



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING
City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
November 19, 2019
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – November 5, 2019 Regular City Council Meeting and October 8, 2019 City Council Workshop Meeting**
5. **Accounts Payable**
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
 - a. **Settlement Agreement Approval Resolution – Westfield Insurance Company v. Maxim Construction Company Inc., et. al.**
10. **Special Use Permit to Allow a Tattoo Parlor for Permanent Makeup, 382 W. Virginia Street**
11. **City Code Amendment to Increase Number of Class 2 Liquor Licenses from 2 to 3 – Wang Du, Inc., DBA Kumi Sushi, 1145 S. Illinois Route 31**
12. **City Code Amendment to Increase Number of Class 2 Liquor Licenses from 3 to 4 – Riviera Maya Seafood & Steakhouse, Ltd., 446 W. Virginia Street**
13. **City Code Amendment to Increase Number of Class 1 Liquor Licenses from 7 to 8 – Cardinal Hospitality Group LLC, DBA Vine and Plate Wine Bar & Provisions, 414 W. Virginia Street and 246 Pomeroy Avenue**
14. **City Code Amendment to Increase Number of Class 25 Liquor Licenses from 4 to 5 – Sustainable Hospitality LLC, DBA Café Olympic, 90 N. Williams Street**
15. **City Code Amendment – Chapter 385, Article I; Peddlers and Article II; Solicitors**
16. **Bid Award – Liquid Anti-Icing & De-Icing Chemicals**

- 17. Bid Award – Lift Station #9 Rehabilitation**
- 18. Bid Award – Well #16 Maintenance & Repair**
- 19. Sewer Use Ordinance Revisions**
- 20. Ordinance Authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Public Water Supply Loan Program for Water Treatment Plant #2 Improvements**
- 21. Board and Commission Appointments & Reappointments – Economic Development Committee, and Sustainability Committee**
- 22. Council Inquiries and Requests**
- 23. Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining and personnel**
- 24. Reconvene to Regular Session**
- 25. Adjourn**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Melanie Nebel, Executive Assistant, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 9a

**City Council
Agenda Supplement**

Meeting Date:

November 19, 2019

Item:

Settlement Agreement Approval Resolution – Westfield Insurance Company v. Maxim Construction Company Inc., et. al.

Staff Recommendation:

Motion to adopt a Resolution approving a Settlement Agreement

Staff Contact:

Gary J. Mayerhofer, City Manager
Victor P. Filippini, Jr., Legal Counsel

Background:

Attached is a Resolution prepared by City Legal Counsel Victor P. Filippini, Jr. authorizing the approval of a Settlement Agreement regarding the Westfield Insurance Company v. Maxim Construction Company Inc., et. al. lawsuit.

Votes Required to Pass:

Simple majority

DRAFT



RESOLUTION NO. _____

APPROVAL OF A SETTLEMENT AGREEMENT
(Westfield Insurance Company v. Maxim Construction Corporation, Inc.)

WHEREAS, the City of Crystal Lake (the “*City*”) is a party and assignee of claims in a lawsuit styled “*Westfield Insurance Company v. Maxim Construction Corporation, Inc., et. al.*,” docket number 15 CV 9358 (the “*Lawsuit*”), which has been filed in the Federal Court of the Northern District Illinois (the “*Court*”); and

WHEREAS, the City and other parties in the Lawsuit have negotiated a settlement agreement to resolve all claims asserted in the Lawsuit (the “*Settlement*”), which Settlement has been presented to the Court for purposes of terminating the Lawsuit; and

WHEREAS, the Mayor and City Council of the City have determined that it is in the best interests of the City to accept the Settlement and resolve the Lawsuit;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, COUNTY OF McHENRY, STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are hereby incorporated into this Resolution and made a part hereof.

SECTION TWO: **Approval; Authorization.** The City Council hereby

approves the Settlement and authorizes the City Manager to execute the Settlement on behalf of the City in substantially the form presented to the Court.

SECTION THREE: Effective Date. This resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

DATED at Crystal Lake, Illinois, this 19th day of November, 2019.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: November 19, 2019

APPROVED: November 19, 2019



Agenda Item No: 10

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	November 19, 2019
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION
<u>Request:</u>	Special Use Permit to allow a tattoo parlor for permanent makeup.
<u>Petitioner:</u>	Mark Saladin, attorney and Elizabeth Klecka, petitioner 382 W. Virginia Street
<u>PZC Recommendation:</u>	To approve the PZC recommendation for a Special Use Permit to allow a tattoo parlor for permanent makeup at 382 W. Virginia Street.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Community Development Kathryn Cowlin, Assistant City Planner

Background:

- The subject property is a multi-tenant commercial building. Other tenants include a psychic, seamstress, insurance office and a real estate company office.
- UDO Requirements: Tattoo Parlors are required to obtain a Special Use Permit and comply with specific criteria. The proposed use is cosmetic microblading, which is a specialized form of tattooing.
- After receiving zoning approval, the petitioner will be required to obtain a Tattoo License through the Police Department.

Request:

- The petitioner is requesting a Special Use Permit for a tattoo parlor to allow for a microblading (permanent makeup) business.

PZC Highlights:

- The petitioner stated the business will be by appointment only. It takes approximately three hours to microblade eyebrows on a client.
- The PZC stated that the Findings of Fact had been met.

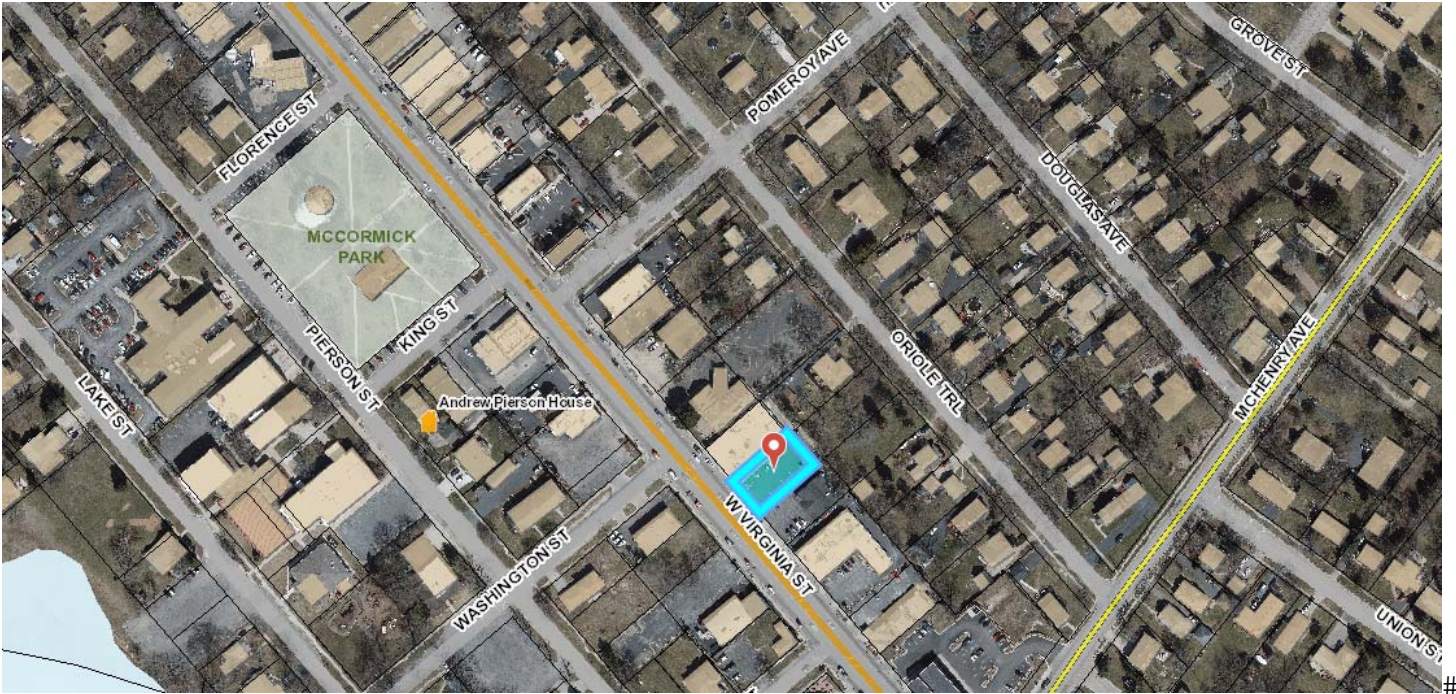
The PZC recommended **approval (6-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Elizabeth Klecka, received 10/17/19)
 - B. Floor Plan (Elizabeth Klecka, received 10/17/19)
2. A license for a tattoo parlor is required. The petitioner must comply with the Tattoo Applicant License requirements.
3. The petitioner shall address all of the review comments and requirements of the Community Development Department.

Votes Required to Pass: A simple majority.

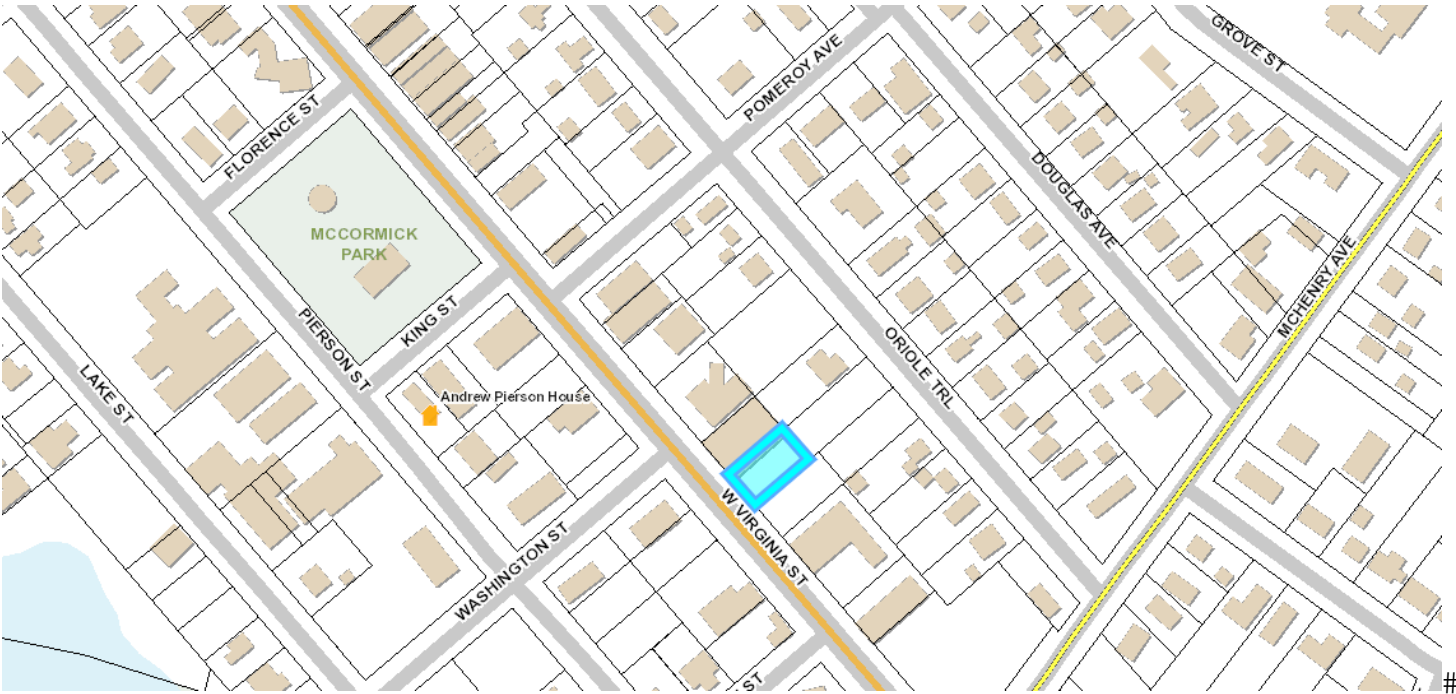
PLN-2019-00159 EBK Studio – 382 W Virginia St Unit A – Special Use Permit

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DRAFT



The City of Crystal Lake Illinois

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 382 W. VIRGINIA STREET

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-00159) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a tattoo parlor for permanent makeup for the property located at 382 W. Virginia Street; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on October 18, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on November 6, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit; and

WHEREAS, on November 6, 2019, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Special Use Permit be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-00159, dated as of November 7, 2019; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit be issued as requested in said Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That a Special Use Permit be issued to allow a tattoo parlor for permanent makeup for the property commonly known as 382 W. Virginia Street (19-04-327-004), Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Elizabeth Klecka, received 10/17/19)
 - B. Floor Plan (Elizabeth Klecka, received 10/17/19)

Ord. No.
File No.

