

# **DOWNERS GROVE SANITARY DISTRICT**

## **Article IIA**

### **PRETREATMENT ORDINANCE**

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AN ORDINANCE ENACTING A GENERAL PRETREATMENT PROGRAM  
REGULATING THE USE OF SEWERS  
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF  
IN THE DOWNERS GROVE SANITARY DISTRICT

PREAMBLE

WHEREAS, Title III of the Clean Water Act of 1977 (33 USC, Section 1251, et seq.) and the regulations promulgated thereunder relating to the development by publicly owned treatment works of general pretreatment programs, requires the Downers Grove Sanitary District to develop and implement such a general pretreatment program, and

WHEREAS, the Board of Trustees of the Downers Grove Sanitary District has determined that the general pretreatment program as set forth in this ordinance regulating the use of sewers complies with the Act and Regulations, and

WHEREAS, the Board of Trustees of the Downers Grove Sanitary District has determined that the ordinance is necessary for the public health, safety and welfare.

NOW THEREFORE, be it ordained by the Board of Trustees of the Downers Grove Sanitary District, State of Illinois:

## **Section 1 – GENERAL PROVISIONS**

### **1.1 ENACTMENT**

Pursuant to the requirements of Title III of the Clean Water Act Amendments (33 USC 1311 et seq.) and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970 as amended (Ch. 111 ½. ILL. Rev. Stat. 1983, Sec. 1001, et seq.), and in accordance with the Sanitary District Act of 1917 (Ill. Rev. Stat. 1983, Ch. 42, Paragraph 298.99, et seq.), the following ordinance is hereby enacted by the Board of Trustees of the Downers Grove Sanitary District, State of Illinois. The Downers Grove Sanitary District, and the Publicly Owned Treatment Works of the Downers Grove Sanitary District are known as the "DGSD".

### **1.2 PURPOSE AND POLICY**

This ordinance regulates the use of sewers, private wastewater disposal, and the discharge of wastewater into the DGSD wastewater system. The ordinance sets forth uniform requirements for discharges into wastewater collection and treatment system for the Downers Grove Sanitary District and enables the DGSD to comply with all applicable State and Federal laws including the Clean Water Act (33 USC 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this ordinance are:

- (a) To regulate private wastewater disposal systems;
- (b) To prevent the introduction of pollutants into the DGSD that will interfere with the operation of the treatment system;
- (c) To prevent the introduction of pollutants into the DGSD wastewater treatment system which will pass through the treatment works, inadequately treated, into the receiving stream or the atmosphere, or otherwise be incompatible with such works;
- (d) To ensure the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (e) To improve opportunities to recycle and reclaim wastewater and sludge's;
- (f) To protect DGSD personnel who may be affected by wastewaters and sludge in the course of their employment and to protect the general public;
- (g) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the DGSD; and
- (h) To enable the Downers Grove Sanitary District to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the DGSD is subject.

This ordinance shall apply to all industrial users of the DGSD. The ordinance authorizes the issuance of wastewater discharge permits; monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting;

and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. The ordinance authorizes the issuance of wastewater discharge permits that do not allow the discharge of defined process waste streams but continue to allow the discharge of domestic or sanitary wastewater.

### 1.3 JURISDICTION

This ordinance shall apply to all industrial users of the DGSD, and to persons outside the DGSD who are by contract or agreement with the DGSD, users of the DGSD.

### 1.4 EFFECTIVE DATE

The effective date of this ordinance shall be April 13, 1985.

### 1.5 RIGHT OF REVISION

The DGSD reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the DGSD.

### 1.6 SEVERABILITY

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

### 1.7 CONFLICT

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

### 1.8 ADMINISTRATION

Except as otherwise provided herein, The General Manager of the DGSD shall administer, implement and enforce the provisions of this ordinance.

## Section 2 – ABBREVIATIONS AND DEFINITIONS

### 2.1 ABBREVIATIONS

The following abbreviations have the following designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DGSD	Downers Grove Sanitary District
FOG	Fats Oils and Grease
gpd	Gallons per day
IEPA	Illinois Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 USC 6901, et seq.)
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

### 2.2 DEFINITIONS

“A” as in “Cyanide-A”, means cyanide amenable to alkaline chlorination.

“Act” means the Federal Water Pollution control Act, also known as the Clean Water Act, as amended. (33 UC, 1251, et seq.)

“Amalgam Process Wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

“Amalgam Separator” means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

“Approval Authority” means the Regional Administrator of Region V of USEPA, until such time that the State of Illinois has a USEPA approved pretreatment program.

“Authorized Representative of the Industrial User” is defined as:

- (1) If the User is a corporation:
  - (i) By a responsible corporate officer - a president, secretary, treasurer or vice president of the corporation in charge of the principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - (ii) the manager of one or more manufacturing, production or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater (or general permit) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: A general partner or proprietor respectively.
- (3) If the User is a limited liability company (LLC): any managing member of the company.
- (4) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.
- (5) A duly authorized representative of the individual designated in paragraphs (1) through (4) above, if:
  - (i) the authorization is made in writing by the individual described in paragraphs (1) through (4) above; and
  - (ii) the authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility for environmental matters for the company; and
  - (iii) the written authorization is submitted to the DGSD.
- (6) If an authorization under paragraph (5) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization, satisfying the

requirements of paragraph (5) must be submitted to the DGSD prior to or together with any reports signed by an authorized representative.

“Baseline Report” means that report required by 40 CFR Section 403.12 (b)(1-7).

“Best Management Practice (BMP)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.2 [40 CFR Section 403.5(a)(1) and (b)] and/or prevent or reduce the pollution conveyed to the POTW. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

“Biochemical Oxygen Demand (BOD)” means the quantity of oxygen, expressed in mg/L, consumed in the biochemical oxidation of organic matter over a five-day period, at 20 degrees Centigrade, under standard laboratory procedures.

“Biosolids” See definition for “Sludge”.

“Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility. See Section 12.3 for Bypass requirements.

“Categorical Industrial User (CIU)” means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard. A CIU is considered to be a Significant Industrial User (SIU) except for CIUs that meet the Non-Significant CIU criteria in paragraph (2) of the SIU definition.

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

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

“Color” means the optical density at the visual wavelength of absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

“Combined Wastestream Formula” means the formula as found in 40 CFR Section 403.6(e).

“Composite Sample” means a sample of wastewater composed of two or more discrete samples collected, based on a flow proportional or time proportional method.

“Control Authority” means Downers Grove Sanitary District (DGSD).

“Cooling Water” means the water discharged from any use such as air conditioning, cooling or refrigeration.

“Compatible Pollutant” means biochemical oxygen demand, chemical oxygen demand, FOG, total suspended solids, pH, and fecal coliform bacteria.

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

“Daily Discharges” means the discharges that occur during a calendar day.

“Daily Maximum” means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

“Daily Maximum Limit” means the maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum is expressed in terms of a concentration, the Daily Maximum is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day. Where Daily Maximum is expressed in units of mass, the daily Discharge is the total mass Discharged over the course of a day.

“Dental Amalgam” means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

“Dental Discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a Publicly Owned Treatment Works (POTW).

“DGSD” means the Downers Grove Sanitary District.

“DGSD Ordinance” means “An Ordinance Regulating the Use of Sanitary Sewers” as adopted by the Downers Grove Sanitary District .

“Director” means the Director of the IEPA.

“Discharger” means any Person, firm, establishment or institution that Discharges Wastewater, excluding inflow and infiltration, into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act and 35 Ill Adm. Code (IAC) 307.

“Domestic” means any residential dwelling, commercial building, or institution, which are primarily composed of human excreta and household wastes.

“Environmental Protection Agency” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Division Director, the Regional Administrator, or other duly authorized official of said agency.

“Existing Dental Discharger Source” means a dental discharger that is not a new source.

“Existing Source” means any building, structure, facility or installation from which there is or may be a discharge, which is not a new source.

“Fats, Oils and Grease (FOG)” means any hydrocarbon, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by hexane under standard laboratory procedures.

“Fecal Coliform Bacteria” means any number of organisms common to the intestinal tract of man and animals whose presence in Sanitary Sewage is an indicator of pollution.

“Flow” means any volume of wastewater per unit of time.

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

“General Manager” or “Manager” means the chief administrator of the DGSD, or his or her designee.

“Grab Sample” means a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

“Hauled Waste” means sanitary or process Wastewater transported as a commercial or industrial venture.

“Incompatible Pollutant” means all pollutants other than compatible pollutants as defined in this section.

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

“Industrial User” means a source of indirect discharge

“Industrial Waste” means a combination of liquid and water carried wastes Discharged, permitted to flow or escape from any non-Residential Source, including the Wastewater from Pretreatment facilities and polluted Cooling Water.

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

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

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and
- (2) therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Recovery Act (RCRA)), and State regulations contained in any State sludge management plan (prepared pursuant to Subtitle D of the SWDA), the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

“Limited Dental Discharger Source” means a dental discharger that does not place dental amalgam, and does not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. A New Limited Dental Discharge Source means a limited dental discharger whose first discharge to a POTW occurs after July 14, 2017. An Existing Limited Dental Discharge Source means a limited dental discharger that is not a new source.

“Local Limit” means specific Discharge limits developed and enforced by the DGSD upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR Section 403.5(a)(1) and (b) and to comply with the treatment plant’s NPDES Permit requirements per 40 CFR 403.5(c)(2).

“Medical Waste” means isolations wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts and fomites, etiologial agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

“Milligrams Per Liter” means a unit of the concentration of water or Wastewater constituent representing 0.001 g of the constituent in 1,000 ml of water.

“Mobile Unit” means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

“Monthly Average” means the sum of all “Daily Discharges” measured during a calendar month divided by the number of “Daily Discharges” measured during that month.

“National Categorical Pretreatment Standard” means any pretreatment standard specifying quantities or concentration of pollutants which may be discharged to a POTW by industrial users in specific industrial subcategories as established in regulations by the USEPA in 40 CFR Chapter I, subchapters N Parts 405-471.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits from point sources to waters of the United States, and imposing and enforcing Pretreatment Requirements, under Section 402 of the CWA.

“National Pollutant Discharge Elimination System Permit (NPDES Permit)” means a permit issued pursuant to Section 402 of the CWA. The DGSD operates its POTW under NPDES Permit No. IL0028380.

“Natural Outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

“New Dental Discharger Source” means a dental discharger whose first discharge to a POTW occurs after July 14, 2017.

“New Source” means:

- (1) any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which the existing source is located results in the modification rather than a new source of the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(b) or (1)(c) of this section but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defines under this paragraph has commences if the owner or operator has:
  - (a) begun, or caused to begin as part of a continuous on-site construction program;
    - (i) any placement, assembly or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation or removal of existing building, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - (b) entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operations within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility engineering and design studies do not constitute a contractual obligation under this paragraph.
- (4) 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
- (5) If National Categorical Pretreatment Standards are not applicable, New Source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the remodeling (if

that remodeling could result in assigning of a new standard industrial classification code) or the construction of which commences after the effective date of this ordinance.

“Non-Significant Regulated User (NSRU)” means an industry that does not meet the criteria of a CIU or SIU, but has the potential to discharge process wastewater that negatively impacts the DGSD Wastewater Treatment Plant.

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

“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities.

