will be deemed to have been submitted on the date received postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. In order to meet deadlines, reports may be faxed or emailed on the due date to the Director of Public Works or designee. The original of the fax or email is required to be mailed to the Director of Public Works or designee postmarked within one (1) working day of the transmission.

### **13.12.660 – Record keeping**

A. Users. 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, and documentation associated with BMPs established under Section 13.12.570.A.3. Records shall include the date, exact place, method, and

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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 or designee.

B. City. The Director of Public Works or designee will maintain documentation of any monitoring waiver issued per Section 13.12.540.E for a period of three (3) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

### 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 individual 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' or designee's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works or designee and City Attorney, 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 or designee shall publish annually, in the ~~largest daily~~ newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW published in the City, a list of the Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all SIUs and CIUs (or any other User that violates paragraphs C, D or H of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%)

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or more of all the wastewater measurements taken for the same pollutant parameter during a six-(6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits as defined in Sections 13.12.410, 13.12.420 and 13.12.430 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 numeric pretreatment standard or requirement including instantaneous limits, as defined in Sections 13.12.410, 13.12.420 and 13.12.430 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 of a pretreatment standard or requirement as defined by Sections 13.12.410, 13.12.420 and 13.12.430 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director of Public Works or designee 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' or designee's 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 an individual or general wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45)thirty (30) calendar 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 may include a violation of Best Management Practices, which the Director of Public Works or designee determines will adversely affect the operation or implementation of the City pretreatment program.

### 13.12.705 – Notice of violation

- A. 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 including instantaneous limits, the Director of Public Works or designee may serve upon that User a written Notice of Violation (NOV). Within ten (10) working 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 or designee. 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 NOV.
- B. The Director of Public Works or designee may initiate a pretreatment review meeting for any violation under paragraph A above (normally be for the first violation of any parameter). The Director of Public Works or designee shall schedule a pretreatment review meeting, normally within thirty (30) calendar days of the determination that meeting is required.
- C. As a result of a pretreatment review meeting, the Director of Public Works or designee may issue a compliance directive stating that the User is in a “corrective action” status. A corrective action

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plan with a compliance schedule illustrating milestones may be issued by the Director of Public Works or designee to the User. This corrective action plan may become part of the User's permit. The User is responsible for meeting the permit limits at all times. The corrective action plan and revised permit does not relieve the User of meeting the permit limits and/or ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.

D. As a result of a violation, the Director of Public Works or designee may continue to sample the User and inspect the User's progress towards meeting milestones as needed to determine if the User is complying with the conditions of the corrective action plan, compliance schedule and/or permit. In the event the Director of Public Works or designee detects and documents any violation; a NOV will be issued to the User.

E. When the User has met the conditions of the corrective action plan, compliance schedule, and permit, the Director of Public Works or designee will notify the User in writing that the conditions have been satisfied and they are no longer under a "corrective action" status if such a status was formally issued.

F. Nothing in this section shall limit the authority of the Director of Public Works or designee to take any action, including emergency actions or any other enforcement action, without first issuing a ~~Notice of Violation~~NOV.

### 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 or designee 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 at a specified date and time to~~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)~~ten (10) working days prior to the hearing, unless the Director of Public Works or designee 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 or 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 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 [or designee](#) 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 [or 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 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~~ [can either](#) be ~~based~~ [assessed](#) on a ~~per single violation~~ [or violations that have occurred over multiple days](#), ~~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.B.**        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 or designee 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 or designee may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Works or designee 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 or designee 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 or designee 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 or designee finds that a User has violated, or continues to violate, any provision of this chapter, an individual or general wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works or designee may petition the Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as

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appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the User. The Director of Public Works or designee 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

When the Director of Public Works or designee finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works or designee may petition the Circuit Court through the City Attorney for civil penalties as follows:

- A. 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 subject to the imposition of a civil penalty in at least the amount of fined in an amount not less than five dollars (\$5.00) nor more than one thousand dollars (\$1000.00) a day for each violation. 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).
- B. In addition to the penalties provided in this Chapter, the City may recover costs, including but not limited to filing fees, witness fees, reasonable attorney's fees, court costs, court reporter fees, and other expenses of enforcement and litigation by appropriate suit against the person found to have violated this chapter or the rules, regulations, permits or orders issued hereunder.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User.
- A.D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 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

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~~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 [or designee](#) 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 [or designee](#) may take other action against any User when the circumstances warrant. Further, the Director of Public Works [or designee](#) is empowered to take more than one enforcement action against any noncompliant User.