2. A license for a tattoo parlor is required. The petitioner must comply with the Tattoo Applicant License requirements.
3. The petitioner shall address all of the review comments and requirements of the Community Development Department.

Section III: That the City Clerk be and is hereby directed that all pertinent records of the City of Crystal Lake to show the issuance of a Special Use Permit in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 19th day of November, 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: November 19, 2019
Approved: November 19, 2019



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: City Code Amendment to Increase the Number of Class 2 Liquor Licenses – Applicant: Wang Du Inc., DBA Kumi Sushi, 1145 S. Illinois Route 31.

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class 2 liquor licenses from the currently permitted 2 licenses to 3 licenses, in order to allow for the issuance of a new Class 2 liquor license to Wang Du Inc., DBA Kumi Sushi, located at 1145 S. Illinois Route 31.

Staff Contact: Eric T. Helm, Deputy City Manager
Melanie Nebel, Executive Assistant

Background:

Wang Du Inc. is purchasing Kumi Sushi, located 1145 S. Illinois Route 31 from the current owner. Since the current license was issued to the current owner, the liquor license will be surrendered and the number of Class 2 liquor licenses will be reduced automatically from 3 to 2.

Licenses are non-transferable, thus Wang Du Inc. is requesting the City Council approve an increase in the number of Class 2 licenses to allow for the continuous operation of the business at Kumi Sushi, located at 1145 S. Illinois Route 31. No other changes are being made to the license.

It should be noted that the previous owner of Kumi Sushi also had a Class 28 Supplemental Liquor License and Video Gaming License. These licenses are also non-transferable and will be surrendered.

Per the City Code, a Class 2 Liquor License authorizes the retail sale, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. The annual fee for such license shall be the sum of \$1,150.

The applicant has submitted all of the necessary paperwork. Results of a background check are pending.

The following conditions must be met prior to the license being issued:

- Successful Completion of Background Check
- Payment of Prorated License Fee

The following establishments currently hold Class 2 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Jameson's Charhouse	5016 Northwest Highway	"B-2 PUD"
Krystal Thai	230 W. Virginia Street (Country Corners)	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 2 liquor licenses in order to allow the owner of Kumi Sushi to continue to operate under a new license. This ordinance is expressly made subject to the voluntary surrender of the existing liquor license by the current license holder.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No.
File No. 255 L



The City of Crystal Lake

**AN ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be as follows:

1. Class 2 License shall be increased from 2 to 3.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 19th day of November 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date:

November 19, 2019

Item:

City Code Amendment to Increase the Number of Class 2 Liquor Licenses – Applicant: Riviera Maya Seafood & Steakhouse, Ltd., located at 446 W. Virginia Street.

Staff Recommendation:

Motion to adopt an ordinance increasing the number of Class 2 liquor licenses from the currently permitted 3 licenses to 4 licenses, in order to allow for the issuance of a new Class 2 liquor license to Riviera Maya Seafood & Steakhouse, Ltd., located at 446 W. Virginia Street.

Staff Contact:

Eric T. Helm, Deputy City Manager
Melanie Nebel, Executive Assistant

Background:

Riviera Maya Seafood & Steakhouse, Ltd. is opening a new restaurant at the former Plum Garden Location, located at 446 W. Virginia Street. As such, the restaurant is requesting a Class 2 Liquor License for the new location. There are no zoning issues with the request.

Per the City Code, a Class 2 Liquor License authorizes the retail sale, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. The annual fee for such license shall be the sum of \$1,150.

The applicant has submitted an application and application fee and completed background checks.

The following conditions must be met prior to the license being issued:

- Payment of Prorated License Fee
- Surety Bond - \$1,000 to the City of Crystal Lake
- Proof of Liquor Liability Insurance
- Copy of Certificate of Occupancy

The following establishments currently hold Class 2 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Jameson's Charhouse	5016 Northwest Highway	"B-2 PUD"
Krystal Thai	230 W. Virginia Street (Country Corners)	"B-2 PUD"
Kumi Sushi	1145 S. IL Route 31 #N	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 2 liquor licenses in order to allow Riviera Maya Seafood & Steakhouse Ltd. to be issued a Class 2 Liquor License for their new location.

Votes Required to Pass:

Simple majority

DRAFT



The City of Crystal Lake

**AN ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be as follows:

1. Class 2 License shall be increased from 3 to 4.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 19th day of November 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: City Code Amendment to Increase the Number of Class 1 Liquor Licenses – Applicant: Cardinal Hospitality Group LLC, DBA Vine and Plate Wine Bar & Provisions, 414 W. Virginia Street and 246 Pomeroy Avenue.

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class 1 liquor licenses from the currently permitted 7 licenses to 8 licenses, in order to allow for the issuance of a new Class 1 liquor license to Cardinal Hospitality Group LLC, DBA Vine and Plate Wine Bar & Provisions located at 414 W. Virginia Street and 246 Pomeroy Avenue (former Jasters location).

Staff Contact: Eric T. Helm, Deputy City Manager
Melanie Nebel, Executive Assistant

Background:

Cardinal Hospitality Group LLC, DBA Vine and Plate Wine Bar & Provisions, is purchasing the former Jasters location at 414 W. Virginia Street and 246 Pomeroy Avenue. Jasters closed earlier this year.

Cardinal Hospitality Group LLC is requesting the City Council to approve an increase in the number of Class 1 licenses to allow for the operation of Vine and Plate Wine Bar & Provisions at this location. There are no zoning concerns with the request.

The City Code authorizes the retail sale, of alcoholic liquor, for consumption, on the premises specified, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. The annual fee for such license shall be the sum of \$1,350.

The applicant has submitted an application, application fee and completed a background check.

The following conditions must be met prior to the license being issued:

- Payment of Prorated License Fee
- Surety Bond in the amount of \$1,000
- Proof of Liquor Liability Insurance
- Proof of Ownership or Lease
- Copy of Certificate of Occupancy

The following establishments currently hold Class 1 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
1776, Inc.	397 Virginia Street	"B-2"
Da Baffone Cucina Italiana	111 N. Main Street	"B-4"
El Burrito	6236 Northwest Highway (The Commons S.C.)	"B-2 PUD"
Matt's Tavern	92 Railroad Street	"B-4"
Metro Bowl	77 Brink Street	"B-4"
Moe-B-Dick's North Shore Pub	1050 North Shore Drive	"B-2"
Outback Steakhouse	4751 Northwest Highway (Rose Plaza)	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 1 liquor licenses in order to allow the owner of Vine and Plate Wine Bar & Provisions to operate under a new license.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No.
File No. 255 L



The City of Crystal Lake

**AN ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be as follows:

1. Class 1 License shall be increased from 7 to 8.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 19th day of November 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: City Code Amendment to Increase the Number of Class 25 Liquor Licenses – Applicant: Sustainable Hospitality LLC, DBA Café Olympic, located at 90 N. Williams Street.

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class 25 liquor licenses from the currently permitted 4 licenses to 5 licenses, in order to allow for the issuance of a new Class 25 liquor license to Sustainable Hospitality LLC, DBA Café Olympic, located at 90 N. Williams Street.

Staff Contact: Eric T. Helm, Deputy City Manager
Melanie Nebel, Executive Assistant

Background:

Café Olympic, located at 90 N. Williams Street, is under new ownership. Sustainable Hospitality LLC, DBA Café Olympic, has opened at this location and has requested a Class 25 Liquor License. The former restaurant did not have a liquor license. There are no zoning concerns with the request.

Per the City Code, a Class 25 Liquor License shall authorize the retail sale, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 7:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 2:00 a.m. Friday and Saturday; and 7:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A Type restaurant may be located on the premises. The annual fee for such a license shall be the sum of \$1,350.

The applicant has submitted an application, application fee and completed background checks.

The following conditions must be met prior to the license being issued:

- Payment of Prorated License Fee
- Surety Bond - \$1,000 to the City of Crystal Lake
- Proof of Liquor Liability Insurance
- Copy of Certificate of Occupancy

The following establishments currently hold Class 25 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Williams Street Tap	80 N. Williams Street	"B 4"
Garfield's Beverage Depot	305 Virginia Street	"B-2"
Coleman's	7608 Virginia Road	"B-2"
Binny's Beverage Depot	5380 Northwest Hwy	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 25 liquor licenses in order to allow Sustainable Hospitality LLC, DBA Café Olympic, to be issued a Class 25 Liquor License for their new location.

Votes Required to Pass:

Simple majority

DRAFT



The City of Crystal Lake

**AN ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be as follows:

1. Class 25 License shall be increased from 4 to 5.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 19th day of November 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 15

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	November 19, 2019
<u>Item:</u>	City Code Amendment
<u>Staff Recommendation:</u>	A motion to amend Chapter 385, Article I; <i>Peddlers</i> and Article II; <i>Solicitors</i> .
<u>Staff Contact:</u>	James Black, Chief of Police

Background:

The Police Department currently manages the application and licensing processes of individuals wishing to peddle and solicit in the City. A recent review of the City Code relating to the regulation of peddlers and solicitors revealed some discrepancies in the code that City Staff wishes to address with the proposed amendments.

Peddlers and solicitors attempt to make sales by going door-to-door. The chief difference between the two is that the peddler has their products on hand for immediate delivery to the buyer, while the solicitor seeks to obtain orders for future delivery. The application and licensing processes for peddlers and solicitors differ slightly in the Code. For instance, the peddler application is to be provided “by the City of Crystal Lake”, while the solicitor application is to be provided by the “Chief of Police or his/her designated representative.” Historically, the Police Department has managed both. Further, the information required to be supplied in the peddler application differs slightly from the information required in the solicitor application. Lastly, the current application requirements lack a formal condition that the applicant authorizes the City to conduct an investigation into the truth of the statements provided in the application.

For clarity purposes, and to provide the City a better ability to review applicants, City Staff recommends Chapter 385 be amended so that the application and licensing processes for peddlers and solicitors are identical and managed by the Police Department. Additionally, staff suggests that language is incorporated into the Code that requires applicants to authorize the City to conduct an investigation into the applicant’s statements. City Staff also recommends that peddlers face the same restrictions as do solicitors when a resident posts a “No Solicitors Invited” notice on a placard. The Police Department currently provides these placards to residents at no charge. We will update the placards to reflect a change to “No Peddlers/Solicitors Invited.” In conjunction with the notices, additional language was added to the Code to further clarify a peddler or solicitor’s duty to honor the notices and the consequences of disobedience.

In an effort to reduce common complaints experienced by residents, language was added to specify the times peddlers and solicitors would be allowed to conduct their business (between the hours of 9:00 a.m. and 8:00 p.m., Sunday through Saturday). Also, language was added that reminds peddlers and solicitors to leave immediately, and peacefully, any premise upon request of any resident.

The attached ordinance effectuates these amendments. City staff recommends the amendments and additions as presented. Legal staff has reviewed these amendments and additions.

Votes Required to Pass:

Simple Majority

DRAFT



ORD. NO. XXX
FILE NO. XXX

ORDINANCE AMENDING CHAPTER 385 OF THE CITY CODE OF THE CITY OF CRYSTAL LAKE, ILLINOIS

WHEREAS, Chapter 385, Articles I and II of the Crystal Lake City Code (the “*City Code*”), provides for the regulation of Peddlers and Solicitors in the City of Crystal Lake; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend Chapter 385, Articles I and II, to add additional clarity to the application procedures relating to peddlers and solicitors, and to improve the review process for such applications;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: Recitals. The foregoing recitals are hereby restated and incorporated as though fully set forth herein.

SECTION II: Amendment to Chapter 385. Chapter 385, Article I; Peddlers, and Article II; Solicitors, is hereby amended in its entirety as follows:

Chapter 385, Article I; Peddlers

§ 385-1. Definition.

