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

ORDINANCE NO. 3827-A

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 Chapter 435, Sewer Use, of the Code of the City of Crystal Lake is repealed and replaced as follows: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
CFR-	Code of Federal Regulations
COD-	Chemical oxygen demand
EPA-	U.S. Environmental Protection Agency
gpd-	Gallons per day
mg/l-	Milligrams per liter
NPDES-	National Pollutant Discharge Elimination System
POTW-	Publicly owned treatment works
RCRA-	Resource Conservation and Recovery Act
SIC-	Standard Industrial Classification
TSS-	Total suspended solids
U.S.C.-	United States Code

§ 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.

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.

A. If the user is a corporation:

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

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures

exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in Subsections A through C, 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).

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.

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

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

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.

GRAB SAMPLE. A sample which is taken from a wastestream without regard to the flow in the wastestream 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 MAXIMUM ALLOWABLE DISCHARGE 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.

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.

NEW SOURCE.

A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication 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:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater-generating processes of the building, structure, facility, or 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.

B. 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.

C. Construction of a new source as defined under this definition has commenced if the owner or operator has:

- (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (2) 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.

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.

A. A user:

(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 blowdown wastewater);

(b) Contributes a process wastestream 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.

B. Upon a finding that a user meeting the criteria in Subsection A(2) has no reasonable potential to adversely affect the POTW's operation or to violate any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in

accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

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.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. 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.

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, which are contributed to 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, wastestreams 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 5.5 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, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, 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 which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating POTW's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent or his/her designee;
- (13) Sludges, 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 100 mg/l; or
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 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 wastestream 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.

§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. 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
0.1	Arsenic
100	Barium
0.01	Cadmium
0.25	Chromium (Hex)
15.0	Chromium (Tot)
1.0	Copper
0.6	Cyanide
6.0	Fluoride
20.0	Iron
1.48	Lead
0.015	Mercury
0.7	Nickel
1.5	Phenols
0.015	Selenium
0.25	Silver

Discharge Limit (mg/l)	Pollutant
1.2	Zinc
100	Fats, oil and grease (FOG)
300	CBOD5
350	Suspended solids
Discharge Limit (pounds per day)	
22*	Phosphorus, total (as P)

NOTE:

* Applied to industries exempted from the phosphate ban (§ 397-7 of the City Code) and discharging into STP 3

B. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The 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.

§ 435-9. City's right to impose more stringent standards.

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

§ 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. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, or his/her designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent, or his/her designee, and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§ 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. 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 nonroutine 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; and
- (8) Any other information as may be deemed necessary by the Superintendent, or his/her designee, to evaluate the wastewater discharge permit application.

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."

§ 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.

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 based on applicable pretreatment standards; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule

may not extend the time for compliance beyond that required by applicable federal, state, or local law.

- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal 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 180 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 intermunicipal agreement with the contributing municipality. An intermunicipal agreement shall not be required when the collection system (located in another municipality) is owned, operated and maintained by the City of Crystal Lake. Connection to the City of Crystal Lake owned, operated and maintained collection system requires each user to comply with all terms of this ordinance.
- 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
 - (3) An inventory of all nondomestic users located within the contributing municipality that are discharging to the POTW.
- C. An intermunicipal 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 intermunicipal 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 § 435-30B(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.

§ 435-33. Periodic compliance reports.

- 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 (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 435-20 of this ordinance.
- 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 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.

§ 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 nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the 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 whom 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.

§ 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 user's initial sampling and when the user receives the results of this sampling.

§ 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 below, the user must collect wastewater samples using flow-proportional composite collection techniques. In the event flow-proportional sampling is infeasible, the Superintendent, or his/her designee, may authorize the use of time-proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, chromium total, hexavalent chrome, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. Baseline monitoring report samples based on the flow of the sampled stream shall be collected as follows (composite samples are required where feasible):
 - (1) Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the industrial user shall take a minimum of three composite samples within a two-week period.
 - (2) Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd) the industrial user shall take a minimum of six composite samples within a two-week period.
 - (3) The samples shall be taken immediately downstream from pretreatment facilities if such exist or downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment in order to evaluate compliance with the National Categorical Pretreatment Standards, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste formula of 40 CFR 403.6(e). Where an alternate concentration has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the City.
 - (4) Sampling and analysis shall be performed in accordance with 40 CFR 403, Part 136, as amended from time to time.
 - (5) Only with the City's authorization, a baseline report which utilizes only historical data shall be submitted, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (6) 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.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

I. 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.

§ 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. 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 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.

ARTICLE VII – Compliance Monitoring

§ 435-43. 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.

§ 435-44. 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 food service facilities 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. 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 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 to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the 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.

§ 435-45. 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

§ 435-46. 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

§ 435-47. 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 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 the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the 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;
- 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 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or

- H. Any other violations(s) 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

§ 435-48. 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.

§ 435-49. 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 §§ 435-51 and 435-52 of this ordinance and shall be judicially enforceable.

§ 435-50. 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.

§ 435-51. 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.

§ 435-52. 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.

§ 435-53. 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.

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

§ 435-54. 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.

§ 435-55. 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 § 435-50 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

§ 435-56. 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.

§ 435-57. 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.

§ 435-58. 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.

§ 435-59. 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

§ 435-60. *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.

§ 435-61. *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.

ARTICLE XIII – Affirmative Defenses to Discharge Violations

§ 435-62. *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.

§ 435-63. 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.

§ 435-64. 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

§ 435-65. 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.

§ 435-66. Sample collection and monitoring fees.

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

§ 435-67. 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.

§ 435-68. 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.

§ 435-69. 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.