

# **DOWNERS GROVE SANITARY DISTRICT**

## **Article IIA**

### **PRETREATMENT ORDINANCE**

(Last Revision Date: November 27, 2022)

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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 District 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.

### 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, as amended. (33 UC, 1251, et seq.)

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

- (1) A reasonable corporate officer,
  - (i) 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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- (3) A duly authorized representative of the individual designated in paragraphs (1) and (2) above, if:
  - (i) the authorization is made in writing by the individual described in paragraphs (1) and (2) 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.
- (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) If an authorization under paragraph (3) 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 (3) 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).

“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.

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

“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 taken at selected intervals based on a flow proportional or time proportional method.

“Cooling Water” means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

“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.

“DGSD” means the Downers Grove Sanitary District.

“Director” means the Director of the IEPA.

“District Ordinance” means “An Ordinance Regulating the Use of Public Sewers and Sewer Systems”. Adopted by the Downers Grove Sanitary District on May 16, 1967, and subsequently amended.

“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.

“Flow” means any volume of wastewater per unit 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 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 without consideration of time.

“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, including but not limited to a manufacturer, commercial or process facility, or other facility engaged in the purchase or sale of goods, transaction or business or who otherwise renders services to the public.

“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.

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

“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.

“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) 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.

“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.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste discharged to water.

“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 prohibitive discharge standards, categorical pretreatment standards, and local limits.

“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.

“Sanitary Sewer” means a sewer, which is designed to carry sanitary and industrial wastewater, 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 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.

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

- (1) discharges an average of 25,000 gpd or more of process wastewater; or
- (2) contributes a process wastewater which makes up 5 percent or more of the dry weather average hydraulic or organic capacity of the DGSD; or
- (3) 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
- (4) is subject to any National Categorical Pretreatment Standard.

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

“Sludge” means the settleable solids separated from the liquids during the wastewater treatment process.

“Slug” means any discharge of water or wastewater in which the concentration of any given pollutant, as measured by a grab sample, exceeds by more than five (5) times the allowable concentration as set forth in Section 3.3 of this ordinance, or any pollutant, including oxygen demanding pollutants

(BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which would interfere or pass-through the POTW.

“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 using a Reeve Angel type 934A or 984H glass fiber filter disc as prescribed in *STANDARD METHODS*.

“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 of improper operation.

“User” means any person who contributes, causes or permits the contribution of wastewater into the Downers Grove Sanitary District system.

“Wastewater” means the combination of liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water.

- (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.

“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 storm-water, foundation drain-water, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any DGSD sanitary sewer.
- (B) No user shall contribute or cause to contribute, directly or indirectly, any pollutant or wastewater, which would interfere with 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) Pollutants which create a fire or explosive hazard in the municipal wastewater collection system and the treatment plant, including, but 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) Solids or viscous pollutants 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: means grease, 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.
  - (3) Any wastewater which will cause corrosive structural damage to the DGSD treatment plant or District sewers, but in no case wastewater having a pH of less than 5.5 or greater than 9.0, unless more strictly limited elsewhere in this ordinance.
  - (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, or are sufficient to prevent 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 the receiving stream water quality 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 which, either singly or by interaction with other pollutants, will cause interference with the treatment process, sludge treatment process or disposal procedure, 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.
- (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.
- (13) Any trucked or hauled pollutants, except at discharge points designated by the DGSD in accordance with Section 3.10.
- (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 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.

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

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
Copper, Total	2.54 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 shall be in the range of 5.5 – 9.0 Standard Units, for any grab sample.

Hexavalent Chromium shall be limited to 0.81 mg/L for any grab sample.

Total Cyanide shall be limited to 1.34 mg/L for any grab sample.

Compliance with the provisions of this section shall be required within one year of the effective date of this ordinance.

### 3.4 INCORPORATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

### 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. 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 if it will result in a violation of pretreatment standards, unless: bypass is unavoidable to prevent loss of life, personal injury or severe property damage; there is no feasible alternative to the bypass, such as auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime; and the industrial user notified the DGSD of the bypass either, a written notice at least 10 days in advance of bypass if it is due to a non-emergency condition, or a verbal notice within at least 24-hours of when the industrial user becomes aware of the bypass in the case of an emergency bypass.