As used in this article, the following terms shall have the meanings indicated:

PEDDLER — Includes any person, firm or corporation selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from door to door or from a street or other public location in the City of Crystal Lake, but shall not include solicitation of orders for future delivery.

§ 385-2. License required.

It shall be unlawful for any person, firm or corporation to engage in business as a peddler in the City of Crystal Lake without first securing a license therefor from the Chief of Police or such person as he/she may designate.

§ 385-3. Application.

A. Application for a license pursuant to the provisions of this article shall be made on a form provided by the Chief of Police or his/her designated representative. The applicant shall truthfully state in full the information requested on the application as follows:

- (1) Name and address of the present place of residence and length of residence at such address; business address if other than present residence address, and social security number.

- (2) Address of place of residence during the past three years if other than present address.
- (3) Physical description of the applicant, including age.
- (4) Name and address of the person, firm or corporation whom the applicant is employed by or represents, and the length of time of such employment or representation.
- (5) Description of the nature of the business in which the peddler is engaged, and the kinds of goods, merchandise or services to be sold.
- (6) Period of time for which the license is applied, which shall not exceed 30 days.
- (7) The date or approximate date of the latest previous application for a license under this article, if any.
- (8) A statement that the applicant will comply with all applicable statutes of the State of Illinois and ordinances of the City of Crystal Lake relating to the public health, morals, safety and fire protection.
- (9) Whether the applicant has ever been convicted of a violation of this article, or of any ordinance of any other municipality regulating peddlers.
- (10) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law.
- (11) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application.

B. All statements made by the applicant upon the application or in connection therewith shall be under oath.

C. The Chief of Police or his/her designated representative shall cause an accurate record to be kept of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this article, and of the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

D. The Chief of Police or his/her authorized representative shall conduct an investigation into applicant's moral character and personal and criminal history. The Chief of Police or his/her authorized representative may, in his/her discretion, require a personal interview of the applicant, or require the applicant to provide additional information and/or identification as shall bear on the investigation.

§ 385-4. Denial of license.

No such license shall be issued to:

A. Any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law, within five years of the date of application.

- B. Any person who has been convicted of a violation of any provision of this article or of any ordinance of any other municipality regulating peddling.
- C. Any person whose license issued hereunder has previously been revoked as herein provided.
- D. Any person who is not of good moral character, honesty and integrity.
- E. Any person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon original application.
- F. Any person employed by or representing a firm, corporation or other organization, if any partner, officer or managing agent of such firm, corporation or organization would not be eligible for a license hereunder upon an individual application.

§ 385-5. Issuance of license; revocation.

A. If the applicant is found to be fully qualified as provided herein, the Chief of Police or his/her designated representative shall issue a license pursuant to the provisions of this article, upon payment of the fee therefor. Such license shall remain in the possession of the licensee at all times while engaged in peddling in the City of Crystal Lake.

B. Any license issued hereunder shall be revoked by the Chief of Police or his/her designated representative if the holder of the license is convicted of a violation of any of the provisions of this article or any other ordinance of the City of Crystal Lake, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this article. Immediately upon such revocation written notice thereof shall be given by the Chief of Police or his/her designated representative to the holder of the license in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void.

§ 385-6. Fraud.

Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself/herself or through an employee while acting as a peddler in the City of Crystal Lake, or who shall barter, sell or peddle any goods, wares, merchandise or services other than those specified in his/her application for a license shall be deemed guilty of a violation of this article.

§ 385-7. Notice on residence prohibiting peddling.

Any person desiring to prohibit persons from calling at his or her residence for the purpose of peddling shall give notice in the following manner: A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance to the residence, and shall contain the words "NO PEDDLERS/SOLICITORS INVITED," printed in letters at least 1/3 inch in height. For the purpose of uniformity, the cards shall be provided by the Police Department to persons so requesting.

§ 385-8. Effect of notice.

It shall be unlawful and shall constitute a nuisance and trespass for any person, whether licensed hereunder or not, to go upon any premises and ring the doorbell upon or near the door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in peddling as defined in this article, in defiance of the notice exhibited at the residence in accordance with the provisions of § 385-7.

§ 385-9. Peddlers to obey request to depart.

Any peddler shall immediately and peacefully depart any premise when requested to do so by the occupant or occupants.

§ 385-10. Peddling time limits.

It shall be unlawful and constitute a nuisance for any peddler to conduct their business before the hour of 9:00 a.m. or after the hour of 8:00 p.m.

§ 385-11. Penalty.

Any person, firm or corporation violating the provisions of this article may, in addition to any penalty imposed under Chapter 248, Fines, of this Code, suffer the penalty of having his/her or its license revoked for any such violation. Revocation shall be in writing signed by the Chief of Police or his/her designee.

Chapter 385, Article II; Solicitors

§ 385-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SOLICITING — Includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or description whatever (excluding books, periodicals or other periodicals or subscriptions to such), for any kind of consideration whatever; or

B. Seeking to obtain information on the background, occupation, economic status, social status, religious status, political status, attitude, viewpoints, occupants of a residence, telephone number, address, furnishings, or the like of another person for the purpose of compiling such information as raw data or refined data into a document, record book or directory to be sold or to be used wholly or in part for a commercial purpose; or

C. Seeking to obtain gifts for contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

RESIDENCE — Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

§ 385-13. License required.

It shall be unlawful for any person to call upon any residence in the City of Crystal Lake for the purpose of soliciting without first securing a license therefor from the Chief of Police or his/her designated representative.

§ 385-14. Application.

A. Application for a license pursuant to the provisions of this article shall be made on a form provided by the Chief of Police or his/her designated representative. The applicant shall truthfully state in full the information requested on the application, as follows:

(I) Name and address of present place of residence and length of residence at such address, business address if other than present residence address, and social security number.

- (2) Address of place of residence during the past three years if other than present address.
- (3) Physical description of the applicant, including age.
- (4) Name and address of the person, firm, corporation, association or organization whom the applicant is employed by or represents, and the length of time of such employment or representation.
- (5) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
- (6) Period of time for which the license is applied, which shall not exceed 30 days.
- (7) The date or approximate date of the latest previous application for a license under this article, if any.
- (8) A statement that the applicant will comply with all applicable statutes of the State of Illinois and ordinances of the City of Crystal Lake relating to public health, morals, safety and fire protection.
- (9) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or of any ordinance of any other municipality regulating soliciting.
- (10) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois, or any other state or federal law.
- (11) If the applicant is employed by or represents a charitable organization, the applicant shall furnish, in addition to the aforementioned information:
 - (a) Proof that the organization has complied with the provisions of the Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.
 - (b) Proof that the organization is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended.
- (12) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application.

B. All statements made by the applicant upon the application or in connection therewith shall be under oath.

C. The Chief of Police or his/her designated representative shall cause an accurate record to be kept of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this article, and of the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

D. The Chief of Police or his/her authorized representative shall conduct an investigation into applicant's moral character and personal and criminal history. The Chief of Police or his/her authorized representative may, in his/her discretion, require a personal interview of the applicant, or require the applicant to provide additional information and/or identification as shall bear on the investigation.

§ 385-15. Denial of license.

No such license shall be issued to:

A. Any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law, within five years of the date of application.

B. Any person who has been convicted of a violation of any provision of this article, or of an ordinance of any other municipality regulating soliciting.

C. Any person whose license issued hereunder has previously been revoked as herein provided.

D. Any applicant employed by or representing a charitable organization which failed to furnish the proof required under § 385-14A(11).

E. Any person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon original application.

F. Any person employed by or representing a firm, corporation or other organization, if any partner, officer or managing agent of such firm, corporation or organization would not be eligible for a license hereunder upon an individual application.

G. Any person who is not of good moral character, honesty, and integrity.

§ 385-16. Issuance of license; revocation.

A. If the applicant is found to be fully qualified as provided herein, the Chief of Police or his/her designated representative shall issue a license pursuant to the provisions of this article, upon payment of the fee therefor. Such license shall remain in the possession of the licensee at all times while engaged in soliciting in the City of Crystal Lake.

B. Any license issued hereunder shall be revoked by the Chief of Police or his/her designated representative if the holder of the license is convicted of a violation of any of the provisions of this article or any other ordinance of the City of Crystal Lake, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this article. Immediately upon such revocation written notice thereof shall be given by the Chief of Police or his/her designated representative to the holder of the license in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void.

§ 385-17. Fraud.

Any licensed solicitor who shall be guilty of any fraud, cheating or misrepresentation, whether through himself/herself or through an employee while acting as a solicitor in the City of Crystal Lake, or who shall barter, sell or solicit any goods, wares, merchandise or services other than those specified in his/her application for a license shall be deemed guilty of a violation of this article.

§ 385-18. Notice on residence prohibiting soliciting.

Any person desiring to prohibit persons from calling at his or her residence for the purpose of soliciting shall give notice in the following manner: A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance to the residence, and shall contain the words "NO PEDDLERS/SOLICITORS INVITED," printed in letters at least 1/3 inch in height. For the purpose of uniformity, the cards shall be provided by the Police Department to persons so requesting.

§ 385-19. Effect of notice.

It shall be unlawful and shall constitute a nuisance and trespass for any person, whether licensed hereunder or not, to go upon any premises and ring the doorbell upon or near the door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in commercial or charitable solicitation as defined in this article, in defiance of the notice exhibited at the residence in accordance with the provisions of § 385-18.

§ 385-20. Solicitors to obey request to depart.

Any solicitor shall immediately and peacefully depart any premise when requested to do so by the occupant or occupants.

§ 385-21. Solicitation time limits.

It shall be unlawful and constitute a nuisance for any solicitor to conduct their business before the hour of 9:00 a.m. or after the hour of 8:00 p.m.

§ 385-22. Exemptions.

The provisions of this article shall not apply to officers of the City, county, state or federal government, or any subdivision thereof, when on official business, nor shall the provisions of this article apply to any news-gathering activity for a bona fide news medium, or to any solicitation of information for a telephone book by a telephone company.

§ 385-23. Penalty.

Any person, firm or corporation violating the provisions of this article may, in addition to any penalty imposed under Chapter 248, Fines, of this Code, suffer the penalty of having his/her or its license revoked for any such violation. Revocation shall be in writing signed by the Chief of Police or his/her designee.

SECTION III: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION IV: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this XX day of XX.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED:

APPROVED:

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date:

November 19, 2019

Item:

Liquid Anti-Icing & De-Icing Chemicals

Staff Recommendation:

Motion to adopt a Resolution authorizing the City Manager to execute an agreement with the lowest responsive, responsible bidder, Industrial Systems Ltd. for the purchase of Liquid Anti-Icing & De-Icing Chemicals in the submitted bid amount.

Staff Contact:

Michael Magnuson, Director of Public Works

Background and Need:

The Public Works Department uses an organic-liquid salt anti-icing additive in conjunction with rock salt to de-ice roads during the winter. The Public Works Department estimates it will utilize up to 35,000 gallons of the organic-liquid salt additive for its snow and ice control operations this winter. The Public Works Department utilizes liquid calcium chloride during deep-cold winter snow and ice removal operations. Staff estimates using between 10,000 and 15,000 gallons during the winter season.

Bids were opened on November 12, 2019 with the following results:

Vendor	70% NaCl 30% BIO (per gal)	Liquid Calcium Chloride (per gal)
√ Industrial Systems Ltd.	\$1.07	\$0.60
SNI Solutions, Inc.	\$1.10	\$0.85

√ Indicates recommended lowest responsive and responsible bidder

Staff compared bid results to the Suburban Purchasing Cooperative (SPC) price for this product. The price through SPC was \$1.80 per gallon for the de-icing liquid and \$0.61 per gallon for the liquid calcium chloride.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. It is the recommendation of staff to award the bid to the lowest responsible and responsive bidder, Industrial Systems Ltd. for the purchase of 70% NaCl 30% BIO in the amount of \$1.07 per gallon and for Liquid Calcium Chloride in the amount of \$0.60 per gallon. Funds have been budgeted for this purchase.

Votes Required to Pass:

Simple majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract with Industrial Systems Ltd., for Liquid Anti-Icing & De-Icing Chemicals, in the submitted bid amount.