“pH” means the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. It is expressed in standard units.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural wastes and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Potential Problem” means any Discharge which alone or in combination with discharges from other sources inhibits or disrupts the POTW or any of its processes or operations including plant emissions or any conditions which create public nuisance, causing the POTW to expend additional resources or manpower or take additional steps to protect the POTW processes or receiving stream.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of pollutants to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standard.

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

“Pretreatment Standard or Standards” means for any specified Pollutant, DGSD prohibitive Discharge Standards as set forth in Section 3.2, DGSD specific limitations on Discharge as set forth in Section 3.3, State of Illinois Pretreatment Standards in Ill. Adm. Code Section 307, or the National Categorical Pretreatment Standards.

“Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 3.2.

“Publicly Owned Treatment Works (POTW)” means a treatment works as defined by Section 212 of the Act (33 USC 1292), owned by the Downers Grove Sanitary District. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the Downers Grove Sanitary District, which has jurisdiction over the indirect discharges to and the discharges from the treatment works.

“Public Sewer” means a sewer provided by or subject to the jurisdiction of the DGSD. It shall also include sewers within or outside the DGSD limits that serve one or more Persons and, ultimately Discharge into the DGSD Sanitary Sewer, even though those sewers may not have been constructed with DGSD funds.

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

“Residential Source” or “Residential User” means any single family or multi-family Dwelling unit designed primarily as a place of human habitation which Discharges only domestic Wastewater to the DGSD’s system.

“Sanitary Sewer” means a sewer, which is designed to carry wastewater from residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground water are unintentionally admitted.

“Septic Tank Waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Severe Property Damage” means substantive physical damage to property, damage to 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.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

“Significant Industrial User (SIU)” means any industrial user of the POTW’s wastewater disposal system who:

- (1) A User that:
  - (i) discharges an average of 25,000 gpd or more of process wastewater; or
  - (ii) contributes a process wastewater which makes up 5 percent or more of the dry weather average hydraulic or organic capacity of the DGSD; or
  - (iii) is designated as such by the DGSD on the basis that it has a reasonable potential for adversely affecting the DGSD operation or violating a pretreatment standard or requirement; or
  - (iv) is subject to any National Categorical Pretreatment Standard.
- (2) The DGSD may determine that an industrial user subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the industrial user never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (i) The industrial user, prior to the DGSD’s finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - (ii) The industrial user annually submits the certification statement required in Section 6.7. [see 40 CFR Section 403.12(q)], together with any additional information necessary to support the certification statement; and
  - (iii) The industrial user never Discharges any untreated concentrated Wastewater.
- (3) Upon a finding that an industrial user meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the DGSD may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a Significant Industrial User in accordance with 40 CFR Section 403.8(f)(6).

“Significant Noncompliance (SNC)” (See Section 9.1 (A) through (K)).

“Sludge” means the settleable solids separated from the liquids during the wastewater treatment process. This term can be used interchangeably with “biosolids.”

“Slug” or “Slug Load” means any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge or any Discharge of a flow rate or concentration, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits, Permit conditions, Categorical Standards, or a non-customary batch Discharge or any Discharge of flow rate or concentration that could cause a violation of the Prohibitive Discharge Standards in Section 3.2.

“Standard Industrial Classification (SIC) Code” means classification pursuant to the *STANDARD INDUSTRIAL CLASSIFICATION MANUAL* issued by the U.S. Office of Management and Budget.

“Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

“T” as in “Cyanide-T” means total.

“Total Metals” means the sum of the concentrations of metals as specified in the applicable National Categorical Pretreatment Standard.

“Total Solids” means the sum of suspended and dissolved solids.

“Total Suspended Solids (TSS)” means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration, under standard laboratory procedures approved in 40 CFR Part 136.

“Total Toxic Organics (TTO)” means the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics specified in the applicable regulation.

“Toxic Pollutant” means any one of 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the EPA under provisions of Section 307 (33 USC 1317) of the Act.

“Treatment Plant Effluent” means any discharge of pollutants from the POTW to the waters of the State.

“Unpolluted Water” means water of quality equal to or better than the effluent criteria set forth in 35 Ill. Adm. Code Part 304 or water that would not cause violation of receiving water quality standards set forth in 35 Ill. Adm. Code Part 302 and 303 and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

“User” means any person who contributes, causes or permits the contribution of wastewater into the Downers Grove Sanitary District system. It also includes such Persons or sources that are prohibited from Discharging specific Pollutants or waste streams to the POTW.

“Wastestream” means the flow of wastewater from its creation source through its final disposal.

“Wastewater” means the combination of liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water, whether treated or untreated, which are contributed to the POTW.

- (1) Sanitary wastewater means the combinations of liquid and water carried wastes discharged from toilets and other sanitary plumbing facilities.
- (2) Industrial wastewater means a combination of liquid and water carried waste discharged from any industrial user including the wastewater from pretreatment facilities and polluted cooling water.

“Wastewater Discharge Permit” means the document or documents allowing discharge to the POTW issued to a user by the POTW in accordance with the terms of this ordinance.

“Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW designed to provide treatment of sewage and industrial waste.

“Water Quality Standards” means those Standards defined in the Water Pollution Regulations of Illinois, Title 35, Subtitle C, Chapter I.

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

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

## **Section 3 – WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS**

### **3.1 USE OF WASTEWATER FACILITIES**

- (A) It shall be unlawful for any person to deposit or discharge, or cause to be deposited or discharged, to any DGSD treatment plant, any solid, liquid or gaseous waste unless through a connection approved by the DGSD.
- (B) It shall be unlawful to discharge wastewater, without an NPDES permit, to any natural outlet within the DGSD or in any area under its jurisdiction.

### **3.2 PROHIBITIVE DISCHARGE STANDARDS**

- (A) No person shall discharge or cause to be discharges any Unpolluted Water including, but not limited to, storm-water, foundation drain-water, groundwater, roof runoff, surface drainage, subsurface drainage, non-contact cooling waters, footing drains or construction drainage except as specifically permitted by the General Manager.
- (B) No user shall contribute or cause to contribute, directly or indirectly, any pollutant or wastewater, which would interfere with or inhibit the operation or performance of the DGSD treatment plant or will pass through the treatment plant.
- (C) The following general prohibitions shall apply to all users of the DGSD whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or local pretreatment standards or requirements. A user shall not contribute the following substances to the DGSD system:
  - (1) Any Pollutant which by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, fire or explosive hazard or be injurious in any other way to the facilities or Personnel of the DGSD. Materials include but are not limited to wastestreams with a closed cup flash-point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21.
  - (2) Any solid, solid waste or viscous substance in amounts which will cause obstruction of the flow in the DGSD collection system or treatment plant resulting in interference with the operation of the wastewater treatment facilities, including but not limited to: waste cooking oil, grease, grease interceptor wastes, garbage with particles greater than one half inch (1/2") in any dimension, animal guts, tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metals, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood,

plastics, tar, asphalt residues from road work, refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes or tumbling and deburring stones, fatty acids or esters of fatty acids, or any material which can be disposed of as trash.

- (3) Any wastewater which will cause corrosive structural damage to the DGSD treatment plant or DGSD sewers, but in no case wastewater having a pH of less than 5.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or Personnel in the POTW, unless more strictly limited elsewhere in this ordinance. The pH limits are Instantaneous Limits that shall be met at all times, and are not subject to averaging.
- (4) Any wastewater containing incompatible pollutants in sufficient quantities, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the DGSD, exceed the limitations set forth in a National Categorical Pretreatment Standard (when effective) or in Section 3.3, of this ordinance, or create a public nuisance.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life, exceed limitation as set forth in the existing Act, or the Act as it may be amended, or to injure, Interfere with, inhibit or cause a Potential Problem to any operation of POTW, including but not limited to, prevention of entry into sewers for their maintenance and repair.
- (6) In no case shall a substance discharged to the DGSD cause the DGSD to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the DGSD to violate its NPDES permit or to cause the DGSD's POTW to violate the receiving stream water quality standards and/or general effluent Discharge Standards.
- (8) Any wastewater having a temperature at the point of discharge to the DGSD which will inhibit biological activity in the DGSD treatment plant resulting in interference; in no case shall wastewater be introduced to the DGSD which exceeds 65 degrees C (157 degrees F) or which exceeds 40 degrees C (104 degrees F) at the treatment plant.

- (9) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration (including any Slug load) which, either singly or by interaction with other pollutants, will cause interference with or inhibition of the treatment process, sludge treatment process or disposal procedure, cause a Potential Problem at the POTW, will pass-through the plant to the receiving stream, or which will constitute a hazard to humans and animals.
- (10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State and Federal regulations, except in compliance with DGSD, State and Federal rules governing such Discharges.
- (11) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (12) Any pollutants which result in the presence of toxic gases, vapors or fumes within the DGSD in a quantity that may cause acute worker health and safety problems or which necessitate the DGSD taking special measures to counteract and/or alleviate the impact of the Pollutant(s).
- (13) Any trucked or hauled pollutants, except at discharge points designated by the DGSD in accordance with Section 3.10. All such wastes are to be individually approved and permitted by the DGSD as set forth in Section 3.10 prior to Discharge;
- (14) Any wastewater which may contain more than 100 mg/L concentration of fats, oils and grease (FOG).
- (15) Ammonia nitrogen in amounts that would pass-through the treatment plant and cause a violation of the water quality standards of the receiving stream.
- (16) Any discharge exceeding the standards established in 35 Ill. Adm. Code 307.
- (17) Any slug discharge to the DGSD.
- (18) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to dye wastes, ink wastes, and vegetable tanning solution, which consequently imparts a color to the treatment plant's effluent thereby violating the DGSD's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant's effluent to reduce the depth of the compensation point for

photosynthetic activity by more than 10 percent from the seasonally established norm for aquatic life.

- (19) Any slugs, screening, or other residues from the pretreatment of industrial wastes.
- (20) Any Wastewater containing substances in sufficient quantity to interfere with the POTW;
- (21) Any wastes containing detergents, surface active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the collection system or the treatment process that result in POTW Interference and/or Pass Through and/or is shown to inhibit the nitrification process.
- (22) Additives for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to Interceptor maintenance that have a content of enzymes, surfactants or solvents that is greater than ten percent (10%) of the volume without the written consent of the General Manager;
- (23) Any Wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to POTW organisms other than by direct excrement and any other wastes defined as Medical Wastes;
- (24) Wastewater or wastes containing iron pickling wastes, concentrated plating solutions or coating solutions whether neutralized or not;
- (25) Any leachate, groundwater remediation Wastewater or waste material, originating within the POTW service area, which does not meet Discharge limitations as set forth in this Article or determined by this Article except at Discharge points designated by the General Manager;
- (26) Any solid, solid waste or viscous substances that have caused an obstruction to the Flow in a sewer that is eliminated by a professional service or contractor;
- (27) Inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) that will cause a Potential Problem or Interfere with POTW operations;
- (28) Any substances that inhibit the use of UV for disinfection purposes;
- (29) Wastewater or wastes containing substances which are not amenable to treatment or reduction by the POTW treatment processes employed, or

are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of agencies having jurisdiction over Discharge to the receiving waters;

- (30) Any Wastewater causing the POTW effluent to fail a toxicity test;
  - (31) Any waste containing items that could clog or damage the DGSD's sanitary sewers, pump stations or POTW operation including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and any plastic products.
- (D) Wastes prohibited in this section shall not be processed or stored in such manner that they could be Discharged or introduced to the POTW. All Users with prohibited wastes described in this Section or those that have Hazardous Wastes as defined in Section 6.9 shall develop and implement an accidental discharge and slug control plan consistent with the requirements in Section 3.8. The General Manager may also determine accidental discharge and slug control is required of liquids and solids not previously described on either list based on an evaluation of a site potential to cause spills or Slug Loads to be introduced to the POTW. Notice Requirements shall be permanently posted as provided in Sections 3.8 and 6.6. Planning for accidental discharges and slug control applies to all Users not just classified SIU or regulated NSRU.

