



12 South Center Street  
Bensenville, IL 60106

Office: 630.350.3404  
Fax: 630.350.3438  
[www.bensenville.il.us](http://www.bensenville.il.us)

**VILLAGE BOARD**

March 3, 2020

**President**  
Frank DeSimone

**Board of Trustees**  
Rosa Carmona  
Ann Franz  
Marie T. Frey  
McLane Lomax  
Nicholas Pancola Jr.  
Armando Perez

**Village Clerk**  
Nancy Quinn

**Village Manager**  
Evan K. Summers

**Mr. Paul De Michele**  
275 Rodeck Lane  
Bensenville, Illinois 60106

Re: February 24, 2020 FOIA Request

Dear Mr. De Michele:

I am pleased to help you with your February 24, 2020 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on February 25, 2020. You requested copies of the items indicated below:

*"A copy of the agreement referenced in VI B3 of the February 18<sup>th</sup> agenda. A copy of the ordinance referenced in VI E7 of the January 21, 2020 agenda."*

After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Ordinance No. 5-2020. (33 pgs.)
- 2) Village of Bensenville Ordinance No. 4-2020. (107 pgs.)

These are all the records found responsive to your request.

Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords, or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5). Consequently, certain identifiers have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us). You may also have a right of judicial review of the denial under Section 11 of the FOIA, 5 ILCS 140/11.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

  
Corey Williamson  
Freedom of Information Officer  
Village of Bensenville

Corey Williamsen  
Deputy Clerk

February 24, 2020

7126

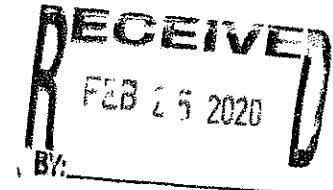
Pursuant to the Freedom of Information Act, I am requesting the following:

A copy of the Agreement referenced in VI B3 of the February 18th agenda

A copy of the ordinance referenced in VI E7 of the January 21, 2020 agenda

You can mail the response to the address below.

Paul DeMichele  
17W275 Rodeck Lane  
Bensenville, Illinois, 60106



Thanks  
*P.D.*  
Paul DeMichele

**COPIES ATTACHED**

Village Board

Village President  
Frank DeSimone

Trustees

Rosa Carmona  
Ann Franz  
Marie T. Frey  
McLane Lomax  
Nicholas Panicola Jr.  
Armando Perez

Village Clerk  
Nancy Quinn

Village Manager  
Evan K. Summers



BENSENVILLE  
GATEWAY TO OPPORTUNITY

**Village of Bensenville, Illinois  
VILLAGE BOARD  
COMMITTEE OF THE WHOLE  
AGENDA**

**6:30 PM February 18, 2020**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES

1. *January 21, 2020 Committee of the Whole Minutes*

**VI. REPORTS OF VILLAGE DEPARTMENTS**

A. Administration

1. *Consideration of an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Chapter Three of Title Four of the Bensenville Village Code to Prohibit the Use of Tobacco Products, Alternative Nicotine Products and Electronic Cigarettes in the Village's Parks*
2. *Consideration of an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending the Bensenville Village Code Regarding Possession of Cannabis and Drug Paraphernalia*

B. Community and Economic Development

1. *Consideration of a Motion to Take a Request for a Special Use Permit at 754 - 758 Industrial Drive From the Table*
2. *Consideration of an Ordinance Approving a Special Use Permit to Allow Motor Vehicle Repair at 754-758 Industrial Drive*
3. *Consideration of an Ordinance Approving the Annexation Agreement for 4N251 Hawthorne Avenue (Parcel number: 03-23-307-002)*
4. *Consideration of an Ordinance Annexing 4N251 Hawthorne Ave. into the Village of Bensenville*
5. *Consideration of a Resolution Approving the Adoption of the 2020 Village of*

PUBLIC  
NOTICE  
JAN 14 2-18  
VILLAGE  
BOARD

1. Consideration of an Ordinance Authorizing the Village of Bensenville to Borrow Funds from the Public Water Supply Loan Program

2. Consideration of a Resolution Designating the Village Manager as the Authorized Representative to Sign PWSLP (Public Water Supply Loan Program) Loan Application Documents and all Other Documents Related to the White Pines Water Main Replacement Project