DATED this 19th day of November, 2019.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: Lift Station #9 Rehabilitation Bid

Staff Recommendation: Motion to award the bid for the rehabilitation of the Pine Street Lift Station (Lift Station #9) to the lowest responsive, responsible bidder, Bolder Contractors, and adopt a resolution authorizing the City Manager to execute a contract with Bolder Contractors in the submitted bid amounts with a 10% contingency for unforeseen expenses.

Staff Contact: Michael Magnuson, Director of Public Works

Background and Need:

On November 8, 2019, the City of Crystal Lake publicly opened and read aloud the bids received to rehabilitate Lift Station #9, located at 493 Pine St. The bid results are provided in the table below:

Bidder	Total Bid
√ Bolder Contractors Cary, IL	\$1,086,000.00
Martam Construction, Inc. Elgin, IL	\$1,088,740.00
Berger Excavating Contractors Wauconda, IL	\$1,164,000.00

√ Indicates the lowest responsive and responsible bidder

The Pine Street Lift Station #9 has not undergone any major rehabilitation in over 44 years. A Condition Assessment of the lift station conducted by Donohue & Associates, Inc. identified a number of concerns related to the condition of the forcemain (choked down due to age), corrosion of the piping (age), and lack of a backup generator on site.

Operationally, the wet well at this lift station does not offer a lot of detention time (storage of wastewater). During heavy rainfall events, this station has to be bypass pumped manually which requires portable pumps and around the clock staffing to prevent sewer backups. Bypass pumping at this location generates complaints from the surrounding residents due to noise. The proposed lift station has a much larger wet well that will provide for a longer detention time (more storage volume). This will significantly reduce the frequency of bypass pumping.

The proposed project includes replacement of the forcemain, electrical panels, wet well, valve vault, pumps, piping and installation of a natural gas generator.

The City received a Community Development Block Grant (CDBG) in the amount of \$87,315 from McHenry County to help fund the project.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Bolder Contractors has submitted the lowest responsive and responsible bid. Crawford, Murphy and Tilly (CMT), the consultant design engineering firm for the project has reviewed the bids and recommends awarding the contract to Bolder Contractors. It is the recommendation of staff to award the bid to the lowest responsive, responsible bidder, Bolder Contractors for the rehabilitation of the Pine Street Lift Station (Lift Station #9).

This project is included in the Capital Improvement Plan and Fiscal Year 2019/2020 Budget. There are sufficient funds for this project.

Votes Required to Pass:

Simple Majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract between the CITY OF CRYSTAL LAKE and Bolder Contractors for the rehabilitation of the Pine Street Lift Station (Lift Station #9) in the amount bid, with a 10% contingency.

DATED this 19th day of November 2019.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: November 19, 2019

APPROVED: November 19, 2019



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: Well #16 Maintenance & Repair

Staff Recommendation: Motion to award the bid for maintenance and repair work on Well #16 to the lowest responsive, responsible bidder, Municipal Well & Pump, and adopt a resolution authorizing the City Manager to execute a contract with Municipal Well & Pump in the submitted bid amounts with a 10% contingency for unforeseen expenses.

Staff Contact: Michael Magnuson, Director of Public Works

Background and Need:

On November 8, 2019, the City of Crystal Lake publicly opened and read aloud the bids received to perform maintenance and repair work to the City's Well #16. Well #16 is located at Water Treatment Plant #5 (8701 Bard Rd.), and was last serviced in 2017. Currently the well is out of service.

The following table includes bid pricing for the Well #16 project:

Bidder	Total Bid
√ Municipal Well & Pump Waupun, WI	\$206,222.00
Water Well Solutions Elburn, IL	\$218,831.00
Great Lakes Water Resources Joliet, IL	\$276,420.00
Layne Christensen Aurora, IL	\$329,025.00

√ Indicates the lowest responsive and responsible bidder

The bid price includes maintenance and repair work as well as inspection of all equipment, replacement/repairs (if required based on inspection) and chemical treatment work required before placing the well back into service.

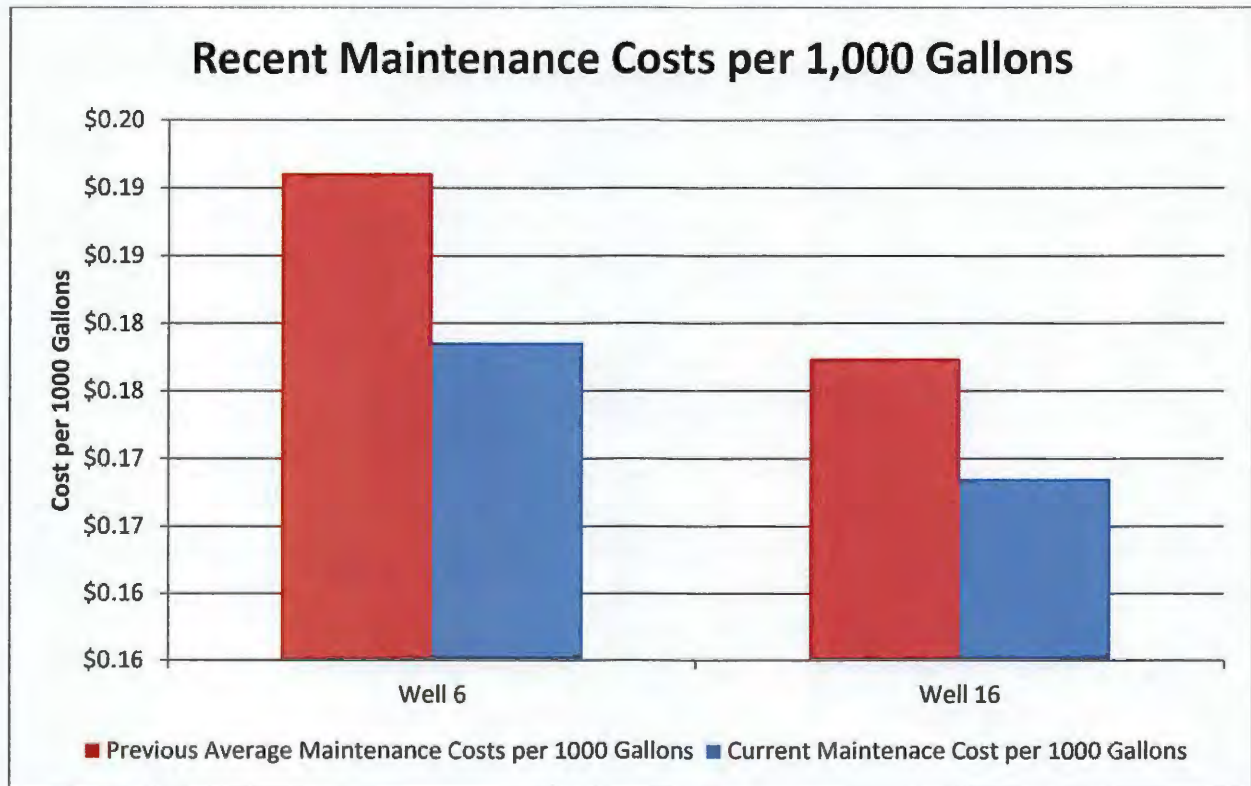
The Public Works Department tracks and reviews well rehabilitation and repair costs on a per 1,000 gallons pumped basis, since not all wells are utilized the same. Deep wells are utilized to pump larger volumes of water compared to shallow wells. The Department's tracking of costs "per

thousand gallons pumped” along with pump run time (hours of operation) are two of the metrics Public Works staff uses to monitor costs and make decisions on well operations.

All of the wells in Crystal Lake obtain their source water from geologic layers consisting of sand and gravel (shallow wells) or glacial sandstone (deep wells). The fine sand present in these deposits damages the pumping equipment over time, which results in the need to rehabilitate or replace components. Sand in our source water is an operating challenge for the City that is managed daily by staff.

Well #16 is one of the City’s four deep wells and has produced over 682 million (682,000,000) gallons of water since it was last serviced in 2017. Well #16 is the second highest producing well and is utilized heavily to meet summer demands. Public Works staff has adjusted operation at Well #16 to minimize sand intrusion. Instead of stopping and starting the well as needed (creates turbulence that stirs up sand at the well bottom) staff has been running Well #16 continuously at a lower pumping rate. This lower continuous rate has increased the amount of water produced between pump rehabilitations. Other sand removal options have been investigated. These options are more expensive than the rehabilitation costs and there is no guarantee they will result in longer operations between rehabilitations.

The current maintenance costs per 1,000 gallons for Well #16 is comparable to Well #6 which is a comparable well with respect to production (near 750 gallons per minute) and operation.



When performing repairs and maintenance on a submersible well pump, predicting the required repair and rehabilitation cost is impossible to calculate until all pumping equipment has been removed, disassembled, and inspected. To provide the City with a competitive cost, vendors were requested to submit bid pricing that includes hourly labor rates, material pricing, and equipment cost for possible repairs and services that may be needed.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Municipal Well and Pump has submitted the lowest responsive and responsible bid per the specifications stated in the bid document and based on a typical scenario and anticipated repairs needed. The Public Works Department staff has used Municipal Well and Pump for other projects and they have been a very responsive contractor. It is the recommendation of staff to award the bid to the lowest responsive, responsible bidder, Municipal Well and Pump to perform the work on Well #16, in accordance with the terms and conditions of the bid documents.

Public Works annually budgets for well rehabilitation and maintenance. There are sufficient funds in the FY 2019/2020 operating budget for this expense.

Votes Required to Pass:

Simple Majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract between the CITY OF CRYSTAL LAKE and Municipal Well and Pump for Well #16 maintenance and repair in the amount bid, with a 10% contingency.

DATED this 19th day of November, 2019

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: November 19, 2019
APPROVED: November 19, 2019



Agenda Item No: 19

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	November 19, 2019
<u>Item:</u>	Sewer Use Ordinance Revisions
<u>Staff Recommendation:</u>	Motion to adopt an ordinance amending Chapter 435, Sewer Use, of the City Code
<u>Staff Contact:</u>	Michael P. Magnuson, P.E., Director of Public Works

Background and Need:

The City, as mandated by the United States Environmental Protection Agency (USEPA), is required to regulate pollutants discharged into the sanitary sewers. Certain industrial users are required to submit reports to the City who regulates discharges of hazardous materials to the sewer. These reports are used to track the sources of such materials and regulate the overall discharge volume. All reports are then compiled and turned over to the U.S. Environmental Protection Agency (USEPA) as part of the City's audit. The Sewer Use Ordinance also establishes local regulations and requirements for discharge into the City's sanitary sewer system.

The proposed Ordinance changes addresses three areas:

1. Additional language to bring Ordinance into compliance with revised Federal requirements for the proper handling and disposal of dental amalgam. The new federal requirements have been previously communicated to the 32 known dental facilities in the City, and the City's Pretreatment Coordinator has received 17 reports back and is communicating with the remaining 15. Dental facilities have until October 2020 to be in compliance.
2. Additional verbiage on the handling of fats, oils and grease to help Public Works staff better communicate with food service establishments on the requirements for grease traps and provide Best Management Practices (BMP's) for maintaining the traps and grease interceptors. This does not impose new requirements or additional costs on existing or new food service establishments. It is memorializing in Ordinance form what our current practice and procedures have been.

3. New requirement for garbage grinder or other measures to capture or shred wipes, rags and towelettes at new establishments that provide resident care such as hospitals, nursing care facilities, family care, and in-patient rehabilitation. This will not impact current providers in the City. Public Works has experienced operations problems (clogging of sewers and lift station pumps) due to “disposable” wipes and towelettes at three facilities in the past several years. The current ordinance allows the City to levy fines, but this has not always resulted in resolving the problem since the existing facilities do not have a means to capture or shred wipes, etc. directly at the facility.