Compliance with the provisions of this Section 3.2 shall be required on the effective date of promulgation of this ordinance.

### 3.3 SPECIFIC LIMITATIONS ON DISCHARGE

- (A) The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against pass through and interference. Discharges from each separate discharge point of a user, as measured under the provisions of this ordinance, shall not contain in excess of the following concentrations based upon a 24-hour composite sample. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow-weighted manner to determine the compliance with the following limitations for a 24-hour composite sample:

<u>POLLUTANT</u>	<u>MAXIMUM CONCENTRATION</u>
Arsenic, Total	0.52 mg/L
Cadmium, Total	0.28 mg/L
Chromium, Total	27.0 mg/L
Chromium, Hexavalent*	0.81 mg/L

Copper, Total	2.54 mg/L
Cyanide, Total*	1.34 mg/L
Lead, Total	2.15 mg/L
Mercury, Total**	0.0005 mg/L
Nickel, Total	4.27 mg/L
Silver, Total	0.36 mg/L
Zinc, Total	2.61 mg/L
pH*	See Section 3.2(C)(3)

\* Hexavalent Chromium, Total Cyanide, and pH shall be taken as grab samples.

\*\*Users must comply with the State of Illinois Mercury standards codified at 35 IAC 301.1102.

- (B) The DGSD will apply the Local Limits found in Section 3.3(A) above normally at the end-of-pipe point where the Non-Residential waste is Discharged to the municipal sewer system.
- (C) The DGSD reserves the right to establish requirements, by ordinance or in a Wastewater Discharge Permit or general permit, to require control over the quantities and rates of Discharge from any industrial user.
- (D) The DGSD reserves the right to establish, by ordinance or in a Wastewater Discharge Permit, mass limitations rather than concentration limitations on Discharges.
- (E) The DGSD reserves the right to set specific limits for those Pollutants not identified in Section 3.3(A) on a case by case basis for impacts caused to the POTW including but not limited to Interference, Potential Problem, Pass Through and prevention of beneficial sludge re-use. Those limits shall be set forth in a Wastewater Discharge Permit per Section 5.
  - (1) Local limits for additional Pollutants not identified in Section 3.3(A) will be noticed to the permit holder a minimum of thirty (30) calendar days prior to the effective date of the Wastewater Discharge Permit. In the event that the DGSD receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by the DGSD.
- (F) The DGSD may develop Best Management Practices (BMPs), by ordinance or in individual or general Wastewater Discharge Permits, to implement Local Limits of Section 3.3(A) and the prohibited discharge requirements of Section 3.2.
- (G) Any industrial user Discharging Pollutants such as but not limited to: Oils and Grease, BOD or TSS to the DGSD's facilities that cause the DGSD to alter its

method of Wastewater treatment or sludge disposal to a more costly method shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the DGSD Board.

### 3.4 INCORPORATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS

These Pretreatment requirements shall apply to all Non-Residential industrial users subject to National Categorical Pretreatment Standards, promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, currently Discharging or scheduled to Discharge to the DGSD. The National Categorical Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471 are hereby incorporated into this ordinance.

Limits in Categorical Pretreatment Standards shall apply to the Discharge from the process regulated by the Standard or as otherwise specified by the Standard. Compliance with National Categorical Pretreatment Standards is mandatory.

- (A) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with paragraphs B and F below and 40 CFR Section 403.6(c) unless specifically restricted by the Categorical Pretreatment Standard. These equivalent limitations calculated in accordance with the following requirements are deemed Pretreatment Standards. Industrial users shall be required to comply with the equivalent limitations instead of the promulgated Categorical Standards from which the equivalent limitations were derived. An alternative Pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants.
- (B) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

The DGSD shall calculate equivalent mass-per-day limitations by multiplying the limits in the Standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For New Sources, actual production shall be estimated using projected production.

The DGSD shall calculate equivalent concentration limitations by dividing the mass limitations by the average daily Flow rate of the industrial user's regulated process Wastewater. This average daily Flow rate must be based

upon a reasonable measure of the industrial user's actual long-term average Flow rate, such as the average daily Flow rate during the representative year.

- (C) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR Section 403.6(e) provided that the regulation allows the Wastewaters to be mixed and the industrial user can supply the information necessary to allow issuance of an alternative limit.
- (D) An industrial user may request and obtain a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR Section 403.13.
- (E) A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR Section 403.15.
- (F) When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the DGSD convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The DGSD may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 1(a) through 1(e) below.
  - (1) To be eligible for equivalent mass limits, the User must:
    - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual or general Wastewater Discharge Permit;
    - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - (c) Provide sufficient information to establish the facility's actual average daily Flow rate for all wastestreams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;
    - (d) Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

- (e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the industrial user's request for equivalent mass limits.
- (2) An industrial user subject to equivalent mass limits must:
- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - (b) Continue to record the facility's Flow rates through the use of a continuous effluent Flow monitoring device;
  - (c) Continue to record the facility's production rates and notify the General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 1(c) of this Section. Upon notification of a revised production rate, the General Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 1(a) of this Section so long as it Discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the General Manager:
- (a) Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the industrial user by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (c) May retain the same equivalent mass limit in subsequent individual or general Wastewater Discharge Permit terms if the industrial user's actual average daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.2. The industrial user must be in compliance with Section 12.3 regarding the prohibition of Bypass.

- (G) The General Manager may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the General Manager.
- (H) Once included in its Wastewater Discharge Permit, the industrial user must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived. Note: see 40 CFR Section 403.6(c)(7).
- (I) Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily Discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitations. Note: see 40 CFR Section 403.6(c)(8).
- (J) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) working days after the industrial user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any industrial user not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. Note: see 40 CFR Section 403.6(c)(9).

All industrial users that are subject to National Categorical Pretreatment Standards are required to file reports as required in this Ordinance, signed by an Authorized Representative per Sections 6.3 and 6.4. These reports shall include all information that the DGSD deems necessary to make compliance determinations, as outlined in the industrial user's Wastewater Discharge Permit.

### 3.5 PRETREATMENT

- (A) All industrial users shall provide necessary wastewater pretreatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and this ordinance. National Categorical Pretreatment Standards shall be added to this ordinance as amendments. Any facilities required to pretreat wastewater to a level acceptable to the DGSD shall be provided, properly operated and maintained at the user's expense. All industrial users shall obtain the necessary construction permits from IEPA. No sources of non-residential Wastewater will be allowed to Discharge to DGSD POTW until all permitting requirements, including IEPA, have been satisfied. Such pretreatment facilities shall be under the control and direction of an IEPA

certified Wastewater Treatment Operator. Any subsequent significant changes to the pretreatment facilities or method of operation shall be reported to and accepted by the DGSD prior to the industrial user's initiation of the changes.

- (B) Industrial users with pretreatment facilities are prohibited from bypassing the pretreatment system. Bypass regulations are detailed in Section 12.3.

### 3.6 COMPLIANCE WITH CATEGORICAL DEADLINES AND LIMITATIONS

Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective unless a shorter compliance time is specified in the appropriate Subpart of 40 CFR Chapter I, 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 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 exceeding 90 days), new sources must meet all applicable Pretreatment Standards.

### 3.7 EXCESSIVE DISCHARGE

No user shall ever increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards (NCPS) or in any other pollutant specific limitations developed by the DGSD. The DGSD may impose mass limitations on industrial users, which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

### 3.8 ACCIDENTAL DISCHARGE AND SLUG CONTROL PLANS

- (A) The General Manager may require any industrial user to develop, implement, and maintain an accidental discharge and slug control plan. The General Manager shall evaluate whether each significant industrial user needs such a plan within one year of being identified as significant. Applicable accidental discharge and slug control requirements will be incorporated into each industrial user's individual or general wastewater discharge permit and follow up evaluations shall monitor existing plans. All Non-Residential Users that meet the below criteria are required to develop and implement such a plan regardless whether that industrial user is regulated by a Discharge permit or not.

- (1) chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;
- (2) Prohibited Discharge Materials as defined in Section 3.2 at or on its site; or

- (3) Hazardous Waste as defined in Section 6.9 at or on its site; or
  - (4) been defined by the General Manager to have a need to control Slug Discharges.
- (B) Any industrial user required to develop and implement an accidental discharge and slug control plan shall submit a plan which addresses, at a minimum, the following:
- (1) description of discharge practices, including non-routine batch discharges;
  - (2) description of stored chemicals, including quantity of chemicals and type and number of storage containers;
  - (3) site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing eight (8) drums or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;
  - (4) procedures for immediately notifying the DGSD of any accidental or slug discharge. Such notification must also be given for any discharge, which would violate any of the prohibited discharges in Section 3.2 of this ordinance;
  - (5) procedures to prevent adverse impact of 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 run-off; building of containment structures or equipment; training of workers; measures for containing toxic organic pollutants (including solvents); and/or measures and equipment for emergency response.
  - (6) location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use whom to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge or a Bypass of any part of a Pretreatment system; and
  - (7) emergency telephone number (24-hour) off-site and backup telephone number. If the accidental discharge and slug control plan has been submitted to the DGSD, any change in the telephone numbers should be submitted to the DGSD within five (5) working days when revised.
  - (8) documentation. The accidental discharge and slug control plan shall contain a sample of the documentation maintained at the site that:

- (a) ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency notification procedures; and
  - (b) such logs to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify valves in containment structures, if present, are closed.
- (9) at least once every two (2) years the General Manager shall evaluate whether each SIU needs a revision to its accidental discharge and slug control plan. The General Manager may require any industrial user to submit at a frequency less than two (2) years such accidental discharge and slug control plan or require modification of an existing accidental discharge and slug control plan based on changes that have occurred at the site or in response to an incident that had the potential to, or did, impact the POTW.

In alternate years, the General Manager shall evaluate whether any other User is required to file a revision to its accidental discharge and slug control plan based on changes that have occurred at the site or in response to an incident that had the potential to, or did, impact the POTW.

### 3.9 TENANT RESPONSIBILITY

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

### 3.10 HAULED WASTEWATER

- (A) The discharge of hauled septic tank waste and industrial septage shall be prohibited under the terms of this ordinance.
- (B) Fees for dumping hauled wastewater shall be established as part of the user fee system as authorized in Article VI of “An Ordinance Regulating the Use of Sanitary Sewers” of the Downers Grove Sanitary District, as amended.
- (C) Hauled grease separator waste – Hauled grease separator waste originating from grease separators of customers of DGSD using said grease separators in accordance with rules established by DGSD may be discharged at the DGSD treatment plant as specified here. A truck may discharge grease separator waste from non-DGSD customers when capacity is available after DGSD customers' disposal needs are met and the waste is consistent with provisions of the DGSD's ordinance.
- (D) At the General Manager discretion hauled food processing wastewater may be accepted.

(E) Hauled Wastewater Permitting Requirements

(1) Only DGSD authorized permit holders may discharge hauled wastewater at the DGSD treatment plant.