D. Police Department - No Report

E. Public Works

1. Consideration of a Resolution Authorizing the Close-out of the Motor Fuel Tax (MFT) Funds to Pay for Roadway Related General Maintenance in the Amount of \$265,001.63 from January 1, 2019 to December 31, 2019
2. Consideration of a Resolution Authorizing the use of Motor Fuel Tax (MFT) Funds to Pay for Roadway Related General Maintenance in the Amount of \$390,000.00 from January 1, 2020 to December 31, 2020
3. Consideration of a Resolution Authorizing the 2020 Approved Vendor List for Village Departments Utilizing Parts, Equipment, and Services
4. Consideration of a Resolution Authorizing the Execution of a Two (2) Year Contract with Stewart Spreading Inc. for Year 2020 and 2021 for Sludge Hauling and Land Application in the Not-to-Exceed Amount of \$199,900
5. Consideration of a Resolution Authorizing the Execution of a Two (2) Year Contract with Balanced Environments Inc. for the 2020-21 Parkway Tree Removal and Stump Grinding and Restoration Program in the Not-to-Exceed Amount of \$36,500
6. Consideration of a Resolution Authorizing an Execution of a Purchase Order to Regional Truck Equipment for Furnishing and Installation of One (1) Stainless Steel Dump Truck Body to Village's Fleet (Truck #244) in the Not-to-Exceed Amount of \$17,245
7. Consideration of an Ordinance of the Village of Bensenville, DuPage and Cook Counties, IL Amending Title 8 Chapter 6 of the Bensenville Village Code to Update the Sewers and Wastewater Treatment Code
8. Consideration of the Approval of a Special Needs Sign Policy

F. Recreation

1. Consideration of a Resolution Authorizing a Facility Usage License Agreement with 200 x 85, LLC. for the ChiTown Shuffle Youth Hockey Tournament.
2. Consideration of a Resolution Authorizing a Facility Usage License Agreement with Legacy Global Sports, Inc.
3. Consideration of a Resolution Authorizing a Facility Usage License Agreement with HHD Hockey
4. Consideration of a Resolution Authorizing the Execution of a Facility Rental Use Agreement with Chris Jimes Hockey.

VII. INFORMATIONAL ITEMS

VIII. UNFINISHED BUSINESS

IX. EXECUTIVE SESSION

**VILLAGE OF BENSENVILLE  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

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**Ordinance No. 5-2020**

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois  
Authorizing an Annexation Agreement for Property Commonly Known as  
4N251 Hawthorne Avenue**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 25th DAY OF FEBRUARY 2020**

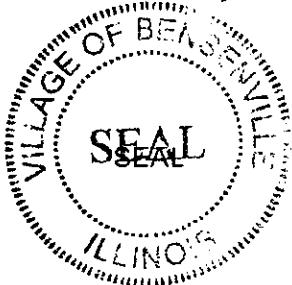
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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 26<sup>th</sup> day of February, 2020

STATE OF ILLINOIS )  
COUNTIES OF COOK )  
SS AND DUPAGE )

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 5-2020 entitled an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Authorizing an Annexation Agreement for Property Commonly Known as 4N521 Hawthorne Avenue.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this  
26th day of February, 2020.



Corey Williamsen  
Deputy Village Clerk

**ORDINANCE NUMBER 5-2020**

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AUTHORIZING AN ANNEXATION AGREEMENT FOR PROPERTY COMMONLY KNOWN AS 4N251 HAWTHORNE AVENUE**

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**WHEREAS**, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, it is in the best interests of the Village that a certain Annexation Agreement pertaining to the property commonly known as 4N251 Hawthorne Avenue, Bensenville, Illinois be entered into, a copy of said Annexation Agreement being attached hereto and made a part hereof, as Exhibit A; and

**WHEREAS**, the legal owner(s) of record of the unincorporated territory that is the subject of the Annexation Agreement is ready, willing, and able to enter into the Annexation Agreement and to perform the obligations as required therein; and

**WHEREAS**, the statutory procedures provided in Section 11-15.1-1 of the Illinois Municipal Code for the execution of the Annexation Agreement have been fully complied with; and

**WHEREAS**, it is in the best interest of the Village to enter into the Annexation Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** The Annexation Agreement by and between the owner(s) of the property located at 4N251 Hawthorne Avenue, Bensenville, Illinois and the Village of Bensenville, DuPage and Cook Counties, Illinois (the “*Annexation Agreement*”), a copy of which is attached hereto and made a part hereof as Exhibit A, is hereby authorized and approved.