### 13.12.770 – Performance bonds

The Director of Public Works [or designee](#) may decline to issue or reissue an [individual or general](#) wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous [individual or general](#) 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 [or designee](#) to be necessary to achieve consistent compliance.

### 13.12.777 – Liability insurance

The Director of Public Works [or designee](#) may decline to issue or reissue an [individual or general](#) wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous [individual or general](#) 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 [individual or general](#) 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 ~~#the User~~ [has satisfactorily demonstrated its ability to comply and paid outstanding costs, fees and penalties.](#)

### 13.12.783 – Public nuisances

A violation of any provision of this chapter, an [individual or general](#) 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 [or designee](#). Any person(s) creating a public nuisance shall be subject to the provisions [of this chapter](#) governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

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### **13.12.784 – Payment of Outstanding Fees and Penalties**

The Director of Public Works may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

### **13.12.785 – Disqualification contractor listing**

Users which have not achieved compliance with applicable pretreatment standards and requirements are hereby declared to be non-responsible Users and therefore may not be eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director of Public Works or designee.

### **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 thirty (30) calendar 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 defined in Section 13.12.970 \$20.00 for the first notice, \$35.00 for the second notice and \$50.00 for any subsequent notices.

(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-user on due notice and to remove its property from the customer's premises whenever monthly City bills, or a portion thereof, remain unpaid for thirty (30) calendar 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.

(2010-M-4 : § 1)

### **13.12.788 – Lien rights**

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- A. Whenever a bill for sewer service, including any charge, penalty or fine pursuant to this chapter, remains unpaid sixty (60) calendar 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 (90) calendar 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 (90) calendar days after it has been rendered.

### 13.12.790 – Affirmative defense - Upset

- A. ~~Definition of upset is provided in Section 13.12.130. 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 or designee 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) working 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

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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. For the purpose of this section,

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

A.B. 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.C. Bypass Notifications

1. Anticipated: If a User knows in advance of the need for a User Bypass, it shall submit prior notice to the Director of Public Works or designee, at least ten (10) working days before the date of the User Bypass, if possible.
2. Unanticipated. A User shall submit oral notice to the Director of Public Works or designee 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) calendar 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 or designee 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.

### CD. POTW Actions

1. User Bypass is prohibited, and the Director of Public Works or designee 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
  - c. The User submitted notices as required under paragraph (C) of this section.
2. The Director of Public Works or designee may approve an anticipated User Bypass, after considering its adverse effects, if the Director of Public Works or designee 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 conducted by the City which are defined in Section 13.12.970, 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

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~~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 (30) calendar 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:

\$0.49 for every pound of BOD discharged above the stated limits

\$0.37 for every pound of TSS discharged above the stated limits

\$0.17 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.
- 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.

(2015-M-31 : § 1; 2014-M-11 : § 1; 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



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Wastewater Treatment Facility located on Devereaux Way shall be as follows:

1. Single and multiple family Residential Dwelling Units connection fees are defined in Section 13.12.970.

~~Single and multiple family dwelling units.~~

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

2. Other Uses

- a. All Users other than residential dwelling units (non-residential), described above, shall pay a connection fee based upon the estimated daily maximum (i.e., peak) water usage as determined by the City Engineer Building Official or designee. The Building Official or designee ~~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 defined in Section 13.12.970 \$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 the fee defined in Section 13.12.970 \$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. Single and multiple family detached and attached Residential Dwelling Units connection fees are defined in Section 13.12.970.

~~Single and multiple family dwelling units.~~

<del>Description</del>	<del>Connection Fee</del>
<del>Single Family Detached</del>	<del>\$2,985.50</del>

~~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 Building Official or designee. The Building Official or designee ~~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 defined in Section 13.12.970 \$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 defined in Section 13.12.970 \$8.53.