### 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 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 SLUG CONTROL PLANS

The General Manager may require any industrial user to develop and implement a 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 slug control requirements will be incorporated into each industrial user's wastewater discharge permit and follow up evaluations shall monitor existing plans. Any industrial user required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

- (A) description of discharge practices, including non-routine batch discharges;
- (B) description of stored chemicals;
- (C) 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;
- (D) 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.

### 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) Septic tank wastes may be accepted into the DGSD treatment plant at a designated receiving structure within the treatment plant area and at such times as are established by the General Manager, provided such wastes do not violate Sections 3.2 through 3.4 of this ordinance or any other requirements established or adopted by the District.
- (B) The discharge of hauled industrial septage shall be prohibited under the terms of this ordinance unless prior approval and a wastewater discharge permit are issued by the District. No such permit shall be granted for any hauled industrial septage which would cause interference or pass-through the treatment plant or otherwise adversely affect operations of the DGSD treatment plant.
- (C) Fees for dumping hauled wastes shall be established as part of the user fee system as authorized in Article VI of "An Ordinance Regulating the Use of Public Sewer Systems" of the Downers Grove Sanitary District, as amended.

- (D) 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.
- (1) Only DGSD authorized permit holders may discharge hauled grease separator waste at the DGSD treatment plant.
    - (a) Any person wishing to obtain authorization to discharge hauled grease separator waste 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) 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.
      - (ii) 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.
      - (iii) 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.
      - (iv) 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 grease separator waste which is acceptable to DGSD may be discharged only at the District's Hauled Grease Waste Receiving Station located at 5003 Walnut Avenue, Downers Grove, Illinois, 60515. Hauled grease separator waste may be discharged at this location only 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 District. 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 District's ordinance.

- (3) No permit holder shall discharge or cause to be discharged hauled grease separator waste without presenting a completed Hauled Grease Separator Waste Receipt to the receiving station attendant at the time of discharge. The Hauled Grease Separator Waste 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 grease separator waste 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 grease separator waste 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 grease separator waste.
- (4) Any permit holder granted authorization under paragraph (1) to discharge hauled grease separator waste at the point designated herein and in possession of proper Hauled Grease Separator Waste 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 grease separator waste 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 grease separator waste 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 grease separator waste brought to the Hauled Grease Waste Receiving Station if, in the opinion of the attendant on duty, based on a review of the Hauled Grease Separator Waste Receipt, District records and the screening analyses:
  - (a) The hauled grease separator waste does not meet the conditions of this ordinance, or
  - (b) The hauled grease separator waste 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 grease separator waste discharged pursuant to this ordinance based upon the hauled grease separator waste 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 District 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 District may refuse to accept any further waste discharges from that permit holder.

#### Section 4 – WASTEWATER DISCHARGE PERMIT ELIGIBILITY

##### 4.1 WASTEWATER SURVEY

When requested by the General Manager, all industrial 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.

##### 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 a 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 liquid waste haulers to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

##### 4.3 WASTEWATER DISCHARGE PERMITTING FOR EXISTING SOURCES

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 a 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.

#### 4.4 WASTEWATER DISCHARGE PERMITTING FOR NEW CONNECTIONS

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

#### 4.5 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required in Section 6.1(C) of this ordinance. The General Manager shall approve a form to be used as a permit application. In addition, the following information may be required:

- (A) description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could be accidentally or intentionally discharged to the DGSD;
- (B) number and type of employees, hours of operation;
- (C) each product produced by type, amount or processes, and rate of production;
- (D) type and amount of raw materials processed (average and maximum per day);
- (E) site 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;
- (F) time and duration of discharge;
- (G) any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application;
- (H) 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 Public Sewer Systems: as adopted May 16, 1967 and as amended, Article IV, Section 1.