**Section 3.** The Village President and Village Clerk are hereby authorized and directed to execute and deliver the Annexation Agreement and any and all other documents necessary to implement the provisions, terms and conditions thereof, as therein described.

**Section 4.** The officers and officials of the Village are hereby authorized to undertake actions on the part of the Village as contained in the Annexation Agreement to complete satisfaction of the provisions, terms and conditions stated therein.

**Section 5.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 6.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 7.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

*(Intentionally Left Blank)*

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 25th day of February 2020, pursuant to a roll call vote, as follows:

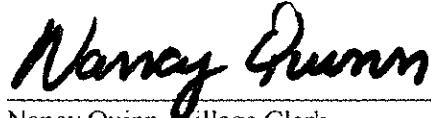
APPROVED:



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Frank DeSimone, Village President

ATTEST:



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Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Panicola, Perez

---

NAYES: None

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ABSENT: Lomax

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Exhibit A

Annexation Agreement

## **ANNEXATION AGREEMENT**

This Annexation Agreement ("Agreement") is made and entered into this 25<sup>th</sup> day of February, 2019 by and between the Village of Bensenville, a municipal corporation (the "Village") and Brian Lee Harmon and Francisca Haydee Harmon (the "Residents").

### **RECITALS:**

**WHEREAS**, the Residents are the owners of the property identified in the respective Voluntary Petitions for Annexation which are attached as "Exhibit A". Collectively all the property that is described in the Voluntary Petitions for Annexation attached as Exhibit A shall hereinafter be known and referred to herein as the "Territory";

**WHEREAS**, the Territory is located in DuPage County, Illinois; and

**WHEREAS**, the Residents desire to have the Territory voluntarily annexed to the Village pursuant to the provisions of 65 ILCS 5/7-1-8 in accordance with the terms and conditions hereinafter set forth herein; and

**WHEREAS**, each of the Petitions for Voluntary Annexation to the Village pursuant to 65 ILCS 5/7-1-8 that are attached as Exhibit A each state that: (1) they are signed by all the owners of property described in said Petition and (2) that to the extent there are any Electors residing on property, it is signed by more than 51% of the Electors residing on the property described in the Petition; and

**WHEREAS**, the Territory is presently contiguous to the corporate limits of the Village of Bensenville; and

**WHEREAS**, upon due notice and advertisement as provided by law, the Village has held such public hearings on the zoning of the Territory as are required by law, and after due deliberation thereon and the receipt of public comment with respect thereto, has made determinations and findings of fact with respect to the zoning of the Territory upon its annexation to the Village; and

**WHEREAS**, the Corporate Authorities of the Village has received the report of the Village Staff, and has given due and careful consideration of the reports and the recommendations for the zoning of the Territory upon annexation and has reviewed this proposed annexation agreement in substance and form substantially the same as this Agreement; and

**WHEREAS**, the Residents are legally authorized to enter into this Agreement with the Village and to perform all of their respective undertakings and covenants set forth herein; and

**WHEREAS**, the Corporate Authorities of the Village have evaluated the annexation of the Territory described in the Petition according to the terms of this Agreement; and

**WHEREAS**, the Village, after due and careful consideration, has concluded that the annexation and zoning of the Territory pursuant to the terms and conditions hereinafter set forth would allow the Village to provide better water service to the Territory, extend the corporate limits and jurisdiction of the Village, permit the sound planning and development of the Village and otherwise enhance and promote the general welfare of the Village and its residents.

**NOW, THEREFORE**, in consideration of the promises, undertakings and covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged by the parties hereto, the Residents and Village agree as follows:

**1.0 Recitals.**

The foregoing recitals are hereby incorporated into this Agreement as if fully set forth in this paragraph 1.

**2.0 Annexation.**

The Residents have submitted petitions to annex the Territory to the Village of Bensenville that are in full compliance with the requirements of 65 ILCS 5/7-1-8. A plat of annexation correctly depicting the Territory to be annexed to the Village has been prepared. At the first meeting of the

Corporate Authorities of the Village at which the annexation of the Territory can be legally approved following the giving of any notices that may be required pursuant to 65 ILCS 5/7-1-1, if any, the Village shall adopt an ordinance annexing (the “Annexation Ordinance”) all of the Territory that is collectively described in “Exhibit A” into the corporate limits of the Village. The Village shall, as soon as reasonably practicable following the approval of the Annexation Ordinance record and file copies of the Annexation Ordinance and Plat of Annexation with the DuPage County Recorder of Deeds, the DuPage County Clerk and the required election authority. The Village shall also notify the Illinois Department of Revenue of the annexation of the Territory.