- (a) Any person wishing to obtain authorization to discharge hauled wastewater at the DGSD treatment plant shall submit a Waste Transporter Identification Application on a form provided by DGSD complete with all supplementary information as specified on the application form and in this section. If approved, the applicant will be issued a Waste Transporter Permit. The following supplementary information shall be included with the application:
  - (i) Contact information
  - (ii) Proof of comprehensive general liability and auto liability insurance which includes DGSD as an additional insured and includes provisions for informing DGSD ten days prior to the time of policy cancellations or renewals. Permit holders shall maintain general liability insurance and automobile liability insurance in such amounts as DGSD may, from time to time, deem appropriate.
  - (iii) A list of the vehicles applicant has in service for transportation of liquid waste. The list shall include the make and model, the state of registration, the state vehicle license number and the tank volume, in gallons, for each vehicle operated.
  - (iv) Proof that applicant's vehicles which are to discharge at the DGSD treatment plant are in compliance with all applicable laws and regulations applicable to waste transporters within the jurisdictions within which applicant operates.
  - (v) Names and addresses of sources of waste and type of industry
  - (vi) Volume and characteristics of the waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes
  - (vii) Volumes and type of waste transported each year for the last three years. A new business shall submit an estimate of volumes for the first year.
- (b) Any permit holder who has been granted authorization to discharge hauled grease separator waste at the DGSD treatment plant shall annually provide proof to the General Manager of continued liability insurance and proof of continued compliance with applicable laws and regulations.

- (c) DGSD may rescind a permit holder's authorization to discharge hauled waste if the permit holder is found to be in violation of the provisions of this ordinance or other DGSD ordinances.
- (2) Any hauled wastewater which is acceptable to DGSD may be discharged only at the DGSD's Grease Receiving Station located at 5003 Walnut Avenue, Downers Grove, Illinois, 60515. The DGSD will schedule and inform the permit holder of a time at which the hauled grease separator waste may be discharged at this location between the hours of 8:00 AM and 3:30 PM, Monday through Friday, excluding holidays or at other times prearranged at the convenience of the DGSD.
- (3) No permit holder shall discharge or cause to be discharged hauled wastewater without presenting a completed Hauled Wastewater Receipt to the receiving station attendant at the time of discharge. The Hauled Wastewater Receipt shall be on a form provided by DGSD and shall fully identify, to the satisfaction of the attendant, the source and nature of the grease separator waste.
  - (a) A sample of each load of hauled wastewater to be discharged shall be collected by the receiving station attendant and appropriate screening analyses performed prior to discharge being allowed. The sample will be retained for such further analyses as deemed necessary to determine its compliance with the requirements of DGSD's sewer use ordinance and applicable local, state and federal regulations. In the event this hauled wastewater is found to be in violation of said ordinance or regulations, approval to discharge to DGSD facilities may be revoked and/or any damages incurred by DGSD will be charged to the permit holder discharging said hauled wastewater.
- (4) Any permit holder granted authorization under paragraph (1) to discharge hauled wastewater at the point designated herein and in possession of proper Hauled Wastewater Receipts assents to the conditions hereinafter stated and agrees to be bound by his conditional obligations and duties, to wit:
  - (a) The permit holder shall comply with all DGSD regulations and follow the directions of DGSD employees while on DGSD premises.
  - (b) The permit holder agrees to indemnify and to hold DGSD harmless from any and all damage and expenses which may be suffered by him by reason of any or all of his acts done on its premises, including but not as a limitation, the discharge of the aforesaid hauled wastewater which violates any standard or standards of DGSD's sewer use ordinance.
  - (c) The permit holder shall, in the event of spills or leakage of hauled wastewater on DGSD's premises, as a result of his acts or faulty equipment, appropriately clean, to the satisfaction of the attendant on duty, the area involved.

- (5) DGSD has the right to refuse the discharge of any hauled wastewater brought to the Grease Receiving Station if, in the opinion of the attendant on duty, based on a review of the Hauled Wastewater Receipt, DGSD records and the screening analyses:
  - (a) The hauled wastewater does not meet the conditions of this ordinance, or
  - (b) The hauled wastewater could cause operational and maintenance problems, be detrimental to the health of DGSD employees or cause violations of DGSD's NPDES Permit or any other City, State or Federal laws and regulations.
- (6) Permit holders shall pay a fee for hauled wastewater discharged pursuant to this ordinance based upon the hauled wastewater user charges in effect at the time of the discharge. The fee for each discharge will be calculated based upon the full volume of the transport vehicle, or upon the actual volume delivered as verified with a NTEP certified truck net weight ticket provided by the permit holder at the time of delivery. Permit holders will be billed by the DGSD monthly. If any charges billed are not paid by the due date indicated on any bill rendered, then an additional late payment charge, based on the percentage established by ordinance for late payments of wastewater user charges, is hereby imposed for each month or portion thereof the bill remains unpaid beyond the due date. When any permit holder's monthly charge has not been paid and has been delinquent for more than fifteen days after the due date, then the DGSD may refuse to accept any further waste discharges from that permit holder.

### 3.11 AMALGAM MANAGEMENT AT DENTAL OFFICES

#### (A) Applicability.

- (1) Except as provided in paragraphs (3), (4), and (5) of this section, this part applies to Dental Dischargers as defined in Section 2.2.
- (2) Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR Part 403, and are not Categorical Industrial Users or industrial users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR Part 403, as a result of applicability of 40 CFR Part 441.
- (3) This part does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

- (4) This part does not apply to wastewater discharges from Mobile Units as defined in Section 2.2 operated by a Dental Discharger.
  - (5) This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Section 2.2 to a POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.
  - (6) Dental Dischargers that do not place Dental Amalgam as defined in Section 2.2, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR Section 441.50 are exempt from any further requirements of this part.
- (B) Existing Dental Discharger Compliance. Existing Dental Discharger as defined in Section 2.2 were required to comply with the requirements of 40 CFR Section 441.30(a) that defines removal of amalgam solids and (b) implementation of two Best Management Practices by July 14, 2020 and submit a One-Time Compliance Report per 40 CFR Section 441.50(a) by October 12, 2020 to the DGSD and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
- (1) If a transfer of an Existing Source occurs after July 14, 2020, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- (C) New Dental Discharger Compliance. As of July 14, 2017, any New Dental Discharger Source as defined in Section 2.2 subject to this section must comply with the requirements of 40 CFR Section 441.40 that states discharges must comply with the requirements of 441.30(a) that defines removal of amalgam solids and (b) implementation of two Best Management Practices. Dental Dischargers must file a One-Time Compliance Report per 40 CFR Section 441.50(a) no later than ninety (90) calendar days following the introduction of wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
- (1) If a transfer of a New Source occurs after July 14, 2017, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- (D) Limited Dental Dischargers. Limited Dental Dischargers were required to file a One-Time Compliance Report with certification that they do not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020 to the DGSD.

- (1) New Source Limited Dental Dischargers are required to submit this One-Time Compliance Report to the DGSD within ninety (90) calendar days following the introduction of wastewater for New Sources.

(E) Signatory Requirements. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR Section 403.12(l) and Section 2.2 under Authorized Representative (5) and (6).

### 3.12 CLOSURE PLAN

(A) Any Non-Residential User meeting the requirements of Section 3.8 including but not limited to those with Wastewater Discharge permits that determines it will cease operations permanently, or if some of the processes that classify the User as significant are closed, the industrial user shall file a written closure plan with the DGSD. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:

- (1) A description of each Wastewater generating process that will be closed;
- (2) A description of how the facility will be closed and the extent of operations during the closure period;
- (3) An inventory and estimate of the volume of all process Wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used;
- (4) A schedule of the closure activities indicating the time required to complete each closure step; and
- (5) Additional monitoring scheduled that will identify compliance with Pretreatment Standards during the closure operations.

## **Section 4 – WASTEWATER DISCHARGE PERMIT ELIGIBILITY**

### **4.1 WASTEWATER SURVEY**

When requested by the General Manager, all Non-Residential Users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey, on a form authorized by the General Manager. New users must complete the survey prior to commencing their discharge. Existing users shall be periodically surveyed to update the information on file. Failure to complete this survey shall be considered a violation of this ordinance.

#### **(A) Initial Survey (Questionnaire)**

- (1) The Initial Survey shall be completed in order to ensure that said Non-Residential Users of the POTW of the DGSD adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the DGSD set forth in Sections 3.2 through 3.4, spill control of raw materials, intermediates and waste as set forth in Section 3.8, and to facilitate the DGSD's investigation of apparent or suspected violations thereof. The requirements are as follows:
  - (a) All Non-Residential Users, or in areas receiving sewer service from the DGSD, shall complete and submit an Initial Survey on a form provided by the DGSD when requested by the DGSD.
  - (b) All Users defined in Section 4.1(A)(1)(a) seeking to establish a new account for Sanitary Sewer service from the DGSD or to establish a new connection to the POTW of the DGSD shall file a completed Initial Survey with the DGSD as a condition of the new Sanitary Sewer service account or connection to the POTW of the DGSD.
  - (c) All Users defined above that fail to complete and submit to the DGSD an Initial Survey shall be in violation of the provisions of this section and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the DGSD.

#### **(B) Affirmation to Initial Survey**

- (1) The DGSD will determine the frequency an affirmation to the Industrial User Survey needs to be submitted.

- (2) All Users defined above that fail to file an Affirmation with the DGSD shall be in violation of the provisions of this section and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the DGSD.

(C) Additional Survey Information

- (1) After review of the Initial Survey completed per Section 4.1(A), all Non-Residential Users that the DGSD has determined to have the potential to be defined as a Significant Industrial User (SIU) or a Non-Significant Regulated User (NSRU) shall be required to complete and file a more detailed wastewater survey on a form provided by the DGSD. At a minimum, a description of processes, water usage and Wastewater characteristics for the facility will be required to be submitted. This information will be evaluated by the DGSD for determination of the requirement to issue an individual or general Wastewater Discharge Permit.
- (2) Periodic Updates of wastewater survey Information. The information provided in the wastewater survey may be required to be revised and/or updated for the following conditions:
  - (a) A Report of Changed Conditions is filed as required in Section 6.5,
  - (b) An application for a Wastewater Discharge Permit is required to be filed per Sections 4.2 through 4.5, or
  - (c) A re-issuance of a Wastewater Discharge Permit occurs per Section 5.7.
- (3) In addition to the wastewater survey defined in Section 4.1(C), Categorical Industrial Users may be required to complete a category specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by an USEPA Effluent Guideline category.

#### 4.2 PROHIBITION OF DISCHARGE WITHOUT PERMIT

- (A) It shall be unlawful for any significant industrial user to discharge wastewater into the Downers Grove Sanitary District's system without a permit, or contrary to the conditions of the permit, issued by the General Manager in accordance with the provisions of this ordinance.

- (B) Any violation of the terms and conditions of an individual or general wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge Permittee to the sanctions set out in Section 9 of this ordinance. Obtaining a wastewater discharge permit does not relieve the Permittee of its obligation to comply with Federal and State pretreatment standards or requirements or with any other requirement of Federal, State or local law.
  