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

#### 4.6 APPLICATION SIGNATORIES AND CERTIFICATION

All 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.

#### 4.7 WASTEWATER DISCHARGE PERMIT DECISIONS

The DGSD will evaluate the data furnished by the significant 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.

The General Manager shall notify any user whose application for a permit is being denied in writing within ten (10) days of the determination to deny the permit. A user denied issuance of a permit may appeal to the DGSD Board of Trustees as described in Section 5.3.

### Section 5 – WASTEWATER DISCHARGE PERMIT ISSUANCE

#### 5.1 WASTEWATER DISCHARGE PERMIT DURATION

Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. 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.

#### 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 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 applicable to the user based on applicable standards in Federal, State, or local law;
- (4) self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State or local law;
- (5) 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) 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) development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- (5) development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the DGSD;
- (6) the unit charge or schedule of industrial user fees for the management of the wastewater discharged to the DGSD;
- (7) requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) 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;
- (9) 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.

- (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.

### 5.4 WASTEWATER DISCHARGE PERMIT MODIFICATION

The General Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (A) to incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- (B) 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;
- (C) a change in the DGSD system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (D) information indicating that the permitted discharge poses a threat to the DGSD's treatment system, personnel, or the receiving stream;
- (E) violation of any terms or conditions of the wastewater discharge permit;
- (F) misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) to correct typographical or other errors in the wastewater discharge permit;
- (H) to reflect a transfer of the facility ownership and/or operation to a new owner/operator.

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

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.

The notice to the General Manager must include a written certification by the new owner and/or operator which:

- (A) states that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (B) identifies the specific date on which the transfer is to occur;
- (C) 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

Wastewater discharge permits may be revoked for 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.

## 5.7 WASTEWATER DISCHARGE PERMIT RENEWAL

A significant 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 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, and all the Standard Industrial Classification (SIC) 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 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.

- (b) Where feasible, obtain samples through the flow-proportional composite sampling techniques specified in the applicable National Categorical Pretreatment Standards. Where compositing is not feasible, four (4) grab samples shall be collected and analyzed.
- (c) Sampling must be performed in accordance with procedures set out in Section 6.10.
- (6) Certification – A statement reviewed by the industrial user’s authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance schedule – If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the 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) 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(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 as 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.

## 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

District containing the information described in Section 6.1(C)(4-6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c), 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

- (A) Any significant 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 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.
- (B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of 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.
- (C) At the discretion of the General Manager the reporting period of an industrial user may be altered from semi-annual to quarterly or monthly.
- (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 Section 6.10 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.

- (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 a wastewater discharge permit under Section 4.7 or modify an existing wastewater discharge permit under Section 5.4 of this ordinance.

- (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, flow increases of ten percent (10%) or greater, and/or the discharge of any previously unreported pollutants, shall be deemed a significant change.
- (E) Planned significant 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.

Planned significant 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.

## 6.6 REPORTS OF POTENTIAL PROBLEMS

- (A) In the case of any discharge, including, but not limited to: accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge, or a slug load 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 District of the incident. This notification shall include the location of the discharge, type of material, concentration and volume, if known, and corrective actions to be taken by the industrial user.
- (B) 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.
- (C) Failure to notify the DGSD of potential problem discharges shall be deemed a separate violation of this ordinance.
- (D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place, advising employees whom to call in the event of a discharge described in paragraph (A), above. Employer's shall ensure 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 subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the DGSD as the General Manager may require.

## 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.

## 6.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- (A) 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 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.

#### 6.10 ANALYTICAL REQUIREMENTS

All measurements, tests and analyses to which reference is made in this ordinance shall be determined and performed in accordance with the procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question or where the 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 Administrator.

#### 6.11 SAMPLE COLLECTION

- (A) Except as indicated in Section (B), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling or grab sampling where the user demonstrates that this will provide representative samples of the effluent being discharged. In additions, grab samples may be required to show compliance with instantaneous discharge limits.
- (B) The baseline monitoring reports described under Section 6.1 require the use of composite sampling methods appropriate to the character of the regulated process discharge. If composite samples are not feasible, a minimum of four (4) grab samples may be collected and analyzed if approved by the General Manager.
- (C) Samples collected for analysis of oil and grease (FOG), temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sample collection techniques.