3. Other Uses

- a. All Users other than residential dwelling units and public land district – correctional facility

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described above, shall pay a connection fee based upon the estimated daily maximum (i.e. peak) water usage, as determined by the ~~Building Official or designee~~City Engineer. The Building ~~Official or designee~~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~~defined in Section 13.12.970. 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 ~~the fee defined in Section 13.12.970~~\$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.

(2008-M-23 : § 1; 2000-M-3 : § 1; 1998-M-117 : § 1; 1998-M-30 : § 1; 1997-M-65 : § 1; 1996-M-36 : § 1; 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 provided to all residential users of City sewers based upon metered water consumption, a monthly demand fee and usage fee will be assessed based on the fees defined in Section 13.12.970: nineteen dollars and thirty-one cents (\$19.31) demand charge per month plus six dollars and twelve cents (\$6.12) 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.
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 (8,000) 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. A fee is hereby imposed upon all residential users of City sewers for the purpose of funding various projects required to comply with mandatory standards promulgated by the United States and the Illinois Environmental Protection Agencies. This fee, termed "EPA Mandate Fee", will be set at a flat monthly rate which is defined in Section 13.12.970. ~~of one dollar and seventy cents (\$1.70) per month."~~

(2019-M-17 : § 1; 2018-M-18 : § 1; 2017-M-10 : § 1; 2016-M-15 : § 1; 2015-M-31 : § 1; 2009-M-24 : § 1; 2008-M-30: § 1; 2007-M-40 : § 1; 2005-M-19 : § 1; 2002-M-28 : § 1; 2000-M-44 : § 1; 1999-M-34 : § 1;

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1998-M-30 : § 1; 1997-M-82 : § 1; 1997-M-18 : § 1; 1995-M-18 : § 1; 1996-M-80 : § 1; 1996-M-79 : § 1; 1996-M-36 : § 1)

### 13.12.840 – User charges for metered water consumption and nonresidential use

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

- ~~The following rate shall be charged for~~ sewer service provided to all non-residential users of City sewers based upon metered water consumption, a monthly demand fee and usage fee will be assessed based on the fees defined in Section 13.12.970.: ~~nineteen dollars and thirty one cents (\$19.31) demand charge per month plus six dollars and twelve cents (\$6.12) per one thousand gallons of water used.~~
  - ~~The following rate shall be charged for~~ sewer service provided 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 POTW, a monthly demand fee and usage fee will be assessed based on the fees defined in Section 13.12.970. The usage fee will be based on actual wastewater discharge into the sewer system.: ~~nineteen dollars and thirty one cents (\$19.31) demand charge per month plus six dollars and twelve cents (\$6.12) per one thousand gallons of wastewater actually discharged into the sewer system.~~
  - 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.
  - 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.
  - A fee is hereby imposed upon all non-residential users of City sewers for the purpose of funding various projects required to comply with mandatory standards promulgated by the United States and the Illinois Environmental Protection Agencies. This fee, termed “EPA Mandate Fee”, will be set at a flat monthly rate which is defined in Section 13.12.970 of one dollar and seventy cents (\$1.70) per month.
- (2019-M-17 : § 1; 2018-M-18 : § 1; 2017-M-10 : § 1; 2015-M-31 : § 1; 2010-M-32 : § 1; 2009-M-24 : § 2; 2008-M-30 : § 2; 2007-M-39 : § 1; 2016-M-15 : § 1; 2005-M-19 : § 2; 2002-M-28 : § 2; 1999-M-34 : § 2; 1998-M-118 : § 1; 1998-M-30 : § 3; 1998-M-8 : § 1; 1997-M-65 : § 1; 1996-M-80 : § 2; 1996-M-79 : § 2; 1996-M-36 : § 1; 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 (18) calendar 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

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The Director of Public Works or designee shall maintain a program of monitoring Industrial User discharges; ~~provided, that any Significant Industrial User~~ all SIUs, including CIUs, shall be monitored annually, at a minimum. ~~The Director of Public Works or designee may increase the City sampling frequency for SIUs, including CIUs, 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 or designee.