- (C) The General Manager may require other industrial users, including wastewater haulers to obtain either individual or general Wastewater Discharge Permit as necessary to carry out the purposes of this ordinance. The Wastewater Discharge Permit will define that holders of permits issued under this section shall not be classified as SIUs. Non-Residential Users with Wastewater Discharge Permits in this class may include but are not limited to:
  - (1) Any User that has been determined to be a Non-Significant CIU as defined in Section 2.2;
  - (2) Any User that has been determined not to be a SIU as defined in Section 2.2 that the General Manager requires to be regulated by Wastewater Discharge Permit as a Non-Significant Regulated User (NSRU);
  - (3) Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;
  - (4) Any User that is a non-Categorical Zero Process Wastewater Discharger that the General Manager determines shall be permitted;
  - (5) Non-Residential Users that have devices installed to remove oils, grease and sand;
  - (6) Wastewater haulers; and
  - (7) Non-Residential Users required to eliminate or control specified Pollutants from their wastestream through the development and implementation of a BMP Plan.
  
- (D) General Wastewater Discharge Permit. At the discretion of the General Manager, the DGSD may use general Wastewater Discharge Permits to control industrial user Discharges to the POTW if the following conditions are met:
  - (1) Involve the same or substantially similar types of operations;
  - (2) Discharge the same types of waste;

- (3) Require the same effluent limitations or BMPs;
- (4) Require the same or similar monitoring and/or reporting requirements;  
and
- (5) In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual or general Wastewater Discharge Permits.

The General Manager will retain a copy of the general permit, documentation to support the District's determination that a specific SIU or User meets the criteria above and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

General Wastewater Discharge Permits are not available where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (40 CFR Parts 403.6(e) and 403.15).

#### 4.3 WASTEWATER DISCHARGE PERMITTING FOR EXISTING SOURCES

- (A) Any significant industrial user which discharges industrial waste into the DGSD system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after the said date, apply to the DGSD for an individual or general Wastewater Discharge Permit in accordance with Section 4.4 below, and shall not cause or allow discharges to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the General Manager.
- (B) Any industrial user that is required to obtain individual or general Wastewater Discharge Permits shall file an application not less than ninety (90) calendar days or within the time frame required in a notification sent by the General Manager.

#### 4.4 WASTEWATER DISCHARGE PERMITTING FOR NEW CONNECTIONS

- (A) Any significant industrial user proposing to begin or recommence discharging industrial wastes into the DGSD system must obtain an individual or general Wastewater Discharge Permit prior to the beginning or recommencing of such discharge. An application for this individual or general wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

- (B) Any non-SIU or non-CIU who proposes to begin or recommence Discharge into the POTW that is required to obtain an individual or general Wastewater Discharge Permit must obtain such permit prior to the beginning or recommencing of such Discharge or operations in the case of a zero process Discharger, in accordance with Section 4.5. An application for this individual or general Wastewater Discharge Permit must be filed at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence pending review by the General Manager.
- (C) Any non-SIU or non-CIU who proposes to begin or recommence Discharge into the POTW that is required to obtain an individual, general, or Zero Process Wastewater Discharge Permit must obtain such permit in accordance with Section 4.5 prior to the beginning or recommencing of such Discharge, or in the case of a zero process Discharger, prior to beginning or recommencing operations. An application for this individual, general, or Zero Process Wastewater Discharge Permit must be filed at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence pending review by the General Manager.

#### 4.5 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

- (A) Individual Application Requirement. The General Manager shall approve a form to be used as a permit application. In order to be considered for a wastewater discharge permit, all industrial users required to have an individual wastewater discharge permit or Zero Process Wastewater Discharge Permit must submit the following information.
  - (1) all information required by Section 4.1;
  - (2) identifying and contact information for the site including name and address of the facility, the name of the operator and owner as well as contact information for the Authorized Representative and daily on-site contact;
  - (3) description of activities, services, production, 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 be accidentally or intentionally discharged to the DGSD;
  - (4) number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (5) each product produced by type, amount, process or processes, and rate of production;
  - (6) type and amount of raw materials processed (average and maximum per day), including a list of all raw materials and chemicals used or stored at

the facility which are, or could accidentally or intentionally be, Discharged to the POTW;

- (7) site plans / floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;
- (8) 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;
- (9) a diagram showing the location for monitoring the Discharge of all wastes covered by the permit;
- (10) time and duration of discharge with an estimate of the average daily and maximum Flow;
- (11) Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to applicable Pretreatment Standards and Local Limits;
- (12) requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge based on 40 CFR Section 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;
- (13) Environmental Permits. A list of any environmental control permits held by or for the facility;
- (14) any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application;
- (15) if a pretreatment system is required, plans for its design and construction must be submitted to the General Manager for review and approval. A review fee will be assessed based on the estimated cost of the system in accordance with “An Ordinance Regulating the Use of Sanitary Sewers: and as amended, Article IV, Section 1;
- (16) Baseline Monitoring Report, as outlined in Section 6.1.

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

- (B) General Application Requirement. The General Manager may require all Users that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the DGSD which is specific to the category regulated by the general Wastewater Discharge Permit. The form

may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit. Where the Standard will require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager.

(C) General Application for Wastewater Haulers – The General Manager may require wastewater haulers that are required to obtain an individual or general Wastewater Discharge Permit to submit an application on a form provided by the DGSD, as described in Section 3.10.

(D) Categorical Monitoring Waivers

(1) Authority. Pursuant to 40 CFR Section 403.12(e)(2)(v) and (vi), the DGSD may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the User. This waiver is not available to Users whose concentration Standards are derived from mass Standards or production based Standards. This authorization is subject to the following conditions:

(a) The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Wastewater Discharged from the facility provided that the Sanitary Wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process Wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the individual or general Wastewater Discharge Permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual or general Wastewater Discharge Permit.

(c) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(2) Application Requirements

(a) In making a demonstration that a Pollutant is not present, the User must provide data from at least one sampling of the facility's process

Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.

- (b) The request for a monitoring waiver must be signed in accordance with Section 4.6, and include the certification statement in Section 4.6.
- (c) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

### (3) Documentation and Record Retention for CIU Monitoring Waivers

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

## 4.6 APPLICATION SIGNATORIES AND CERTIFICATION

- (A) All individual and general wastewater discharge permit applications and industrial user reports shall contain the following certification statement and shall be signed by an authorized representative of the industrial user:

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

- (B) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative.

## 4.7 WASTEWATER DISCHARGE PERMIT DECISIONS

The DGSD will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of the receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue

a wastewater discharge permit. The General Manager may deny any application for a wastewater discharge permit.

If the General Manager fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied. A user denied issuance of a permit may appeal to the DGSD Board of Trustees as described in Section 5.3.

#### 4.8 INTERMITTENT DISCHARGES AND CLEAN-UPS

- (A) No person, firm or corporation shall discharge atypical waste, contaminated waters from any non-domestic source or special waste or leachate on an intermittent or one-time basis without first obtaining a connection permit and Wastewater Discharge Permit as provided in Section 4.2. The request to Discharge and project description shall be submitted on a form provided by the DGSD. In the event that such waste will be hauled to a discharge point designated by the DGSD, the Discharger shall also comply with the provisions of Section 3.10.
- (B) An evaluation by the DGSD shall be made to determine provisions necessary to prevent prohibitive discharges to the POTW, as outlined in Section 3.2, which could:
  - (1) Cause injury, Interference or otherwise be incompatible with the system or the use or disposal of sludge;
  - (2) Constitute a hazard to humans, animals or the environment; and/or
  - (3) Cause Pass-Through of Pollutants into the receiving waters or the atmosphere.

Provisions may include site specific Discharge rates, unique standards – either concentration or mass based or both, special monitoring and/or Pretreatment requirements. The Discharge water from these special projects may be subject to one or more surcharge fees as defined in Article VI, Section 5.

## **Section 5 – WASTEWATER DISCHARGE PERMIT ISSUANCE**

### **5.1 WASTEWATER DISCHARGE PERMIT DURATION**

- (A) Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the General Manager. Each wastewater discharge permit shall indicate the specific date upon which it will expire.
- (B) A general Wastewater Discharge Permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. The DGSD will identify in the general Wastewater Discharge Permit whether or not the permittee is defined as a SIU.
- (C) The General Manager may extend a permit issued under Section 5.1(A) or (B) with a duration of less than five (5) years to a maximum duration of five (5) years upon written notification

### **5.2 WASTEWATER DISCHARGE PERMIT CONTENTS**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager to prevent pass-through or interference, protect the quality of the receiving stream, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the DGSD wastewater treatment and collection systems.

- (A) Permits must contain the following:
  - (1) specific permit number, date of issuance, effective date and expiration date;
  - (2) a statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the DGSD, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) effluent limits, including Best Management Practices, applicable to the user based on applicable standards in Federal, State, or local law;
  - (4) requirements to control Accidental Spills and Slug Discharges, if determined by the General Manager to be necessary;
  - (5) 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 or local law;

- (6) statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not exceed beyond that required by applicable Federal, State or local law.

(B) An individual Wastewater Discharge Permit may contain the process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with Section 4.5(D). Any grant of the monitoring waiver by the General Manager shall be included as a condition of the User's permit

(C) Individual and General Wastewater Discharge Permits may contain, but need not be limited to the following:

- (1) limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
- (3) requirements for the installation of pretreatment technology, pollutant control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR Section 403.17 and Section 12.3;
- (5) development and implementation of accidental discharge and Slug Control Plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- (6) development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the DGSD;
- (7) development and implementation of BMP Plans to reduce the amount of Pollutants Discharged to the POTW if the categorical standards do not already require the implementation of a BMP Plan;
- (8) the unit charge or schedule of industrial user fees for the management of the wastewater discharged to the DGSD;
- (9) requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (10) requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local Standard;

- (11) documentation of any monitoring waiver approved by the General Manager for categorically regulated Pollutants found to be not present and requirements to re-institute monitoring in the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operation;
- (12) a statement that compliance with the wastewater discharge permit does not relieve the Permittee of responsibility for compliance with all applicable Federal, State, and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
- (13) other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, State and Federal laws, rules and regulations.

### 5.3 WASTEWATER DISCHARGE PERMIT APPEALS

Any persons, including the industrial user, may petition the Board of Trustees of the Downers Grove Sanitary District to reconsider the terms and conditions of a wastewater discharge permit within thirty (30) days of its issuance. The following conditions apply to Wastewater Discharge Permit appeals:

- (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 the 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 DGSD fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative action for the 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 Circuit Court for DuPage County within sixty (60) calendar days.

### 5.4 WASTEWATER DISCHARGE PERMIT MODIFICATION

- (A) The General Manager may modify an individual wastewater discharge permit for good cause including, but not limited to, the following:
  - (1) to incorporate any new or revised Federal, State or local pretreatment standards or requirements;

- (2) to address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
  - (3) to address introduction of a Pollutant for which a monitoring waiver had been obtained;
  - (4) a change in the DGSD system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (5) information indicating that the permitted discharge poses a threat to the DGSD's treatment system, personnel, or the receiving stream;
  - (6) violation of any terms or conditions of the wastewater discharge permit;
  - (7) misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (8) revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR Section 403.13;
  - (9) to correct typographical or other errors in the wastewater discharge permit;
  - (10) to reflect a transfer of the facility ownership and/or operation to a new owner/operator.
  - (11) To reflect the issuance of a monitoring waiver.
- (B) The General Manager may modify a general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
  - (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  - (3) To correct typographical or other errors in the Wastewater Discharge Permit; or
  - (4) To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 5.5.