Discussion:

The following specific changes are proposed:

<p>Section 435-3 Abbreviations Added</p> <p>FSE – Food Service Establishment FOG – Fats, Oil and Grease</p>
<p>Section 435-4 Definitions Added</p> <p><u>AMALGAM PROCESS WASTEWATER-</u> Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.</p> <p><u>AMALGAM SEPARATOR-</u> A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.</p> <p><u>DENTAL AMALGAM-</u> An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.</p> <p><u>DENTAL DISCHARGER-</u> 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).</p> <p><u>DENTAL MOBILE UNIT-</u> A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.</p> <p><u>EXISTING DENTAL DISCHARGER SOURCE-</u> A dental discharger that is not a new source.</p> <p><u>FOOD SERVICE ESTABLISHMENT (FSE)-</u> Any user engaged in the activities of manufacturing, preparing, serving, or otherwise making available for consumption foodstuffs that use one or more of the following preparation activities: blending, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and infrared heating, searing, barbecuing, and any other food preparation or servicing activity that produces a consumable food product in or on a receptacle requiring washing to be reused. A limited food preparation establishment is not considered to be a FSE when only engaged in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant amounts of FOG.</p> <p><u>LIMITED DENTAL DISCHARGER SOURCE-</u> 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</p>

Existing Limited Dental Discharge Source means a limited dental discharger that is not a new source.

NEW DENTAL DISCHARGER SOURCE A dental discharger whose first discharge to a POTW occurs after July 14, 2017.

Section 435-8 Sewer Use Limits/ Local Limits

- Adding Section C. Food Service Establishments (FSE) Survey (This is our current practice for new food establishments as well as facilities that may introduce unique waste streams)

Section 435-12 Additional Pretreatment Measures

- Adding Section D. GARBAGE GRINDERS
- Adding Section E. FATS, OILS & GREASE – GREASE INTERCEPTOR REQUIREMENTS
- Adding Section F. Grease Interceptor Maintenance
- Adding Section G. Food Service Establishments – Best Management Practices

Article XV – Amalgam Management at Dental Offices

- New Article added to be in compliance with federal regulations.

Recommendation:

It is the recommendation of the Public Works Department to amend Chapter 435 of the City Code as presented in the proposed Ordinance.

These changes have been reviewed by the City's special counsel.

Votes Required to Pass:

Simple Majority

DRAFT

Ord. No. _____
File No. _____



**AN ORDINANCE Amendment to the Code of Ordinances to the
City of Crystal Lake
Chapter III – A Water and Sewer Regulation**

Section 1. Chapter 435, Sewer Use, of the Code of the City of Crystal Lake is repealed and replaced as follows:

**Chapter 435
SEWER USE**

ARTICLE I – General Provisions

§ 435-1. Purpose and Policy; Applicability

A. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Crystal Lake and enables the City to comply with all 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).

B. The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) 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;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (6) To enable the City of Crystal Lake 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.

C. This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 435-2. Administration

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

§ 435-3. Abbreviations

The following abbreviations, when used in this ordinance, 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

FSE – Food Service Establishment

FOG- Fats, Oils and Grease

gpd - gallons per day

IU – Industrial User

MAIL – Maximum Allowable Industrial Loading

mg/l - milligrams per liter

NAICS – North American Industry Classification System

NPDES - National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIU - Significant Industrial User

SNC – Significant Noncompliance

SIC - Standard Industrial Classification

TSS - Total Suspended Solids

U.S.C. - United States Code

§ 435-4. Definitions

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

ACT or “THE ACT”- The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. 1251 et seq.

AMALGAM PROCESS WASTEWATER- Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

AMALGAM SEPARATOR- A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

APPROVAL AUTHORITY- The director of the Illinois Environmental Protection Agency or the Administrator of the U.S. Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE OF THE USER-

(1). If the user is a corporation:

(a) 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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which 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 assure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2). If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3). 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 his/her designee.

(4). The individuals described in Subsections 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Crystal Lake.

BIOCHEMICAL OXYGEN DEMAND or BOD- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

BEST MANAGEMENT PRACTICES or BMPs- The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.** BMPs may also be used in lieu of numerical local limits.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD- Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

CATEGORICAL INDUSTRIAL USER- An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

CITY- The City of Crystal Lake or the Mayor and City Council of the City of Crystal Lake.

CHEMICAL OXYGEN DEMAND (COD) - A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY- The City of Crystal Lake

DAILY MAXIMUM- The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM ALLOWABLE DISCHARGE LIMIT- The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits 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 Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day.

DENTAL AMALGAM- An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

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).

DENTAL MOBILE UNIT- A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

ENVIRONMENTAL PROTECTION AGENCY or EPA- The U.S. Environmental Protection Agency.

EXISTING DENTAL DISCHARGER SOURCE- A dental discharger that is not a new source.

EXISTING SOURCE- Any source of discharge, the construction or operation of which commenced prior to the publication by the 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.

FOOD SERVICE ESTABLISHMENT (FSE)- Any user engaged in the activities of manufacturing, preparing, serving, or otherwise making available for consumption foodstuffs that use one or more of the following preparation activities: blending, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking,

broiling (all methods), boiling, blanching, roasting, toasting, or poaching and infrared heating, searing, barbecuing, and any other food preparation or servicing activity that produces a consumable food product in or on a receptacle requiring washing to be reused. A limited food preparation establishment is not considered to be a FSE when only engaged in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant amounts of FOG.

GRAB SAMPLE- A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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.

INSTANTANEOUS LIMIT- The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete (grab) or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE- A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or 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.

LOCAL LIMITS- Specific discharge limits developed and enforced by the City of Crystal Lake upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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.

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.

MONTHLY AVERAGE- The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT- The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number “daily discharges” measured during that month.

NEW DENTAL DISCHARGER SOURCE A dental discharger whose first discharge to a POTW occurs after July 14, 2017.

NEW SOURCE-

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater-generating processes of the building, structure, facility, or installations are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection A(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on-site 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 is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

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.

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 a violation of any requirement of POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON- Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or its legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT- Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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 attained 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.

PRETREATMENT REQUIREMENTS- Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS- Prohibited discharge standards, categorical pretreatment standards, and local limits. As documented in § 307 (b) & (c) of the Clean Water Act.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES- Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 435-5 of this ordinance.

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 of Crystal Lake. 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.

SEPTIC TANK WASTE- Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE- Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER (SIU)-

1. Subject to categorical pretreatment standards; or
2. That:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater);
 - (b) Contributes a process waste-stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.
3. The City of Crystal Lake may determine that an industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-

contact cooling and boiler blow-down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to the City of Crystal Lake's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Article IV (435-20) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
4. Upon a finding that a User meeting the criteria in Subsection A (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, The City of Crystal Lake may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User (SIU).

SLUG LOAD or SLUG- Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 435-5 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a 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.

STANDARD INDUSTRIAL CLASSIFICATION CODE (SIC) Or NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) - A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER- Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT- The person designated by the Director of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

TOTAL SUSPENDED SOLIDS or 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.

USER or INDUSTRIAL USER- A source of indirect discharge.

WASTEWATER- Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated that are discharged into the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT- That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

ARTICLE II– General Sewer Use Requirements

§ 435-5. 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 apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- B. **Specific prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half inch in any dimension);
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 149 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent, or his/her designee, in accordance with § 435-14 of this ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating POTW's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (12) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent or his/her designee;
- (13) Sludge, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Superintendent or his/her designee, in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l; and mineral or petroleum oils in concentrations greater than 100 mg/l; or
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

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

§ 435-6. Federal Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent, or his/her designee, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent or his/her designee shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Note: The Federal Effluent Limit Guidelines (ELG's) are "incorporated" into the SUO, and all indirect dischargers must comply with the ELG's.

§435-7. State Pretreatment Standards.

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

§ 435-8. Sewer Use Limits / Local Limits

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

Discharge Limit (mg/l)	Pollutant
26	Ammonia Nitrogen
0.1	Arsenic
24.0	Barium
0.1	Cadmium
2225	Chloride
0.3	Chromium (Hex)
8.5	Chromium (Tot)
0.5	Copper
0.3	Cyanide
7.0	Fluoride
20.0	Iron
0.6	Lead
40	Manganese

Discharge Limit (mg/l)	Pollutant
0.4	Molybdenum
0.0005	Mercury
0.3	Nickel
11.0	Phenols
1.3	Selenium
0.25	Silver
2500	Sulfate
1.0	Zinc
100	Fats, oil and grease (FOG) [Mineral or petroleum origin]
200	Fats, oil and grease (FOG) [Food origin]
236	Biochemical Oxygen Demand (BOD)
272	Total Suspended Solids (TSS)
10	Phosphate, total (as P)

Note: Discharge Limit for pH
(5.0 – 9.5) Standard Units (SU)

- A. The above limits apply at the end of pipe where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. The Superintendent, or his/her designee, may impose mass limitations in addition to, or in place of, the concentration-based limitations above. In any case, the most stringent requirement and limitation of federal or state laws or of this ordinance shall apply.
- B. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Sewer Use / Local Limits and the requirements of Article II, Section 435-5.

C. Food Service Establishment (FSE) - Survey

All new FSE shall complete a FSE Survey as part of the development approval and permitting process. The Survey shall ensure that Food Service Establishments using 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 435-5 and to control spills of raw materials, intermediates and waste as set forth in Section 435-13 of this Article, and shall facilitate the City's investigation of apparent or suspected violations thereof. The requirements for the FSE Survey are as follows:

1. All existing including those is areas receiving sewer service from the City, shall complete and submit a FSE Survey on a form provided by the City when requested by the City.
2. The FSE 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.
3. All new FSE's that establish a new account for sanitary sewer service or those that transfer an existing FSE account in the City shall file a completed FSE Survey with the City 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 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 435-4.

§ 435-9. City's Right of Revision

The City of Crystal Lake reserves the right to establish, by ordinance or general wastewater discharge permits, more stringent standards or requirements on discharges to the City's POTW consistence with the purpose of this ordinance. The specific limitations on discharge listed in Article II, Section 435.8 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those IUs, at the City's discretion, that contribute the regulated pollutant and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific discharge limit. In no case shall all allocations exceed the MAIL.

The City of Crystal Lake will maintain a reserve of the maximum allowable head-works pollutant loading for each pollutant for new industries or increase with existing industries. The City 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.

§ 435-10. Dilution; Imposition of Mass Limitations

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The

Superintendent or his/her 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.

ARTICLE III – Pretreatment of Wastewater

§ 435-11. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 435-5 of this ordinance within the time limitations specified by the EPA, the state, or the POTW, 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 Superintendent, or his/her designee, for review, and shall be acceptable to the Superintendent, or his/her 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 City under the provisions of this ordinance.

§ 435-12. Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent, or his/her 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 wastestreams from industrial wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Superintendent, or his/her designee, may require any person discharging into the POTW to install and maintain, on their property and at his/her expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- D. GARBAGE GRINDERS:
 - 1. New establishments that provide resident care, including but not limited to, hospitals, nursing care facilities, family care, and in-patient rehabilitation, and other uses as defined in the Unified Development Ordinance (UDO) Chapter 650 are required to install a garbage grinder unless otherwise approved by the POTW Superintendent.
 - 2. Garbage is required to be properly shredded in order to be approved to be discharged to the public 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. 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. The grinder shall be owned, operated and maintained by the property owner.

3. The discharge from grinders is prohibited to be connected to a grease interceptor.

E. FATS, OILS, & GREASES – GREASE INTERCEPTOR REQUIREMENTS

1. Grease Interceptors (GI) – Food Service Establishments (FSE). All GI shall be of a type and capacity approved by the POTW Superintendent based on an evaluation of the volume and characteristics of the discharge in conjunction with the operating plan of the FSE. The POTW Superintendent may require GI to be installed or modified at existing FSE where FSE that have caused or contributed to overflows and/or blockages, or when existing FSE are remodeled.
2. All existing FSE's may be required to install a GI at the request of the POTW Superintendent. The POTW Superintendent may require a GI to be installed or modified in an existing FSE within one hundred and eighty days (180) days of notification by the City where the FSE has caused or contributed to a hot spot, overflows and/or blockages, when any reconstruction, rebuilding, or remodeling of fifty percent (50%) or more of the building occurs or when the facility has an undersized, irreparable, or defective GI as determined by the POTW.
3. Location. All GI shall be so located to be easily accessible for cleaning and inspection. The GI shall not be located in drive-through lanes, drive aisles or parking stalls.
4. Sign-off Inspection. Prior to the initial operation of any FSE, the GI shall be inspected in accordance with City permitting practices.
5. Maintenance: It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure the trap is properly cleaned out and that all fittings and fixtures inside the trap are in working condition and functioning properly. In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive discharges as defined in Section 435-5, the owner of the FSE will be required by the POTW Superintendent to have the GI cleaned at a more frequent rate or install additional Pretreatment as necessary.
6. Modifications: The POTW Superintendent or his/her 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.