### **3.0 Zoning:**

3.1 Immediately following adoption of the ordinance annexing the Territory into the Village, the Corporate Authorities of the Village shall approve: (1) an Ordinance which creates a new overlay zoning district for the Territory that adopts the DuPage County Zoning Ordinance to the extent that it was applicable to the Territory prior to annexation; and (2) an Ordinance rezoning the Territory into the newly adopted overlay zoning District, such that, during the term of this Annexation Agreement, the Territory continues to be subject to the same relevant zoning district provisions that were applicable to it prior to the date of its annexation.

3.2 The zoning classifications of the Territory shall remain in effect from and after the adoption of the ordinances zoning the Territory to the zoning classifications provided herein, unless an amendment or change is sought by a Resident, or the then fee owner of any portion of the Territory and approved by the Village. Notwithstanding the foregoing, the parties agree that if, during the term of this Annexation agreement, the Village re-defines or amends the zoning classification applicable to the Territory, the regulations established by such re-defined or amended zoning classification shall not be more restrictive than, and shall not impose greater limitations on

the development, use or enjoyment of the Territory, or any portion thereof, than the Zoning District Regulations adopted pursuant to Section 3.1

**4.0 Water Main.**

4.1 The Village shall pursue the construction of new water mains serving the Territory pursuant to the proposed overview that is attached as "Exhibit B". As new water mains are completed they shall be operated and maintained as part of the Village's public water system. After the annexation of the Territory, the Village shall cause the necessary engineering plans to be prepared, obtain the necessary funding for the costs of the new water main project and pursue any and all permits that may be required.

4.2 Easements- Permanent. In the event, the owners of any property or lot within the Territory have any property interest in any portion of the right-of-way upon which any new water main is proposed to be constructed, they shall execute, authorize and approve a permanent easement authorizing the Village to construct, operate, maintain and replace any such new water main and any related equipment and facilities within the required right-of-way. If the Village, in the exercise of its discretion determines that the water main cannot or should not be installed within the existing right-of-way and must be installed within the portion of any lot that is not subject to any right-of-way, the owners of any property or lot within the Territory upon which any portion of the new water main is proposed to be constructed shall execute, authorize and approve a 15 foot permanent easement (as measured perpendicular to the road right-of-way) that runs parallel with and adjacent to the road right-of-way. The permanent easement shall be in a form that is acceptable to the Village and shall be recorded at the expense of the Village. In the event a separate permanent easement is not executed or is not recorded, the execution of this Annexation Agreement by the owners of any portion of the Territory upon which a permanent easement is required by this Section shall be deemed to authorize, include and complete the grant of the permanent easement required herein for the Village to

construct, operate, maintain, and replace the water main. The permanent easement so granted shall remain in affect following the termination of this Annexation Agreement.

4.3     Temporary Construction Easements. In order to facilitate the construction of the proposed new water mains, the owners of the property within the Territory shall execute temporary construction easements attached as "Exhibit C". In the event a separate temporary construction easement is not executed or is not recorded, the execution of this Annexation Agreement by the owners of any portion of the Territory shall be deemed to authorize, include and complete the grant of the temporary construction easement pursuant to the terms set forth in this Annexation Agreement and "Exhibit C".

4.4     Replacement of Service lines. In the event, the construction of the proposed new water lines requires the replacement of or the new installation of a water service line from the proposed new main to the entry point of the service line to the structure located within the Territory, such work shall be completed at the cost of the Village. Upon the completion of each service line and the Village's inspection and approval of the contractor's work, the owner of the property upon which the new service line has been located and its heirs, successors, assigns and transferees shall thereafter be responsible for the future operation of the water service line downstream from the B-Box (the valve which allows water to the service line to be turned off).

4.5     Landscape Restoration. The Village, at its cost, shall be responsible for all landscape restoration work and any other damage caused to any property within the Territory to the extent such restoration work or damage has been made necessary or has been caused by any Village activities conducted pursuant Sections 4.1 through and including 4.4.

4.6     Water surcharge. In order to in part compensate the Village for the costs of the work that is required by this Annexation Agreement, a monthly surcharge of \$50.00 shall be added to each future water bill issued to each water user account within the Territory for a period of 5 calendar

years (i.e. 60 monthly surcharge payments of \$50.00). Except, the surcharge shall be reduced to \$25.00 per month for senior citizen property owners within the Territory as defined by the Village.