The filing of a request by the Permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

## 5.5 WASTEWATER DISCHARGE PERMIT TRANSFER

- (A) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the Permittee gives at least thirty (30) days advance notice to the General Manager and the General Manager approves the wastewater discharge permit transfer.

(B) The notice to the General Manager must include a written certification by the new owner and/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;
- (3) acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

## 5.6 WASTEWATER DISCHARGE PERMIT REVOCATION

Individual or general Wastewater Discharge Permits may be revoked for good cause, including but not limited to, the following reasons:

- (A) failure to notify the DGSD of significant changes to the wastewater prior to changed discharge;
- (B) failure to provide prior notification to the DGSD of changed condition pursuant to Section 6.5;
- (C) misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) falsifying self-monitoring reports;
- (E) tampering with monitoring equipment;
- (F) refusing to allow DGSD personnel timely access to the facility premises and records;
- (G) failure to meet effluent limitations;
- (H) failure to pay fines;
- (I) failure to pay sewer charges;
- (J) failure to meet compliance schedules;
- (K) failure to complete a wastewater survey or the wastewater discharge permit application;
- (L) failure to provide advance notice of the transfer of a permitted facility;
- (M) violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Individual or general wastewater discharge permits shall be voidable upon cessation of operations or transfer of business or operation ownership. All individual or general

wastewater discharge permits issued to a particular user are void upon the issuance of a new individual or general wastewater discharge permit to that user.

#### 5.7 WASTEWATER DISCHARGE PERMIT RENEWAL

An industrial user shall apply for wastewater discharge permit renewal by submitting a completed wastewater discharge permit application in accordance with Section 4.4 a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

## **Section 6 – REPORTING REQUIREMENTS**

### **6.1 BASELINE MONITORING REPORTS**

Industrial users applying for a Wastewater Discharge Permit (Section 4.5) subject to National Categorical Pretreatment Standards shall submit baseline reports to the DGSD in a form prescribed and furnished by the DGSD.

- (A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under 40 CFR Part 403.6(a)(4), whichever is later, existing industrial users subject to such categorical standards, and currently discharging to or scheduled to discharge to the DGSD, shall submit to the Downers Grove Sanitary District a report which has the information listed in paragraph (C), below.
- (B) New sources and sources that become industrial users subsequent to the promulgation of any applicable categorical pretreatment standard, shall be required to submit a baseline monitoring report at least ninety (90) days prior to commencement of their discharge. The report shall include the information in paragraph (C), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (C) In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:
  - (1) Identifying information – The name and address of the facility, including the names of the operators and owners.
  - (2) Environmental permits – A list of any environmental control permits held by the facility.
  - (3) Description of the operation – A brief narrative description of the nature of the operations, average rate of production (including each product produced by type, amount, processes, and rate of production), and all the Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes that apply to the facility. This description shall include a schematic process diagram, which indicates the points of discharge to the DGSD system of regulated processes.
  - (4) Flow measurement – Information showing the measured average daily and maximum daily flow, in gallons per day to the DGSD from regulated process streams and other streams, as necessary to allow use of the combined waste-stream formula set out in 40 CFR Part 403.6(e).
  - (5) Measurement of pollutants – The industrial user shall identify the categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources, and shall:
    - (a) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or the

DGSD) of the 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. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit documentation as required by the DGSD or the applicable Standards to determine compliance with the Standard

- (b) The User shall take a minimum of one representative sample to complete the data necessary to comply with the requirements of this paragraph. Where feasible, obtain samples through the flow-proportional composite sampling techniques specified in the applicable National Categorical Pretreatment Standards. Where compositing is not feasible, a minimum of four (4) grab samples shall be collected and analyzed. Samples for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds must be obtained using four (4) grab samples.
  - (c) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the Flows and concentrations necessary to allow the use of the Combined Wastestream Formula of 40 CFR Section 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - (d) Sampling and analysis must be performed in accordance with procedures set out in Sections 6.10 and 6.11.
  - (e) The DGSD may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and
  - (f) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the DGSD.
- (6) Compliance Certification – A statement reviewed by the industrial user’s authorized representative (as defined in Section 2.2) 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 industrial 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 Section 6.2 of this ordinance.

- (8) Signature and Report Certification – All baseline monitoring reports must be signed and certified in accordance with Section 4.6.

## 6.2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the schedule required in Section 6.1(C)(7). 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 the hiring of an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operations). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance. These reports shall include at a minimum, whether or not the user complied with the increment of progress, the reason for any delay, and (if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager. All compliance schedule progress reports must be signed and certified in accordance with Section 4.6.

## 6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the DGSD system, any industrial user subject to such pretreatment standards and requirements shall submit a report, to the DGSD containing the information described in Section 6.1(C). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c) and Section 3.4, this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production rate during the appropriate sampling period. All reports must be signed and certified in accordance with Section 4.6 of this ordinance.

## 6.4 PERIODIC COMPLIANCE REPORTS / SELF-MONITORING REPORTS

### (A) Significant Non-Categorical Industrial Users

- (1) Any significant non-categorical industrial users subject to a pretreatment standard shall, at a frequency determined by the General Manager but in no case less than twice per year normally in July and January, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such applicable 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 Section 4.6 of this ordinance.
- (2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All wastewater samples must be representative of the industrial user's discharge and comply with the requirements of Sections 6.10 and 6.11.
- (3) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- (4) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

### (B) Categorical Industrial Users

- (1) All Industrial Users subject to categorical Pretreatment Standards (CIU) shall, at a frequency determined by the General Manager but in no case less than twice per year on dates specified by DGSD (normally in July and January), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the General Manager the reporting period of an industrial user may be altered from semi-annual to quarterly or monthly. All periodic compliance reports must be signed and certified in accordance with Section 4.6.
- (2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All

Wastewater samples must be representative of the User's Discharge and comply with the requirements of Sections 6.10 and 6.11.

- (3) Where the DGSD has imposed mass limitations on Users as provided for by 40 CFR Section 403.6(c), the report required by paragraph (B)(1) of this section shall indicate the mass of Pollutants regulated by the Pretreatment Standards in the Discharge from the Industrial User.
- (4) For Users subject to equivalent mass or concentration limits established by the DGSD in accordance with the procedures in Section 3.4, the report required by paragraph (B)(1) shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by paragraph (B)(1) shall include the User's actual average production rate for the reporting period.
- (5) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.
- (6) Upon approval of a monitoring waiver for Pollutants found to be not present and revision of the User's permit by the General Manager, the User must certify on each periodic report with the statement in Section 4.6, that there has been no increase in the Pollutant in its wastestream due to activities of the User with the following statement:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ (specify applicable National Categorical Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of the \_\_\_\_\_ (list the categorically regulated pollutant(s)) in the wastewaters due to the activities at the facility since filing of the last periodic report.”

- (7) In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of paragraph (B)(1) of this section or other more frequent monitoring requirements imposed by the General Manager, and notify the General Manager.

(C) Other Industrial Users

- (1) Non-Significant Regulated Users, Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Batch Dischargers and any

firms regulated by individual or general permit requirements including but not limited to BMPs shall, at a frequency determined by the General Manager, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.

- (2) The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation including BMP documentation necessary to determine the compliance status of User as defined by the General Manager and identified in the Wastewater Discharge Permit.
- (D) If an industrial user subject to the reporting requirement in this section monitors any pollutants more frequently than required by the wastewater discharge permit, using the procedures described in Sections 6.10 and 6.11 of this ordinance, the results of all monitoring shall be included in the report.

#### 6.5 REPORT OF CHANGED CONDITIONS

Each industrial user is required to notify the General Manager of any planned significant changes to the industrial user's operations or systems which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. Immediate shutdowns or deletions of products are required to be noticed to the DGSD within five (5) working days of determination.

- (A) The General Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- (B) The General Manager may issue an individual or general wastewater discharge permit under Section 4.7 or modify an existing individual or general wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- (C) No industrial user shall implement the planned changed condition(s) until and unless the General Manager has responded to the industrial user's notice.
- (D) For the purpose of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, the addition or deletion of a shift, and/or the discharge of any previously unreported pollutants including changes to the listed or characteristic hazardous wastes for which the User has submitted initial notification under Section 6.9, introduction of a Pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste Discharge or lack of Discharge, shutdown of a process, or addition or deletion of a product..
- (E) Any changes include changes that occur at the facility affecting the potential for a slug discharge the reporting of which shall allow the General Manager

to reevaluate the need for a slug control plan or other actions to prevent such discharges. SIUs and CIUs are required to notify the General Manager of such discharges immediately.

Any permitted user that changes the Authorized Representative of its company as defined in Section 2.2 shall file a change notice with DGSD within thirty (30) calendar days of the change.

## 6.6 REPORTS OF POTENTIAL PROBLEMS

- (A) Initial Notification. In the case of any discharge, including, but not limited to: accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge, or a slug load which may cause potential problems with the DGSD's system (including a violation of the prohibited discharge standards in Section 3.2 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the DGSD of the incident. If notification must be made outside of routine business hours, the industrial user shall inform the DGSD answering service that the call is an emergency in order to connect with an on-call DGSD employee. This notification shall include the name of the caller, location of the discharge, physical state of discharge, chemical composition, type of material, concentration and volume, if known, and date and time of Discharge as well as duration of the Discharge, and corrective actions to be taken by the industrial user. The notification shall include what Federal, State and local entities have also been notified by the User.
- (B) The User shall control production of all Discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (C) Within five (5) days following such discharge, the industrial user shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the DGSD, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.
- (D) Failure to notify the DGSD of potential problem discharges shall be deemed a separate violation of this ordinance.
- (E) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place, advising employees in English and the language of

common use whom to call in the event of a discharge described in paragraph (A), above. Employer's shall ensure through documentation that all employees who may cause, or suffer such a discharge to occur, are advised of the emergency notification procedure.

## 6.7 REPORTS FOR NON-SIGNIFICANT INDUSTRIAL USERS

All industrial users not permitted as a significant or categorical industrial user shall provide appropriate reports to the DGSD as required in their individual or general wastewater discharge permit or as required by the General Manager.

### (A) Non-Significant Categorical Users

(1) Non-Significant Categorical Industrial Users as defined in Section 2.2 shall, at a frequency determined by the General Manager but no less frequently than annually (on dates specified by the DGSD) submit a report which contains the certification statement contained in Section 6.7.A(2). below.

### (2) Certification Statement.

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

- a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by Section 2.2;
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_”

The report is required to be signed by an Authorized Representative of the User.

(B) Other Non-Significant Regulated Users

- (1) Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Non-Significant Regulated Users, Batch Dischargers, and any firms regulated by individual or general permit requirements including but not limited to BMPs shall, at a frequency determined by the General Manager, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.
- (2) The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation including BMP documentation necessary to determine the compliance status of User as defined by the General Manager and identified in the Wastewater Discharge Permit.

(C) Non-permitted Users

- (1) All users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to DGSD as required by the General Manager. These reports include but are not limited to surveys of business activities, water usage, wastes discharged, spill and slug loading potential, pretreatment equipment, waste hauling, facility layout, and analytical data for wastewater discharged.