F. GREASE INTERCEPTOR (GI) MAINTENANCE.

A GI located inside a FSE will be inspected and cleaned weekly. A GI located outside a FSE on its property shall be inspected and the grease cap and solids blanket minimally cleaned every three months; the entire contents of the trap cleaned annually; and the GI repaired regularly, as needed, by the owner at his expense. Logs of inspection and cleaning shall be kept on site at the facility and be available for inspection by the City. It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure the trap is properly cleaned out and that all fittings and fixtures inside the trap are in working condition and functioning properly. In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive discharges, as defined in Section 435-5, or fail to meet local limits, as defined in Section 435-8, the owner of the FSE will be required by the POTW Superintendent to have the GI cleaned at a more frequent rate or install or modify pretreatment as necessary.

G. FOOD SERVICE ESTABLISHMENTS – BEST MANAGEMENT PRACTICES

All FSE's that discharge non-residential source waste are required to develop and implement Best Management Practices (BMP's) that include:

1. Proper storage of unused cooking oil
2. Segregation, collection, and proper storage of waste cooking oil
3. Disposal of food waste into the trash or garbage disposal
4. Installation of drain screens
5. Wipe-up grease spills before using water
6. Employee training
7. Grease Interceptor maintenance;
8. Record keeping requirements for GI cleaning and maintenance;
9. Notifications required for spills or slug loads changes;
10. Notification Procedure. Procedures for immediately notifying the POTW Superintendent of any accidental or slug discharge of any raw materials or recycled oil to either the sanitary or storm sewer consistent with the requirements in Section 435-35.
11. The City may require the submittal of BMP and documentation of procedures required in this Section upon Notice of Violation or observance of slugs, hot spots,

grease deposits, etc. in the wastewater system downstream from the FSE. Review of such plans and documentation of procedures by the City shall not relieve the user from the responsibility to modify the user's facility or BMP and procedures as necessary to meet all requirements of this Ordinance. Review by the City does not constitute an approval of a BMP Plan and procedures, and the City 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 discharge.

§ 435-13. Accidental Discharge/Slug Control Plans

At least once every two years, the POTW shall evaluate whether industrial/commercial users need an accidental discharge/slug control plan. The Superintendent, or his/her designee, may require any user to develop, submit for approval, and implement such a plan. **Note: All Significant Industrial Users (SIUs) are required to prepare and implement a Slug Control Plan as documented in their wastewater discharge permits [40 CFR 403.8(f)(iii)(B)(6)].** New SIUs will be required to prepare the plan within one year of the issuance of their wastewater discharge permit [40 CFR 403.8(f)(2)(vi)]. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. General information: name and address, facility contact, description of discharge practices, including non-routine batch discharges, security provisions and employee training;
- B. Facility layout flow diagrams: general layout, including mapping of manufacturing, storage, transportation, disposal areas, location of all floor drains, wash sinks, etc.;
- C. Material inventory: description of stored chemicals, types, volumes, containers, etc.;
- D. Slug reporting: procedures for immediately notifying the Superintendent, or his/her designee, of any accidental or slug discharge, as required by § 435-35 of this ordinance;
- E. Spill and leak prevention equipment, operations and maintenance procedures: definition of available equipment, plans to obtain needed equipment and 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, and measures for containing toxic organic pollutants, including solvents;
- F. Emergency response equipment and procedures: inventory and location of equipment and procedures;
- G. Training program: assurance that the plan is implemented by providing for employee training; and
- H. Certification: a certification by a professional (person with knowledge of plan and its purpose) that the plan is adequate to prevent and control slug and accidental discharges.

§ 435-14. Hauled Wastewater

- A. Septic tank waste is prohibited.
- B. The Superintendent, or his/her designee, shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent, or his/her designee, may require

generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent, or his/her designee, also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

- C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent, or his/her designee. No load may be discharged without the prior consent of the Superintendent, or his/her designee. The Superintendent, or his/her designee, may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent, or his/her designee, may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

ARTICLE IV– Wastewater Discharge Permit Application Process

§ 435-15. Wastewater Analysis

When requested by the Superintendent or his/her designee, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent, or his/her designee, is authorized to prepare a form for this purpose and may periodically require users to update this information.

§ 435-16. Permit Requirements

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the POTW, except that a significant industrial user that has filed a timely application pursuant to § 435-17 of this ordinance may continue to discharge for the time period specified therein.
- B. If an industrial user (IU), other than a significant or categorical industrial user (CIU) meets any of the criteria set forth in this ordinance, or has a reasonable potential for adversely affecting the POTW, or causing violation of any pretreatment standards or NPDES requirements, the IU shall be required to obtain a wastewater discharge permit from the POTW.
- C. The Superintendent, or his/her designee, may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- D. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Articles X through XII of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

§ 435-17. Permit Requirements for Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the POTW for a wastewater discharge permit in accordance with § 435-19 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent, or his/her designee.

§ 435-18. Permit Requirements for New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 435-19 of this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

§ 435-19. Permit Application Contents

A. All users required to obtain a wastewater discharge permit must submit a permit application.

B. The Superintendent or his/her designee, may require all users to submit as part of an application the following information:

- (1) All information required by § 435-30B of this ordinance;
- (2) A description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) The number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) The type and amount of raw materials processed (average and maximum per day);
- (6) 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;
- (7) The time and duration of discharges; ***this includes flow measurement information showing the measurement average daily and maximum daily flow, in gallons per day to the POTW from regulated process streams and other streams, as necessary, to allow the use of the combined wastestream formula set out in 40 CFR 403.6(e) (if applicable);***
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 435-33 D [40 CFR 403.129(e)(2)]; and
- (9) Any other information as may be deemed necessary by the Superintendent, or his/her designee, to evaluate the wastewater discharge permit application.

Note: Currently, the City of Crystal Lake issues wastewater discharge permits to CIU's and or SIU's, but does not currently issue general permits. However, the City reserves the right to do so if requested by the superintendent or his/her designee.

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

§ 435-20. Application Signatories and Certification

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

"I certify under 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."

- A. 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 Superintendent prior to or together with any reports to be signed by an authorized representative. *This regulation also applies to reports submitted by the POTW (City of Crystal Lake) to another Control Authority (State or Federal), if the Control Authority is not the POTW.*

- B. If the City of Crystal Lake determines that a facility is a Non-Significant Categorical Industrial User (NSCIU) pursuant to 1.4 GG(3), the facility must annually submit the signed certification statement in Article VI Section 435-43 [40 CFR 403.3(v)(2)].

§ 435-21. Permit Decisions

The Superintendent, or his/her designee, will evaluate the data furnished by the user and may require additional information. The Superintendent, or his/her designee, will determine whether or not to issue a wastewater discharge permit. The Superintendent, or his/her designee, may deny any application for a wastewater discharge permit. *If a wastewater discharge permit is issued, specific conditions shall be applied to the permit if it is warranted.*

ARTICLE V– Wastewater Discharge Permit Issuance Process

§ 435-22. Duration of Permit

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent, or his/her designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

§ 435-23. Permit Contents

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

A. Wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five years.
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with § 435-26 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (4) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
- (6) 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 435-33 D;
- (7) Requirements to control Slug Discharge, if determined by the City to be necessary; and
- (8) Any grant of the monitoring waiver by the City (Section 435-33 D) must be included as a condition in the User's permit [or other control mechanism].

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works; Note: **that if the installation of pretreatment technology is implemented to meet discharge limits, it is mandatory to provide a schedule for such installation as documented in 40 CFR § 403.8(f)(1)(iv).**

- (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Superintendent, or his/her designee, to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

§ 435-24. Permit Appeals

The City of Crystal Lake shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City of Crystal Lake to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the City of Crystal Lake fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of McHenry County, State of Illinois, within 35 days of the date of the final administrative wastewater discharge permit decision. Such proceeding shall be in accordance with the applicable statutes for judicial review of administrative decisions, or declaratory judgment, whichever applies.

§ 435-25. Permit Modification

The Superintendent, or his/her 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. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator. Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in § 435-26.

§ 435-26. Permit Transfer

A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Superintendent, or his/her designee, and the Superintendent, or his/her designee, approves the wastewater discharge permit transfer. The notice to the Superintendent, or his/her designee, must include a written certification by the new owner or operator which:

- (1) States that the new owner and/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.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

§ 435-27. Permit Revocation; Disposition of Permits upon Transfer of Ownership or Issuance of New Permit.

A. The Superintendent, or his/her designee, may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Superintendent, or his/her designee, of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Superintendent, or his/her designee, of changed conditions pursuant to § 435-34 of this ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Superintendent, or his/her designee, timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

§ 435-28. 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 § 435-19 of this ordinance, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

§ 435-29. Regulation of Waste Received From Other Jurisdictions

- A. If another municipality, or user located within another municipality, whose collection system is not owned, operated and maintained by the City of Crystal Lake and the Mayor and City Council authorizes acceptance of wastewater from another municipality to the POTW, the City of Crystal Lake shall enter into an inter-municipal agreement with the contributing municipality. Connection to the City of Crystal Lake owned, operated and maintained collection system requires each user to comply with all terms of this ordinance.

If such a situation occurs in the future then the contributing municipality must submit, "such other information as the Superintendent may deem necessary." This may include an agreement requiring that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality (in which the POTW is located) to regulate such dischargers.

- B. Prior to entering into an agreement required by Subsection A, above, the City of Crystal Lake shall request the following information from the contributing municipality:
- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all nondomestic users located within the contributing municipality that are discharging to the POTW; and
- C. An inter-municipal agreement, as required by Subsection 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 § 435-8 of this ordinance. 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 nondomestic user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City of Crystal Lake; and which of these activities will be conducted jointly by the contributing municipality and the City of Crystal Lake;
 - (4) A requirement for the contributing municipality to provide the City of Crystal Lake 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 Superintendent, or his/her 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 Superintendent, or his/her designee; and
 - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

ARTICLE VI – Reporting Requirements

§ 435-30. *Baseline Monitoring Reports*

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent, or his/her designee, a baseline monitoring report which contains the information listed in Subsection B, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent, or his/her designee, a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
- (1) Identifying information: the name and address of the facility, including the name of the operator and owner.
 - (2) Environmental permits: a list of any environmental control permits held by or for the facility.
 - (3) Description of operations: a brief description of the nature, average rate of production, and standard industrial classifications or NAICS Code 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 wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of pollutants:
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, or his/her 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 § 435-39 of this ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in §435-40 of this ordinance.
 - (6) Certification: a statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are

being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance schedule: if additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 435-31 of this ordinance.
- (8) Signature and certification: All baseline monitoring reports must be signed and certified in accordance with § 435-20 of this ordinance.

§435-31. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by § 435-30B (7) of this ordinance:

- 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 operations);
- B. No increment referred to above shall exceed nine months;
- C. The user shall submit a progress report to the Superintendent, or his/her designee, no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine months elapse between such progress reports to the Superintendent, or his/her designee.

§ 435-32. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent, or his/her designee, a report containing the information described in § 435-30 B (4) through (6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling

period. All compliance reports must be signed and certified in accordance with § 435-20 of this ordinance. All sampling will be done in conformance with Section 435-40.

§ 435-33. Periodic Compliance Reports

[Note: All SIUs are required to submit periodic compliance reports unless they have been designated a Non-Significant Categorical Industrial User (NSCIU) under the streamlining provision per 40 CFR §. (See Subsection E.)

- A. All significant industrial users shall, at a frequency determined by the Superintendent, or his/her designee, but in no case less than twice per year 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. The reporting periods are January thru June (submit report by July 15), and July thru December (submit report by January 15). All periodic compliance reports must be signed and certified in accordance with § 435-20 of this ordinance. 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 Superintendent or his/her designee, or the pretreatment standard necessary to determine the compliance status of the user.
- B. All wastewater samples must 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 regulated pollutant more frequently than required by the Superintendent, or his/her designee, using the procedures prescribed in § 435-40 of this ordinance, the results of this monitoring shall be included in the report.
- D. The City may authorize an industrial user subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user [40CFR 403.12(e)(2)]. This authorization is subject to the following conditions:
 - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - (2) 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 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Article IV, Section 435-19, B (8).

- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with Article I, Section 435-4, A, and include the certification statement in Article IV, Section 435.20 [40 CFR 403.6(a)(2)(ii)].
- (5) 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.
- (6) Any grant of the monitoring waiver by the [Superintendent] must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the [Superintendent] for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the users permit by the [Superintendent], the Industrial User must certify on each report with the statement in Article VI, Section 435-43, C, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
- (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 imposed by the [Superintendent], and notify the [Superintendent].
- (9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

E. "Reduce Periodic Compliance Reporting"; As per the streamlining provision in 40 CFR § 403.12(e)(3), NSCIUs are required to submit certification only, one time per year. However, at the discretion of the Superintendent or his/her designee a Periodic Compliance Report may still be a requirement. A "Middle Tier" Significant CIU is required to submit a PCR once per year, and all other CIUs two times per year (at a minimum).

F. All periodic compliance reports must be signed and certified in accordance with Article VI, Section 435-43.

§ 435-34. Reports of Changed Conditions

Each user must notify the Superintendent, or his/her designee, of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

- A. The Superintendent, or his/her 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 § 435-19 of this ordinance.
- B. The Superintendent, or his/her designee, may issue a wastewater discharge permit under § 435-21 of this ordinance or modify an existing wastewater discharge permit under § 435-25 of this ordinance 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 20% or greater, and the discharge of any previously unreported pollutants.

§ 435-35. Reports of Potential Problems

- A. 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 and notify the Superintendent, or his/her designee, of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the Superintendent or his/her 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. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users (SIUs) are required to notify the [Superintendent] immediately of any changes at its facility affecting the potential for a Slug Discharge.

§ 435-36. Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent, or his/her designee, as the Superintendent, or his/her designee, may require.

§ 435-37. Notice of Violation; Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent, or his/her designee, within 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 Superintendent, or his/her designee, within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent, or his/her designee, monitors at the user's facility at least once a month, or if the Superintendent, or his/her designee, samples between the users initial sampling and when the user

receives the results of this sampling, or if the City of Crystal Lake has performed the sampling and analysis in lieu of the Industrial User [40 CFR 403.12(g) (2)].

§ 435-38. Discharge of Hazardous Waste Prohibited

The discharge of any hazardous waste is prohibited.

§ 435-39. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

§ 435-40. Sample Collection

- A. Except as indicated in Subsection B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite collection sampling techniques. In the event flow-proportional sampling is infeasible, the Superintendent, or his/her designee, may authorize the use of time-proportional composite sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City of Crystal Lake, as appropriate.
- B. Samples for oil and grease, chromium total, hexavalent chrome, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Article VI, Section 435-30 and 435-32 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by those documented in Article VI [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- D. For each report, the time, date and place of sampling and methods of analysis and certification that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW shall be provided.

- E. The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether national categorical pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the national categorical pretreatment standards.
- F. Schedule of additional pretreatment or O&M.
- (1) If additional pretreatment or O&M will be required to meet the national categorical pretreatment standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standard.
 - (2) Where the Industrial User's National Categorical Pretreatment Standard has been modified by the combined waste stream formula [40 CFR 403.6(e)] or net/gross calculations (40 CFR 403.15) at the time the industrial user submits a baseline report, the information required in §435-30 shall pertain to the modified limits.
- G. The following conditions shall apply to any schedule submitted in response to § 435-31:
- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable national categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - (2) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.
- H. Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, Subchapter N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in Subsection 403.4(k) of 40 CFR 403. (§ 435-4 of this ordinance). New sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.
- I. All users subject to federal, state or local regulations may be required to establish a compliance schedule in order to achieve compliance. This compliance schedule may be required regardless of whether the discharger has a wastewater discharge permit, and shall

contain milestone dates such as described § 435-31. Activities other than construction, and O&M, such as training, installation of spill prevention equipment and slug control plans, may be required within compliance schedules.

- J. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided.

§ 435-41. Timing of Receipt of Reports

Written reports will be deemed to have been submitted on the date received. 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. Written reports include baseline monitoring reports, periodic compliance reports, monthly monitoring reports, slug plans, toxic organic management plans, wastewater discharge questionnaires, and any other documents required by the City of Crystal Lake.

§ 435-42. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Article II, Section 435-8, B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This 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 Superintendent or his/her designee.

§ 435-43 Certification Statements

- A. The following certification statements should be used with Permit Applications, User Reports, and Initial Monitoring Waivers. The certification statements are required to be signed and submitted in accordance with Article IV, Section 435-20; User submitting baseline monitoring reports under Article VI, Section 435-30 B (8) [See 40 CFR 403.12(I)]; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Article VI, Section 435-32 [See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Article VI, Section 435-33 A-D [See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Article VI, Section 435-33D(4) [See 40 CFR 403.12(e)(2)(iii)]. The certification statement documented in Article IV, Section 435-20 must be signed by an authorized representative as defined in Article I, Section 435-4.
- B. Annual certification for Non-Significant Categorical Industrials Users (NSCIUs) – A facility determined to be a NSCIU by the Superintendent or his /her designee pursuant to Article I, Section 435-4 A (3) and Article VI, Section 435-20 B (See 40 CFR 403.3(v)(2) must annually submit the following certification statement signed in accordance with the

signatory requirements in Section 435-4 [See 40 CFR 403.120(I)]. This certification must accompany an alternative report required by [the Superintendent]:

“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 in Article I, Section 435-4 A (3); [40 CFR 403.3(v)(2)].

(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.

This compliance certification is based on the following information.

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Article VI, Section 435-33 D must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user [40 CFR 403.12(e)(2)(v)].

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Article VI, Section 435-33 A.

ARTICLE VII – Compliance Monitoring

§ 435-44. Right of Entry

The Superintendent, or his/her designee, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater

discharge permit or order issued hereunder. Users shall allow the Superintendent, or his/her designee, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

§ 435-45. Right of Entry for Inspection and Sampling

- 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 Superintendent, or his/her designee, will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent, or his/her 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 Superintendent, or his/her designee, shall require the user to install monitoring facilities as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at minimum one time per year to ensure their accuracy.
- D. Monitoring facilities consisting of a manhole or sampling chamber or clean out that meets plumbing code requirements that will provide the POTW with sufficient access to maintain the wastewater service connection, monitor flow, sample building discharge and conduct an inspection in accordance with plans and specifications approved by the POTW Superintendent, or his/her designee, shall be provided. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. **All new Food Service Establishments (FSE)** shall be considered to have a process waste and therefore be required to provide a monitoring facility after the grease interceptor. All users that are in the zoning classification of retail (for food preparation), commercial, industrial or manufacturing will be required to provide a monitoring facility. ***This shall also include any facility that may be located in a residential zoning district that prepares food; such as schools, churches, nursing homes, or assisted living facilities.*** Multitenant buildings shall provide a monitoring facility specific to each individual unit. In the case where a monitoring facility may not have been provided for a specific unit due to the intended use of the unit, provisions shall be in place to provide, at the user's expense, a specific monitoring facility for that unit in the event the intended use changes.
- E. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Within 90 days of written notification of requirements, detailed plans showing the monitoring facilities shall be submitted to the

City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to accurately sample and monitor their discharge. Any subsequent changes in the facilities shall be reported to and be acceptable to the City prior to the user's initiation of the changes. Construction shall be completed within 90 days following written notification of acceptability by the City, unless a time extension is otherwise granted by the City.

- F. Where required by the City, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.
- G. Any temporary or permanent obstruction that does not allow 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 Superintendent or his/her designee, and shall not be replaced. The costs of clearing such access shall be borne by the user.
- H. Unreasonable delays in allowing the Superintendent, or his/her designee, access to the user's premises shall be a violation of this ordinance.

§ 435-46. Search Warrants

If the Superintendent, or his/her 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 ordinance, 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 ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent, or his/her designee, may seek issuance of a search warrant from the Circuit Court of McHenry County.

ARTICLE VIII – Confidential Information

§ 435-47. Availability of User Information to Public; Request to Hold Information Confidential

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent, or his/her designee, 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 Superintendent, or his/her designee, 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 must 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.

ARTICLE IX - Users in Significant Noncompliance

§ 435-48. Publication of List; Definition of "Significant Noncompliance"

The Superintendent, or his/her designee, shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term "Significant Noncompliance" shall be applicable to all SIUs or any other Industrial 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 66% or more of wastewater measurements taken during a six- month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including Instantaneous Limits as defined in Article II; [See 40 CFR 403.3(I)].
- B. Technical review criteria (TRC) violations, defined here as those in which 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 by Article II multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [See 40 CFR 403.3(I)].
- C. Any other discharge violation of a pretreatment standard or requirement as defined by Article II (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent, or his/her 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; [See 40 CFR 403.3(I)].
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's, or his/her designee's, exercise of his/her emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) 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 violations(s), which may include a violation of Best Management Practices, which the Superintendent, or his/her designee, determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE X– Administrative Enforcement Remedies

§ 435-49. Notification of Violation

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may serve upon that user a written Notice of Violation. Within a specified number of 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 Superintendent, or his/her 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. Nothing in this section shall limit the authority of the Superintendent, or his/her designee, to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§ 435-50. Consent Orders.

The Superintendent, or his/her 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 §§ 435-52 and 435-53 of this ordinance and shall be judicially enforceable.

§ 435-51. Show-Cause Hearing

The Superintendent, or his/her designee, may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent, or his/her designee, 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 10 days prior to the hearing. 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.

The user may also request to appear before the Superintendent, or his/her designee, and show cause why the proposed enforcement action should not be taken. All requests shall be submitted in writing by the user at least 10 days after receipt of a violation notice or enforcement action notice.

§ 435-52. Compliance Orders

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her 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.

§ 435-53. *Cease and Desist Orders*

A. When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, 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 Superintendent, or his/her designee, may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) 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.

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

§ 435-54. *Administrative Fines*

A. When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may fine such user in an amount up to but not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. ***Unpaid fines as well as appeals procedures on fines or other enforcement actions will be referred to the City of Crystal Lake Attorney. Also refer to Article XI (Section 435-57 – Injunctive Relief).***

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

§ 435-55. *Emergency Suspensions*

A. The Superintendent, or his/her 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 Superintendent, or his/her 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.

(1) 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 Superintendent, or his/her 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 Superintendent, or his/her designee, may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 435-55 of this ordinance are initiated against the user.

(2) 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 Superintendent, or his/her designee, prior to the date of any show-cause or termination hearing under § 435-50 or 435-55 of this ordinance.

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

§ 435-56. Termination of Discharge

A. In addition to the provisions in § 435-27 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Article II of this ordinance.

B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 435-51 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent, or his/her designee, shall not be a bar to, or a prerequisite for, taking any other action against the user.

ARTICLE XI – Judicial Enforcement Remedies

§ 435-57. Injunctive Relief

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may petition the Circuit

Court of McHenry County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent, or his/her 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.

§ 435-58. Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of up to \$1,000 per day/per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Superintendent, or his/her designee, may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- 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, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

§ 435-59. Criminal Prosecution

- A. A user who willfully or negligently violates any provision of this ordinance, 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 up to \$1,000 per violation, per day, or imprisonment for not more than six months, or both.
- 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 up to \$1,000 per violation, per day, or be subject to imprisonment for not more than six months, or both. 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 ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of up to \$1,000 per violation, per day, or imprisonment for not more than six months, or both.

- D. In the event of a second conviction, a user shall be punished by a fine of \$1,000 per violation, per day, or imprisonment for not more than six months, or both.

§ 435-60. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent, or his/her 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. However, the Superintendent, or his/her designee, may take other action against any user when the circumstances warrant. Further, the Superintendent, or his/her designee, is empowered to take more than one enforcement action against any noncompliant user.

ARTICLE XII – Supplemental Enforcement Action

§ 435-61. Water Supply Severance

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

§ 435-62. Public Nuisances

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance. ***Public nuisances are regulated and documented in the City municipal code of ordinances as stated in Part II, General Legislation, Chapter 364 (Nuisances).***

ARTICLE XIII – Affirmative Defenses to Discharge Violations

§ 435-63. Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Superintendent, or his/her designee, within 24 hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. A user 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.

§ 435-64. Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 435-5A of this ordinance or the specific prohibitions in § 435-5B of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the 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.