**5.0      Miscellaneous:**

5.1      The parties acknowledge and agree that the individuals who are members of the Corporate Authorities of the Village of Bensenville are entering into this Agreement for and on behalf of the Village of Bensenville and that they shall have no personal liability in their individual capacities.

5.2      (a)      This Agreement shall be valid and binding for a term of twenty (20) years after the date it is first executed by the Village and all the Residents and is further intended to be binding upon each successive owner of any portion of the Territory and shall constitute a covenant running with the land. This Agreement shall be recorded with the DuPage County Recorder's Office.

(b)      If a Resident or its successors sell a portion of the Territory, the seller shall be deemed to have assigned to the purchaser any and all rights and obligations it may have under this Agreement which affect the portion of the Territory sold or conveyed and thereafter the seller shall have no further obligations under this Agreement as it relates to the portion of the Territory so conveyed, but any such seller shall retain any rights and obligations it may have under this Agreement with respect to any part of the Territory retained and not conveyed by such seller.

5.3      The failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements, and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect. No action taken by any party to this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in this Agreement shall be

cumulative and non-exclusive of any other remedy either set forth herein or available to any party at law or equity.

5.4 This Agreement may only be amended by the Village's adoption of an ordinance authorizing the execution of such amendment, after a public hearing in accordance with Article 11, Division 15.1 of the Illinois Municipal Code (65 ILCS 5/11-15.1-1 et. seq.) and the subsequent execution of such amendment by all of the other parties hereto.

5.5 In the event that any pertinent existing or future regulations, resolutions or ordinances of the Village are inconsistent with or conflict with the terms or provisions of this Agreement, the terms or provisions of this Agreement shall supersede the regulations, resolutions or ordinances in question to the extent of such inconsistency or conflict.

5.6 (a) Upon a breach of this Agreement, any of the parties may secure the specific performance of the covenants and agreements herein contained or may exercise any remedies available at law via an appropriate action, the sole venue for which shall be in the Circuit Court of DuPage County, Illinois.

(b) In the event of a material breach of this Agreement, the parties agree that the party alleged to be in breach shall have thirty (30) days after written notice of said breach to correct the same prior to the non-breaching party seeking a judicial remedy as provided for herein (provided, however, that said thirty (30) day period shall be extended if the defaulting party has commenced to cure said default and is diligently proceeding to cure the same).

(c) If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (including, without limitation, acts of God, war, strikes, inclement weather conditions, inability to secure governmental permits, or similar acts), the time for such performance shall be extended by the

length of such delay provided, however that the party that seeks the benefit of this provision shall give the other(s) written notice of both its intent to rely upon this provision and the specific reason which permits the party to avail itself of the benefit of this provision.

5.7 This Agreement sets forth all agreements, understandings, and covenants between and among the parties. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and is a full integration of the entire Agreement of the parties.

5.8 If any provision, clause, word, or designation of this Agreement is held to be invalid by any court of competent jurisdiction, such provision, clause, word or designation shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any other provision, clause, word, or designation contained herein. Furthermore, if any provision of this Agreement is held invalid, the invalidity thereof shall not cause the Village to change any zoning classification which has been approved by the Village pursuant to the provisions of the Village's ordinances and the valid provisions of this Agreement.

5.9 It is understood and agreed by the parties hereto that the successful consummation of this Agreement requires their continued cooperation. No Resident shall seek to disconnect any portion of the Territory from the Village during the term of this Agreement.

5.10 This Agreement may be executed in multiple counterparts, all of which when taken together shall constitute one Agreement.

5.11 The headings of the Sections of this Agreement are for convenience and reference only and do not form a part hereof and do not modify, interpret or construe the understandings of the parties hereto.

5.12 This Agreement may be reproduced by means of xerox process or otherwise by electronic means or from a digitally stored format. Each such reproduction, if it shows execution by

the parties, shall for all purposes be deemed, and the same is hereby declared, to be a duplicate original of this Agreement.

5.13 Terms used in this Agreement shall be read in the singular or the plural as may be appropriate to the context in which they are used.