~~Sampling and analysis will be done in accordance with Sections 13.12.645 and 13.12.650. 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 outlined in Section 13.12.970 as it pertains to the City's monitoring program.

Where required by the Director of Public Works or designee ~~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, duly authorized agents of the City, the IEPA, and the USEPA, hereafter referred to as above named entities, shall have the right to enter the premises of any User at reasonable times to determine whether the User is complying with all requirements of this chapter and any individual or general wastewater discharge permit or order issued hereunder. Users shall allow the ~~Director of Public Works or designee~~ above named entities ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, analyses, 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, duly authorized agents of the City, the IEPA and the USEPA 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 or designee may require the User to install monitoring equipment as necessary in accordance with Section 13.12. ~~699644.~~ 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.

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- 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 or designee 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.F.        Unreasonable delays in allowing the Director of Public Works or ~~his/her authorized~~ designee, duly authorized representatives of the City, the IEPA, and the USEPA 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."

(1995-M-15 )

### 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

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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 [\(30\) calendar](#) days after such service has been discontinued, then the [City Finance Director or designee](#) 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 [Finance Director or designee](#) 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 [or designee](#).
- C. All deposits made by applicants as provided in Subsection A of this section shall not be subject to interest credit.

(2018-M-18 : § 1; 2010-M-12 : § 1)

### [13.12.970 – Fee Schedule](#)

[A. The City has adopted the following fees for this chapter:](#)

<a href="#">Code Section</a>	<a href="#">Fee Description</a>	<a href="#">Fee</a>
<a href="#">13.12.510</a>	<a href="#">Industrial User Wastewater Discharge Permit Application – new, modified, or renewed</a>	<a href="#">\$100</a>
<a href="#">13.12.786</a>	<a href="#">Disconnection Notice</a> <a href="#">1<sup>st</sup> Notice</a> <a href="#">2<sup>nd</sup> Notice</a> <a href="#">Subsequent Notices</a>	<a href="#">\$20</a> <a href="#">\$35</a> <a href="#">\$50</a>
<a href="#">13.12.800</a>	<a href="#">Wastewater Sample Collection by City</a>	<a href="#">\$13.00/sampling day</a>
<a href="#">13.12.800</a>	<a href="#">Laboratory Analysis</a> <a href="#">Heavy Metal</a> <a href="#">Acid Digestion</a> <a href="#">Ammonia Nitrogen</a> <a href="#">Ammonia Nitrogen distillation</a> <a href="#">Biological Oxygen Demand</a> <a href="#">Chemical Oxygen Demand</a>	<a href="#">\$10.00/test</a> <a href="#">\$10.00/sample</a> <a href="#">\$10.00/sample</a> <a href="#">\$10.00/sample</a> <a href="#">\$6.00/sample</a> <a href="#">\$10.00/sample</a>