#### 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.

### 6.14 RECORD KEEPING

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the General Manager.

## Section 7 – COMPLIANCE MONITORING AND INSPECTION OF INDUSTRIAL USERS

### 7.1 MONITORING FACILITIES

- (A) The DGSD shall require to be provided and operated at the significant industrial user's own expense, monitoring facilities 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. Any facility to be constructed in the public street or sidewalk area may require permits or approvals from other governmental agencies.
- (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, any significant 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. The chamber shall be safely, easily and independently accessible to authorized representatives of the DGSD at any time.
  - (1) 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.

- (2) When required, samples shall be taken every hour or half-hour, as determined by the DGSD and properly refrigerated and preserved and shall be composited in proportion to the flow for the representative 24-hour sample. Such sampling shall be done as prescribed in the user's wastewater discharge permit.

## 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 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 or its representatives ready access upon presentation of credentials at reasonable times to all parts of said premises for the purposes of inspection, sampling, and 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, the user shall make all necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the DGSD 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) 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.
- (C) Unreasonable delays in allowing DGSD personnel access to the industrial user's premises shall be a violation of this ordinance.
- (D) Industrial users and the DGSD shall maintain records of all information resulting from any monitoring activities required by this ordinance and 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.
- (E) The DGSD and 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.

### 7.3 SEARCH WARRANTS

If the General Manager has 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 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 of the industrial user.
- (B) 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. The notification shall also summarize any enforcement actions taken against those industrial users during the same twelve months. The term significant noncompliance shall mean:

- (A) Violations of wastewater discharge limits:
  - (1) Chronic violations. A pattern of significantly violating applicable pretreatment standards and requirements under District ordinance is indicated when 66% or more of all measurements taken during a six month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
  - (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 daily maximum or average limit 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 an effluent limit, daily maximum limit or average that has or have caused alone or in combination with other discharges, interference (e.g., slug loads or contamination effecting sludge disposal options), or pass through; or has endangered the health of District 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 District exercising its emergency authority to halt or prevent such a discharge;
- (B) Violation, by ninety days or more after the schedule date, of a compliance schedule milestone, contained in a 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, 90 day compliance reports, and periodic self-monitoring reports), or to submit incomplete, inaccurate or improper reports returned to a user by the District within 30 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 District 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 District considers significant.

## 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, a 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, a 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 District's ordinances.
- (D) 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.
- (E) Show Cause Hearing: The General Manager may order any user which causes or contributes to violations(s) of this ordinance, 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 District's ordinance.

### 9.3 REVOCAION OF PERMIT

(A) Conditions for revocation: Any industrial user who violates this ordinance, an order issued pursuant to Section 9.2(C) 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:

- (1) failure of an industrial user to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by the industrial user or the POTW's analysis;
- (2) failure of the industrial user to fully and accurately report significant changes in process activity which could effect its wastewater discharge or wastewater constituents and characteristics;
- (3) refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring by the POTW representatives;
- (4) tampering with, disrupting, or destroying POTW equipment;
- (5) failure to report an accidental discharge of pollutants;
- (6) failure to report an upset of the industrial user's treatment facilities; or
- (7) violation of any condition of the wastewater discharge permit.

(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 District's ordinance.
- (2) 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 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 District'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 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, 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 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 a pretreatment standard or requirement or continues to violate the provisions of this ordinance, 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 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 an order of the DGSD or who has failed to comply with the provisions of this ordinance and the orders, rules and regulations, wastewater discharge permits issued hereunder, shall be fined 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 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 District.
- (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 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 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.

## 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. 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 DGSD 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 submissions 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, along with 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 permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 12.3 BYPASS

- (A) 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 (B) and (C) of this section.
- (B)
  - (1) 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) 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)
  - (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 (B) 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 (C)(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 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; 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.