§ 435-65. Bypass

- A. For the purposes of this section, the following terms shall have the meanings indicated:
 BYPASS the intentional diversion of wastestreams from any portion of a user's treatment facility.

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.

- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C and D of this section.
- C. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, or his/her designee, at least 10 days before the date of the bypass, if possible.
 - (1) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent, or his/her designee, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- D. Bypass is prohibited, and the Superintendent, or his/her designee, may take an enforcement action against a user for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The user submitted notices as required under Subsection C of this section.
- E. The Superintendent, or his/her designee, may approve an anticipated bypass, after considering its adverse effects; if the Superintendent, or his/her designee, determines that it will meet the three conditions listed in Subsection D of this section.

ARTICLE XIV – Wastewater Treatment Fees

§ 435-66. Laboratory and Sampling Fees

- A. Laboratory analysis charge. The City will assess the regulated dischargers a laboratory analysis fee to recover the City's expenses for analyzing in-house the regulated wastewater

discharge samples for specific pollutants. The scheduled fees pertain to only analysis conducted in-house by the City's laboratory. Any samples sent off-site to a private laboratory will be billed at the City's cost. In-house fees are as determined in Chapter 241 of the City Code.

- B. In addition to the analysis charge above, all semi-annual categorical compliance analyses shall be completed by an outside, certified laboratory and will be charged to the industrial user at the City's cost.

§ 435-67. Sample Collection and Monitoring Fees

Fees for monitoring, inspection, surveillance procedures and sample collection are as determined in Chapter 241 of the City Code.

§ 435-68. Wastewater Discharge and Permit Fee

Fees for wastewater discharge permit applications, including the cost of processing such applications, are as determined in Chapter 241 of the City Code.

§ 435-69. Repairs by City; Cost Recovery Fees.

- A. Emergency repairs: The City may, in case of emergency, repair or order the repair of any sewer lateral or sewer pipe from the City sewer main to the premises served thereby, and, if it does so, the cost of such repair work shall be repaid to the City by the owner of the premises served, which cost shall be treated and collected in the same manner and with the same remedies as for collection of charges for sewer services, including the right to place a lien on property. Efforts to contact the property owner of needed repairs will be made by the City prior to work being done.
- B. Repairs by the City: Any maintenance or repair work performed by the City on any sanitary sewer lateral shall be paid for by the owner or the occupant (both of whom shall be liable for the cost thereof) of the property served by such lateral as determined in Chapter 241 of the City Code.
- C. If the discharge from any user causes a deposit, obstruction or damage to any of the POTW wastewater plants and/or collection system (sewer system), the City shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, equipment, labor and supervision, shall be borne by the person or user causing such deposit, obstruction, or damage as determined in Chapter 241 of the City Code.

§ 435-70. Other Fees

- A. Fees for reviewing and responding to accidental discharge procedures and construction are as determined in Chapter 241 of the City Code.
- B. Fees may be charged for filing appeals.
- C. The City may charge other fees as it deems necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are

separate from all other fees, fines, and penalties chargeable by the City as determined in Chapter 241 of the City Code.

ARTICLE XV – Amalgam Management at Dental Offices

(1) Applicability.

- (a) Except as provided in paragraphs (c), (d), and (e) of this section, this part applies to Dental Dischargers as defined in Section 435-4.
- (b) Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR part 403, and are not Categorical Industrial Users 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 441.
- (c) 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.
- (d) This part does not apply to wastewater discharges from Mobile Units as defined in Section 435-4 operated by a Dental Discharger.
- (e) This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Section 435-4 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.
- (f) Dental Dischargers that do not place Dental Amalgam as defined in Section 435-4, 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 441.50 are exempt from any further requirements of this part.

(2) Existing Dental Discharger Compliance. Within the shortest reasonable time, but not later than July 14, 2020, any Existing Dental Discharger as defined in Section 435-4 subject to this section must comply with the requirements of 40 CFR 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 441.50(a) by October 12, 2020 to the City and maintain and make available for inspection defined records per 40 CFR 441.50(b).

- (a) 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 90 days after the transfer.

(3) New Dental Discharger Compliance. Any New Dental Discharger Source as defined in Section 435-4 subject to this section must comply with the requirements of 40 CFR 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 441.50(a) no later than 90 days following the introduction of wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR 441.50(b).

(a) If a transfer of a New Source occurs, the new owner must submit a new One-Time Compliance Report no later than 90 days after the transfer.

(4) 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 90 days following the introduction of wastewater for New Sources.

(5) 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 403.12(i) and Section 435-4 under Authorized Representative (5) and (6).

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 19th day of November, 2019.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED: _____

APPROVED: _____

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: November 19, 2019

Item: Ordinance Authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Public Water Supply Loan Program for Water Treatment Plant #2 Improvements

Staff Recommendation: A motion adopting an Ordinance Authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Public Water Supply Loan Program

Staff Contact: Michael Magnuson, Director of Public Works

Background:

State Revolving Fund programs, administered by the IEPA, includes the Water Pollution Control Loan Program (WPCLP) for wastewater projects and the Public Water Supply Loan Program (PWSLP) for drinking water projects. The City recently used WPCLP funds for the Wastewater Plants #2 and #3 improvements.

The Public Works Department is now focusing on critical rehabilitations of our water treatment plants. Water Treatment Plant #2, located at 530 Highland Avenue, was constructed in 1963 (56 years old). This facility requires significant upgrades and equipment replacements including electrical, mechanical, water treatment equipment, as well as structural repairs. The well head is also located inside of the water plant adjacent to a high volt electrical panel. This new water treatment plant is one of several major improvements required to ensure the City can provide safe and reliable drinking water that meets current and future regulatory requirements. The estimated total cost for this project is \$7,409,500.

In order to complete the application process, the City must be authorized to borrow funds from the PWSLP through the approval of the attached ordinance. The ordinance also authorizes the Mayor to execute a loan agreement (including related documents such as the attached proposed schedule form) with the IEPA and authorizes the Director of Public Works to submit the loan application. The estimated cost of the total project is \$7,409,500, which

includes a 10% contingency and construction engineering. The loan will be repaid from revenues (user fees) of the system over a twenty-year period. The loan is not a general obligation of the City. The advantage of the IEPA loan program versus traditional bonds is the lower interest rate. The current IEPA loan rate is 2.0%.

Following the approval of the PWSLP Ordinance, the City will submit the Ordinance and application to the IEPA and bids will be released for the planned project. The approval of the bids will be contingent upon receiving the PWSLP loan.

Recommendation

It is staff's recommendation to adopt an Ordinance authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Public Water Supply Loan Program for Water Treatment Plant #2 Improvements.

This ordinance has been reviewed by the City's special counsel.

Votes Required to Pass:

Simple Majority

DRAFT

ORDINANCE AUTHORIZING LOAN AGREEMENT

ORDINANCE NUMBER 7579

AN ORDINANCE authorizing the City of Crystal Lake of McHenry County, Illinois, to borrow funds from the Public Water Supply Loan Program

WHEREAS, the City of Crystal Lake of McHenry County, Illinois, operates its public water supply system (“the System”) and in accordance with the provisions of the Article VII, Section 6, of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively “the Act”); and

WHEREAS, the Mayor and City Council of the City of Crystal Lake (the “Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

**WATER SYSTEM IMPROVEMENTS
WATER TREATMENT PLANT NO. 2 REHABILITATION**

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the City of Crystal Lake, which Project has a useful life of twenty years; and

WHEREAS, the estimated cost of construction and installing the Project, including engineering, legal, financial, and other related expenses is \$7,409,500 and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the City of Crystal Lake from the Public Water Supply Loan Program through the Illinois Environmental Agency, the loan to be repaid from [insert source of revenue, e.g., revenues of the System, sales tax, etc.] and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the City of Crystal Lake is authorized to borrow funds from the Public Water Supply Loan Program in the aggregated principal amount of \$7,409,500 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City of Crystal Lake shall be made pursuant to a Loan Agreement, including certain terms and conditions between the City of Crystal Lake and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Crystal Lake, McHenry County, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the City of Crystal Lake to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continue to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed

by the City of Crystal Lake in the aggregated principal amount (which includes construction period interest financed over the term of the loan) not to exceed \$7,409,500

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional Ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Crystal Lake may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the City of Crystal Lake to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF CITY OF CRYSTAL LAKE

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Crystal Lake pursuant to this Ordinance is to be solely from the revenues of the System, and the loan does not constitute an indebtedness of the City of Crystal Lake within the meaning of any constitutional or statutory limitation. **[Note: Sources of**

revenue other than revenues of the system may not qualify for the exemption contained in this model paragraph.]

SECTION 5. APPLICATION FOR LOAN

The Director of Public Works is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662. The loan funds shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the loan Agreement.

SECTION 6. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT

The MAYOR is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution another person other than the MAYOR for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 8. REPEALER

All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, is to the extent of such conflict, are hereby repealed.

THE REST OF THIS PAGE IS LEFT INTENTIONALLY BLANK.

PASSED by the Corporate Authorities on

_____, 20__.

APPROVED _____, 20__

Mayor

City of Crystal Lake

McHenry County, Illinois

AYES: _____

NAYS: _____

ABSENT: _____

PUBLISHED in the _____ on _____, 20__.

RECORDED in the City of Crystal Lake Records on _____, 20__.

ATTEST:

City of Crystal Lake Clerk

City of Crystal Lake of McHenry County, Illinois

CERTIFICATION

I, _____, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Crystal Lake I do further certify that the above and foregoing, identified as Ordinance Number _____, is a true, complete and correct copy of an ordinance otherwise identified as Ordinance Authorizing Loan Agreement, passed by the City Council of the City of Crystal Lake on the ____ day of _____, 20__, and approved by the Mayor of the City of Crystal Lake on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Crystal Lake.

Dated this ____ day of _____, 20__.

Clerk of the City of Crystal Lake



Agenda Item No: 21

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	November 19, 2019
<u>Item:</u>	Board and Commission Reappointments
<u>Mayor's Recommendation:</u>	Motion to reappoint members to the Economic Development Committee.
<u>Contact:</u>	Aaron T. Shepley, Mayor

Background:

The membership terms of Keith Saidler, Jeffrey DeHaan and Todd Schroll expired on September 30, 2019. Both Mr. Saidler and Mr. DeHaan have expressed an interest in being reappointed to the Economic Development Committee. Mr. Schroll has resigned and is no longer interested in serving on the Economic Development Committee.

The Economic Development Committee members support the reappointment of both Mr. Saidler and Mr. DeHaan to three-year terms ending September 30, 2022.

Appointments to the Economic Development Committee are nominated and confirmed by the Mayor and City Council.

Should the Council have any questions, please contact Mayor Shepley.

Votes Required to Pass:

Simple majority



Agenda Item No: 21

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	November 19, 2019
<u>Item:</u>	Sustainability Committee Member Nomination
<u>Staff Recommendation:</u>	Council discretion: 1) Motion to approve the nomination of Jen Oliver to the Sustainability Committee.
<u>Staff Contact:</u>	Nick Hammonds, Management Analyst

Background:

On November 17, 2015, the City Council formed the Sustainability Committee (“Committee”), replacing the Ad Hoc Clean Air Counts Advisory Committee established in 2007. The purpose of the Committee is to assist the City in promoting environmental sustainability within the City.

As part of the Committee Charter, the City Council approved a total of nine (9) members to fulfill the Committee. There is currently one (1) vacancy on the Committee. Attached is a list of the current Committee members. Jen Oliver has applied for a nomination to the Committee and attached is her submitted application. New Committee members are nominated and approved by the Mayor and City Council.

Per the Committee Charter, to be a member on the Committee one must live in Crystal Lake, own a business in Crystal Lake, or attend a school in Crystal Lake. Jen Oliver is a resident of Crystal Lake and would bring knowledge to the Committee regarding environmental issues and programs. She is a member of the Illinois Landscape Contractors Association and served as a green roof expert on staff for landscaping businesses. The Committee supports the nomination of Jen Oliver and would benefit from her input and participation.

Votes Required to Pass:

Simple majority of City Council present

Sustainability Committee Members

Terry Dieckhoff

John Kavalunas, Chair

Ryan Pettit

Emilie Hoffman

Gregory Glover

Nicky Strahl

Lara Smith

Joe Babiarz

Vacant