## 13.12 Sewers

	<u>Fats, oils and grease</u> <u>Fluoride</u> <u>pH</u> <u>Total Dissolved Solids</u> <u>Total Suspended Solids</u>	<u>\$6.00/sample</u> <u>\$6.00/sample</u> <u>\$2.00/sample</u> <u>\$6.00/sample</u> <u>\$6.00/sample</u>
<u>13.12.820.A.1</u>	<u>Single or Multi-Family Home Connection to Fox River</u> <u>WWTP sanitary sewer:</u> <u>Class 1 – Over 1,000 square feet</u> <u>Class 2 – Under 1,000 square feet</u> <u>Class 3 – 800 square feet max</u>	<u>\$1,520</u> <u>\$1,120</u> <u>\$1,000</u>
<u>13.12.820.A.2</u>	<u>Non-Residential Connection to Fox River WWTP sanitary sewer</u>	<u>\$4.30/gallon</u>
<u>13.12.820.B.1</u>	<u>Single or Multi-Family Home Connection to West Side</u> <u>WWTP sanitary sewer:</u> <u>Detached Home</u> <u>Attached Home</u>	<u>\$2,985</u> <u>\$2,559</u>
<u>13.12.820.B.2</u>	<u>Public Land District (Correctional Facility) Connection to West Side WWTP sanitary sewer</u>	<u>\$8.53/gallon</u>
<u>13.12.820.B.3</u>	<u>Non-Residential (excluding Public Land District) Connection to West Side WWTP sanitary sewer:</u>	<u>\$8.53/gallon</u>
<u>13.12.830.A.1</u>	<u>Residential Sewer Service Charge:</u> <u>Demand Fee</u> <u>Usage Fee (per 1000 gallons water used)</u>	<u>\$19.31/month</u> <u>\$6.12/1000 gallons</u>
<u>13.12.830.A.5</u>	<u>Residential EPA Mandate Fee</u>	<u>\$1.70/month</u>
<u>13.12.840.A.1</u>	<u>Non-Residential Sewer Service Charge:</u> <u>Demand Fee</u> <u>Usage Fee (per 1000 gallons water used)</u>	<u>\$19.31/month</u> <u>\$6.12/1000 gallons</u>
<u>13.12.840.A.2</u>	<u>Non-Residential Sewer Service Charge:</u> <u>Demand Fee</u> <u>Usage Fee (per 1000 gallons wastewater discharged)</u>	<u>\$19.31/month</u> <u>\$6.12/1000 gallons</u>
<u>13.12.840.A.5</u>	<u>Non-Residential EPA Mandate Fee</u>	<u>\$1.70/month</u>

### B. Failure to Report or Notify Fees

#### 1. Sewer Extension and Connection Permits

Any entity who fails to file for and obtain a sewer extension or connection permit prior to commencing construction of said extension or connection required by this Ordinance may be subject to the following late filing fees in addition to extension, connection or annexation fees:

<u>a. First Notice</u>	<u>Issuance of Warning/Citation</u>
<u>b. Second Notice</u>	<u>\$250.00</u>
<u>c. Cost per day per Population Equivalent (PE) for each additional day past second notice deadline</u>	<u>\$100.00</u>

#### 2. City Reports or Notifications

Any entity who fails to file any report or notification so required by this Ordinance may be subject to the following late filing fees:



## 13.12 Sewers

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<u>a. First Offense – less than 30 calendar days past due</u>	<u>Issuance of Warning</u>
<u>b. Recurring reporting violations or</u>	
<u>    30 or more calendar days past due</u>	<u>\$100.00</u>
<u>    NOV response noncompliance</u>	<u>\$250.00</u>
<u>    Cost per additional day past final request deadline</u>	<u>\$50.00</u>

<u>c. Substantial Change Notification</u>	
<u>    No written notification of substantial changes whether</u>	
<u>    Discharged or not:</u>	
<u>        At start-up or shutdown</u>	<u>\$500.00</u>
<u>        Per each additional 15 days in excess of 30 calendar days</u>	<u>\$100.00</u>

### 3. Reports or Notifications required by SIUs OR CIUs

Any entity who fails to file any Periodic Pretreatment Report (Semi-Annual), Baseline Monitoring Report, or 90-day Final Compliance Report so required by this Ordinance may be subject to the following late filing fees:

<u>a. First Offense – less than 30 calendar days past due</u>	<u>Issuance of Warning</u>
<u>b. Recurring reporting violations or</u>	
<u>    30 or more calendar days past due</u>	<u>\$250.00</u>
<u>    NOV response noncompliance</u>	<u>\$500.00</u>
<u>    Cost per additional day past final request deadline</u>	<u>\$100.00</u>

<u>c. Substantial changes</u>	
<u>    No written notification of substantial changes whether</u>	
<u>    Discharged or not:</u>	
<u>        At start-up or shutdown</u>	<u>\$1000.00</u>
<u>        Per each additional 15 days in excess of 30 calendar days</u>	<u>\$200.00</u>

### 4. Ownership Notification Specific to Entities With Wastewater Discharge Permits

<u>a. No written notification of change in ownership and/or</u>	
<u>    operation of facility, or any portion thereof with an individual permit.</u>	<u>\$1000.00</u>
<u>b. No written notification of change in ownership and/or</u>	
<u>    operation of facility, or any portion thereof with a general permit.</u>	<u>\$500.00</u>