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING REPORTING

If sampling performed by an industrial user indicates a violation, the industrial user must notify the DGSD within 24-hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the DGSD within thirty (30) days of becoming aware of the violation. The industrial user is not required to resample if the DGSD performs monitoring at the industrial user at least once per month, or if the DGSD performed sampling between the industrial user's initial sampling and when the industrial user received the results of this sampling. If DGSD performed the sampling and analysis, DGSD will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

6.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- (A) Pursuant to 40 CFR Section 403.12(p), any industrial user who commences the discharge of hazardous waste shall notify the DGSD, the USEPA, Region V Waste Management Division Director and the State hazardous waste authorities in writing of any discharge to the DGSD of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge

(continuous, batch or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the DGSD, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, and an estimation of the mass of constituents in the waste-stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.5, above. The notification requirement of this section does not apply to pollutants already reported under self-monitoring requirements of Section 6.1-6.4, above.

- (B) Dischargers are exempt from the requirements of paragraph (A) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- (C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the industrial user must notify the DGSD, USEPA, Region V Waste Management Division Director, and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (D) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (E) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### 6.10 ANALYTICAL REQUIREMENTS

All measurements, tests and analyses to be submitted as part of a Wastewater Discharge Permit application or report which reference is made in this ordinance shall be determined and performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard or with any other test procedures approved by the Regional Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question or where the Regional Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed

using validated analytical methods or any other sampling and analytical procedures approved by the General Manager or other parties approved by USEPA.

#### 6.11 SAMPLE COLLECTION

- (A) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the Wastewater Discharge Permit.
- (B) Except as indicated in Sections (C-E), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques, unless time proportional composite sampling or grab sampling is authorized by the General Manager. Where time proportional composite sampling or grab sampling is authorized by the General Manager:
  - (1) The samples must be representative of the discharge.
  - (2) Time proportional sampling shall collect samples every 15 minutes, at minimum, during a 24-hour work day or a minimum of four (4) grab samples where the user demonstrates that this will provide representative samples of the effluent being discharged.
  - (3) A proportional number of samples shall be collected for Wastewater Discharges less than 24 hours.
- (C) In addition, grab samples may be required in the event of an infrequent batch Discharge or to show compliance with instantaneous discharge limits.
- (D) The baseline monitoring reports and 90-day compliance reports described under Sections 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, hexavalent chromium, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities with historical sampling data available, the General Manager may authorize a lower minimum. For the reports required in Section 6.4, the user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (E) Samples collected for analysis of oil and grease (FOG), temperature, pH, cyanide, hexavalent chromium, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. Multiple Grab Samples that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:

- (1) For cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
  - (2) For volatile organics and fats, oil and grease: multiple Grab Samples may only be composited in the laboratory.
- (F) Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the DGSD, as appropriate.

#### 6.12 DETERMINATION OF NON-COMPLIANCE

The General Manager may use grab sample(s) to determine noncompliance with pretreatment standards.

#### 6.13 TIMING OF REPORT SUBMISSIONS

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

#### 6.14 WASTEWATER INFORMATION AND ANALYSIS

When requested by the General Manager, an industrial user must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. The General Manager may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Section 4. Hauled waste is permitted under the provisions of Section 3.10.

Section 7 – COMPLIANCE MONITORING AND INSPECTION OF INDUSTRIAL USERS

7.1 MONITORING FACILITIES

- (A) The DGSD shall require a monitoring manhole to be provided in areas zoned industrial for each separate discharge connection to the sanitary sewer at the industrial user's own expense. The manhole shall be provided to allow inspection, sampling and flow measurement of the building sewer, pretreatment facilities and/or internal drainage systems. The monitoring facilities will normally be situated on the user's premises, but the DGSD may, when such a location would be impractical and cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area and located so it will not be obstructed by landscaping, parked vehicles, or other activities of the user. In those cases where a sampling manhole must be in a parking lot, a permanent barricade, such as a vertical pipe shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover. Any facility to be constructed in the public street or sidewalk area may require permits or approvals from other governmental agencies.
- (1) The General Manager may postpone the installation of the sampling manhole when specific circumstances prevent the installation of a manhole.
  - (2) A postponement for a sampling manhole will be handled on a case-by-case basis by the General Manager when it is determined that the Discharge is solely from a Residential Source and the site is not in a zoned business park/industrial area.
  - (3) When a postponement for a sampling manhole installation is granted by the General Manager, an affidavit will be signed by the property owner to install the manhole at a later date should business practices change at the location where the manhole installation was postponed.
- (B) Where required by the DGSD, 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.
- (C) Whenever required by a wastewater discharge permit, an industrial user shall install a large manhole or sampling chamber for each separate discharge to the building sewer in accordance with plans and specifications approved by the DGSD to make accurate composite samples for analyses. Each manhole shall be situated on the User's premises in a location approved by the DGSD.
- (1) There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The manhole or chamber located on a Building Sewer Discharge located in dedicated Easements shall be

installed and maintained by the owner/industrial user at his sole expense so as to be safely, easily and independently accessible to authorized representatives of the DGSD at any time. The manhole or chamber at a Discharge location within the building shall be accessible to representatives of the DGSD during normal User operating hours. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its Discharge.

- (2) Each sampling chamber shall contain a Palmer-Bowlus flume, unless a weir or similar device is approved by the General Manager, with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the General Manager, the metered water supply may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment, agreed to by the DGSD, is made in the metered water supply to determine the liquid waste quantity which is documented through the use of sub-meters and/or production records. In the event that the Wastewater Flow cannot be substantiated at any regulated location, the industrial user will be required to install Flow monitoring.
- (D) DGSD reserves the right to apply said Local Limits in Section 3.3 at an end-of process Discharge location that connects to the POTW sewer system in the event that:
- (1) A unique sampling manhole at end-of-pipe is not available;
  - (2) A more representative sample can be taken of a process batch Discharge even though an end-of-pipe manhole exists;
  - (3) A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute wastestreams;
  - (4) An end-of process location is used because the IU is unable to provide adequate flow documentation to use a combined wastestream formula.
- (E) In the event that a suitable Sampling Manhole does not exist as per this Ordinance Section and no end-of-process discharge sampling location exists, the “sampling facility” shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

## 7.2 INSPECTION, MONITORING AND RECORD KEEPING

- (A) The DGSD may inspect the facilities of all industrial users to ascertain whether the purposes of this ordinance and any individual or general Wastewater Discharge Permit or order issued hereunder are being complied with. Persons or occupants of premises in which the discharge source or treatment system is located or in

which records are kept shall allow the DGSD, Duly Authorized Agents of the DGSD, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, hereafter referred to as above named entities, ready access upon presentation of credentials at reasonable times to all parts of said premises for the purposes of inspection, observation, measurement, sampling, analyses, examination and photocopying of records required to be kept by this ordinance, and in performance of any of their duties. The DGSD shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where an industrial user has security measures in force which would require suitable identification before entry into its premises, the user shall make all necessary arrangements with their security guards so that upon presentation of suitable identification, the above named entities shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by all industrial users within 30 days of the passage of this ordinance.

- (B) The General Manager may require the industrial user to install monitoring equipment 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 annually to ensure their accuracy. The User shall submit these calibration reports annually to the DGSD with the Periodic Compliance Reports required in Section 6.7.
- (C) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- (D) Unreasonable delays in allowing the entities named in Section 7.2 (A) above access to the industrial user's premises shall be a violation of this ordinance.
- (E) Industrial users subject to the reporting requirements of this ordinance shall maintain and make available for inspection and copying, all records of all information resulting from any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements, and documentation associated with BMPs established under Section 5.2. Records shall include:
  - (1) the date, exact location, methods and time of sampling, the name of the person or persons taking the samples;
  - (2) the dates analyses were performed;
  - (3) who performed the analyses;
  - (4) the analytical techniques and methods used;
  - (5) and the results for each analysis.

- (F) The industrial user shall maintain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or operation of the DGSD pretreatment program or when requested to do so by the Regional Administrator or Director of the IEPA.
- (G) The DGSD will maintain documentation of any monitoring waiver issued per Section 4.5 for a period of three (3) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

### 7.3 SEARCH WARRANTS

If the entities named in Section 7.2 (A) have been refused access to the building, structure or property or any other part thereof, and if the General Manager has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the DGSD 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 upon application by the DGSD attorney, the Circuit Court of the 18<sup>th</sup> Judicial Circuit, DuPage County, Illinois may issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the General Manager in the company of a uniformed police officer of the city having jurisdiction of the industrial user's premises.

## Section 8 – CONFIDENTIAL INFORMATION

### 8.1 CONFIDENTIAL INFORMATION

- (A) Any information and data relating to an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection and sampling activities shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the DGSD that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law of the industrial user.
- (B) Any such request must be asserted at the time of submission of the information or data. When requested by the person furnishing a report, and until such time as the DGSD determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to the governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, or for use by the State or any State agency in judicial review or enforcement proceedings involving the person or industrial user furnishing the report.
- (C) Information and data provided to the DGSD which is wastewater constituents and other “effluent data” as defined by 40 CFR 203.2 will not be recognized as confidential information and shall be available to the public without restriction.
- (D) Information claimed by an industrial user to be confidential shall not be transmitted to the general public by the DGSD until and unless a thirty-day notification is given to the industrial user.
- (E) The DGSD shall implement measures to prevent the negligent release of confidential information, however, neither the DGSD nor its employees shall be held responsible for the release of information if they acted in good faith.

## Section 9 – ENFORCEMENT PROCEDURES AND PENALTIES

### 9.1 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The DGSD shall annually publish in the largest newspaper published in Downers Grove or municipalities where the DGSD has jurisdiction, a list of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The notification shall also summarize any enforcement actions taken against those industrial users during the same twelve months. The term significant noncompliance shall be applicable to all Significant Industrial Users and Categorical Industrial Users (or any other industrial user that violates paragraphs (A)(3), (A)(4), or (K) of this Section) and shall mean:

(A) Violations of wastewater discharge limits:

- (1) Chronic violations. A pattern of significantly violating applicable pretreatment standards and requirements under DGSD ordinance is indicated when 66% or more of all measurements taken during a six month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement including Instantaneous Limits as Defined in Section 3;
  - (2) Technical Review Criteria (TRC) violations. Defined here as those in which 33% or more of all the measurements taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 3, times the applicable TRC (TRC = 1.4 for BOD, TSS and FOG, and 1.2 for all other pollutants except pH);
  - (3) Any other violation or violations of Pretreatment Standard or Requirement as defined by Section 3 (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the General Manager determined has or have caused alone or in combination with other discharges, Interference, or pass through; or has endangered the health of DGSD personnel or the public;
  - (4) Any discharge of pollutants which have caused imminent endangerment to human health, welfare or to the environment and resulting in the DGSD exercising its emergency authority to halt or prevent such a discharge;
- (B) Failure to meet, within ninety (90) calendar days of a compliance schedule milestone, contained in an individual or general wastewater discharge permit or enforcement order for starting construction, completing construction, and attaining final compliance;
- (C) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, 90 day compliance reports, and periodic self-monitoring reports), or to correct and resubmit incomplete, inaccurate or improper reports returned to a user by the DGSD within 45 calendar days from the due date or date the report was returned to the user for resubmission;
- (D) Failure to accurately report noncompliance;

- (E) Reporting false information;
- (F) Failure to install monitoring facilities;
- (G) Discharging without permit or approval when such discharge causes interference, pass through, adversely effects sludge disposal options, or when continuing violations occur resulting in environmental damage;
- (H) Any violation of permit conditions if evidenced by intent or neglect;
- (I) Refusal by a significant industrial user to allow access by DGSD employees for the purposes of inspection or monitoring activities;
- (J) Violation of orders. Any violation of an order is SNC.
- (K) Any other violation or group of violations which the DGSD considers significant, which may include a violation of Best Management Practices, that the General Manager determines will adversely affect the operation or implementation of the local Pretreatment program.

## 9.2 COMPULSARY COMPLIANCE PROCEDURES

- (A) Informal Telephone Call/Written Follow-up: Whenever the General Manager finds that any user has a minor and infrequent or isolated violation of this ordinance, an individual or general wastewater discharge permit, or any other pretreatment requirement, the General Manager or his agent may notify by telephone call and maintain a written record of the conversation and required actions of the industrial user.
- (B) Notice of Violation: Whenever the General Manager finds that any user has violated or is violating this ordinance, an individual or general wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the General Manager or his agent may serve upon said user a written Notice of Violation (NOV). Within ten (10) working days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the General Manager. Submission of this plan in no way relieves the industrial 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 DGSD to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (C) Pre-enforcement Conference: Where the violation(s) of an industrial user are considered significant or where past enforcement actions have not resulted in compliance, the General Manager may call a pre-enforcement conference. The pre-enforcement conference shall be conducted in accordance with the procedures contained in Article VII of the DGSD's ordinances.
- (D) Consent Order: The General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific

action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 9.2(E) and 9.5 of this ordinance and shall be judicially enforceable.

- (E) Administrative Order: Issued to industrial users that sets specific requirements and means to meet compliance standards. The General Manager issues the order which details the nature of the violation and specific actions required by the IU to return to compliance and prevent reoccurrence of the violation. A schedule is included for the steps involved in the order and for overall compliance.
- (F) Show Cause Hearing: The General Manager may order any user which causes or contributes to violations(s) of this ordinance, individual or general wastewater discharge permits, or orders issued herein, or any other pretreatment standard or requirement, to appear at a hearing and show cause why a proposed enforcement action should not be taken. The show cause hearing shall be conducted in accordance with the procedures contained in Article VII of the DGSD's ordinance.
- (G) Cease and Desist Order: When the General Manager 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 General Manager may issue an order to the User directing it to cease and desist all such violations and direct the User to:
  - (1) Immediately comply with all requirements; and
  - (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

### 9.3 REVOCAION OF PERMIT

- (A) Conditions for revocation: Any industrial user who violates this ordinance, an order issued pursuant to Section 9.2 of this ordinance, the Illinois Environmental Protection Act or the Federal Act, or regulations promulgated under either Act, or any of the following is subject to having its wastewater discharge permit revoked in accordance with the procedures of this Section 9.3. Conditions for permit revocation are outlined in Section 5.6.
- (B) Procedures for Revocation
  - (1) The General Manager may order any industrial user who causes or allows any action, which is subject to revocation under Section 9.3(A) above, to show cause at a hearing why its wastewater discharge permit should not be revoked.

The show cause hearing shall be conducted in accordance with the procedures contained in Article VII of the DGSD's ordinance.

Following an order for the revocation of its wastewater discharge permit, the industrial user shall cease discharging to the POTW in accordance with the terms of said order. Failure to do so shall be a *prima facie* evidence of the continuing harm to the DGSD and provide grounds for the granting of injunctive relief or temporary restraining orders.

#### 9.4 ORDER TO SHOW CAUSE REGARDING DISCONNECTION

The DGSD may, upon discovering an ongoing or potential discharge to the DGSD which presents or may present imminent danger to the environment or the health and welfare of persons or which threatens to interfere with operations of the POTW, immediately issue an order to the responsible industrial user to show cause before the Board of Trustees why the DGSD should not disconnect service, revoke the industrial user's individual or general wastewater discharge permit or seek injunctive relief to prohibit the industrial user from making the discharge to the DGSD. Procedures to be followed in said show cause hearing shall be in accordance with Article VII of the DGSD's ordinance.

#### 9.5 IMMEDIATE DISCONNECTION OF SERVICE

- (A) Conditions of immediate disconnection of service: Any industrial user is subject to immediate disconnection of service under either of the following conditions:
- (1) whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the DGSD which reasonably appears to the General Manager to present imminent danger to the environment or the health and welfare of persons or which threatens to interfere with operation of the DGSD; or
  - (2) whenever the industrial user's individual or general wastewater discharge permit is revoked.
- (B) Procedures for immediate disconnection: notwithstanding any other sections of this ordinance, the General Manager shall have the authority, after informal notice to the industrial user, to immediately and effectively halt or prevent any discharge of pollutants to the DGSD that reasonably appears to present imminent danger to the environment, or the health and welfare of persons, or which threatens to interfere with operations of the DGSD. When the General Manager determines that such an emergency exists, he shall issue a verbal order, followed immediately by a written order, to the industrial user stating the problem and requiring immediate cessation of the discharge. The General Manager's actions may include disconnection of wastewater collection service. The General Manager shall obtain the concurrence of the DGSD attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the industrial user and DGSD employees, telephone calls, emails, letters, hand delivered messages or notices posted at the industrial user's premises or point of discharge.

## 9.6 ELIMINATION OF DISCHARGER/REINSTATEMENT

Any industrial user notified of a disconnection of wastewater treatment service or revocation of its individual or general wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of failure of the industrial user to comply voluntarily with the disconnection or revocation order, the DGSD shall take such steps as are deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the DGSD system or damage to any person. If the General Manager exercises his authority under Section 9.5(A)(1), above, the Manager shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

## Section 10 – JUDICIAL ENFORCEMENT REMEDIES

### 10.1 INJUNCTIVE RELIEF

Whenever a user has violated, or continues to violate, a pretreatment standard or requirement or continues to violate the provisions of this ordinance, individual or general wastewater discharge permit or orders issued hereunder, or any other pretreatment standard, the General Manager may petition the Circuit Court for the 18<sup>th</sup> Judicial Circuit, DuPage county, Illinois through the DGSD's attorney for the issuance of a temporary restraining order, preliminary injunction, 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 industrial user. Such other actions as appropriate for legal and/or equitable relief, including a requirement for the industrial user to conduct environmental remediation may also be sought by the DGSD. A petition for injunctive relief need not be filed as a prerequisite to taking other action against a user.

### 10.2 CIVIL PENALTIES

- (A) Any user that is found to have violated, or continues to violate, an order of the DGSD or who has failed to comply with the provisions of this ordinance and the orders, rules and regulations, individual or general wastewater discharge permits issued hereunder, or any other Pretreatment Standard or Requirement, shall be liable to the DGSD for a fine- in an amount of no less than \$100, or more than \$1,000 for each violation. For the purpose of this section, each day in which any such violation shall occur shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent, which has limitations listed in Section 3 of this ordinance, found to exceed the limits established in this ordinance during such day.
- (B) The General Manager may recover reasonable costs, including but not limited to, filing fees, witness fees, attorney's 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 DGSD.
- (C) In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factors as justice requires.
- (D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking other action against a user.

### 10.3 FALSIFICATION

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained

pursuant to this ordinance or individual or general wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be in violation of this ordinance and shall be subject to the penalties provided herein.

#### 10.4 REMEDIES NONEXCLUSIVE

The provisions in Sections 9 through 11 are not exclusive remedies. The DGSD reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the DGSD enforcement response plan. However, the DGSD reserves the right to take other actions against any user when the circumstances warrant. Further, the DGSD is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

#### 10.5 CRIMINAL PROSECUTION

If a User engages in activity or conduct in apparent violation of the statute of Illinois or a federal regulation, the DGSD may refer such matters to the Office of the State's Attorney, the IEPA, the USEPA or any other appropriate agency for investigation and criminal enforcement action. Any such referral will be made in addition to any appropriate enforcement action taken pursuant to the DGSD's enforcement response plan and will not reduce the DGSD's responsibility to aggressively pursue such enforcement.

The DGSD will seek, through the appropriate agency, the maximum criminal penalty assessable under statute or regulation and will supply evidence and testimony as deemed necessary by the agency in the prosecution of any such matters.

## Section 11 – ADDITIONAL REMEDIES

### 11.1 ADDITIONAL REMEDIES

- (A) In addition to the remedies available to the DGSD set forth elsewhere in this ordinance, if the DGSD is fined by the State of Illinois or USEPA for violation of the DGSD NPDES permit or violations of water quality standards as a result of a discharge of pollutants, then the fine, including all DGSD legal, sampling, analytical testing costs, and any other related costs shall be charged to the responsible industrial user or group of industrial users. Such charges shall be in addition to, and not in lieu of, any other remedies the DGSD may have under this ordinance, statutes, regulations, at law and in equity.
- (B) If the discharge from any industrial user causes a deposit, obstruction or damage to any portion of the DGSD collection system or wastewater facility, the DGSD shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost of such work, including materials, labor and supervision, shall be borne by the person(s), or industrial user causing such deposit, obstruction or damage.
- (C) The remedies provided in this ordinance shall not be exclusive and the DGSD may seek whatever other remedies authorized by statute, at law or in equity against any person or industrial user violating the provisions of this ordinance.
- (D) In addition to any fine levied under Section 10, the DGSD may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or provide such other affirmative relief as may be appropriate.

## Section 12 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 12.1 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 industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.
- (C) An industrial 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 industrial user can identify the cause(s) of the upset;
  - (2) The facility was being operated at the time in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures;
  - (3) The industrial user has submitted the following information to the DGSD and the treatment plant operator within 24-hours of becoming aware of the upset. If this information was provided verbally, a written submission must be provided within five (5) days:
    - (a) a description of the indirect discharge and cause of the noncompliance;
    - (b) the period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time noncompliance is expected to continue;
    - (c) steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- (D) In any enforcement proceeding, the industrial user seeking to prevent reoccurrence of an upset shall have the burden of proof.
- (E) Industrial users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (F) The industrial 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 pretreatment 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.

## 12.2 GENERAL/SPECIFIC PROHIBITIONS

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 3 of this ordinance if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources would cause pass through or interference and that either:

- (A) a local limit exists for each pollutant discharged and the industrial 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 DGSD was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

## 12.3 BYPASS

- (A) For the purposes of this section,
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- (B) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is essential for maintenance to assure efficient operation. These bypasses are not subject to paragraphs (C) and (D) of this section.
  - (C) Bypass Notifications
    - (1) Anticipated. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the DGSD, at least ten (10) days before the date of the bypass, if possible.
    - (2) Unanticipated. An industrial user shall submit oral notice of an unanticipated bypass that exceeds the applicable pretreatment standards to the DGSD within 24-hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial 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 DGSD may waive the written report on a case by case basis if the oral report has been received within 24-hours.

(C) POTW Actions

- (1) Bypass is prohibited, and the DGSD may take enforcement action against an industrial user for bypass unless:
  - (a) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) the industrial user submitted notices as required under paragraph (C) of this section.
- (2) The DGSD may approve an anticipated bypass, after considering adverse effects, if the DGSD determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

Section 13 – MISCELLANEOUS PROVISIONS

13.1 PRETREATMENT CHARGES AND FEES

The DGSD may adopt reasonable charges and fees for reimbursement of costs of operating the Pretreatment Program, which may include:

- (A) fees for individual or general wastewater discharge permit applications including the cost of processing the applications;
- (B) fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing an industrial user's discharge and reviewing monitoring reports submitted by industrial users;
- (C) fees for reviewing and responding to accidental discharge procedures and construction;
- (D) fees for filing appeals;
- (E) other fees as the DGSD may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from other fees, fines and penalties charged by the DGSD.