5.14 Notices, including Notices to effect a change as to the persons hereinafter designated to receive Notice(s), or other writings which any party is required to or may wish to serve upon any other party in connection with this Agreement shall be in writing and shall be delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Village, or the Corporate Authorities:

VILLAGE OF BENSENVILLE  
Attention: Village Manager  
12 S. Center St.  
Bensenville, Illinois 60106

with a copy to the Village Attorney:

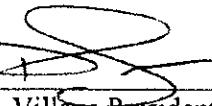
Montana & Welch L.L.C.  
11952 S. Harlem Ave., Suite 200A  
Palos Heights, IL 60403

If to Resident, to the address of the Resident set forth adjacent to the Residents' signature:

5.15 The parties each intend that this Agreement shall require the parties to act in accordance with any and all applicable laws and regulations enacted by any other governmental authority which are applicable to any action or activity undertaken by either party pursuant to, under, or in furtherance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year identified with their signature.

**VILLAGE OF BENENVILLE,**

By: 

Village President

**ATTEST:**

By:

  
Nancy Quinn  
Village Clerk

**RESIDENTS:**

<p>BRIAN HARVEY [printed name] 411251 Hawthorne Ave [address line 1] Bensenville, IL 60106 [address line 2]</p> <p>Signature Date: 3/20/2019</p>	<p>FRANCISCA HARVEY [printed name] 411251 Hawthorne Ave [address line 1] Bensenville, IL 60106 [address line 2]</p> <p>Signature Date: 3/20/19</p>
<p>[printed name] [address line 1] [address line 2]</p> <p>Signature Date: _____</p>	<p>[printed name] [address line 1] [address line 2]</p> <p>Signature Date: _____</p>
<p>[printed name] [address line 1] [address line 2]</p> <p>Signature Date: _____</p>	<p>[printed name] [address line 1] [address line 2]</p> <p>Signature Date: _____</p>

[printed name]	[printed name]
[address line 1]	[address line 1]
[address line 2]	[address line 2]
Signature	Signature
Date: _____	Date: _____
[printed name]	[printed name]
[address line 1]	[address line 1]
[address line 2]	[address line 2]
Signature	Signature
Date: _____	Date: _____
[printed name]	[printed name]
[address line 1]	[address line 1]
[address line 2]	[address line 2]
Signature	Signature
Date: _____	Date: _____

Duplicate Signature Page as needed

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF DUPAGE )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Brian Lee Harmon, personally known to me to be the individual that appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing instrument as a RESIDENT for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this 20 <sup>th</sup> day  
of MARCH, 2019.

Notary Public

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
 ) SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Francisca Haydee Harmon, personally known to me to be the individual that appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing instrument as a RESIDENT for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this 20<sup>th</sup> day  
of MARCH, 2019.

Notary Public

Duplicate Notary Block as needed

**EXHIBIT A TO ANNEXATION AGREEMENT**  
(Signed Petitions for Voluntary Annexation)

## Village of Bensenville

### Annexation Application

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Property to be Annexed:

Address: 4N251 Hawthorne Avenue, Bensenville IL 60106

PIN(s): 03 - 23 - 307 - 002

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Property Owners' Information:

Name: Brian Harenc FRANCISCA HARENC

4N251 Hawthorne Ave

Address: Bensenville, IL 60106

Phone: [REDACTED]

Email: [REDACTED]

---

Please fill in the following information for each person residing at the above address. Please check all the applicable boxes.

- 1) Name: Brian Harenc Owner  Elector  Tenant  Senior
- 2) Name: FRANCISCA HARENC Owner  Elector  Tenant  Senior
- 3) Name: \_\_\_\_\_ Owner \_\_\_\_\_ Elector \_\_\_\_\_ Tenant \_\_\_\_\_ Senior \_\_\_\_\_
- 4) Name: \_\_\_\_\_ Owner \_\_\_\_\_ Elector \_\_\_\_\_ Tenant \_\_\_\_\_ Senior \_\_\_\_\_
- 5) Name: \_\_\_\_\_ Owner \_\_\_\_\_ Elector \_\_\_\_\_ Tenant \_\_\_\_\_ Senior \_\_\_\_\_
- 6) Name: \_\_\_\_\_ Owner \_\_\_\_\_ Elector \_\_\_\_\_ Tenant \_\_\_\_\_ Senior \_\_\_\_\_

Note:

- a) An Owner is an individual or entity in possession of title for the land/building.
- b) An Elector is a person registered to vote who resides at the address.
- c) A Tenant/Renter is a person to whom a landlord grants use of the land/building, usually in exchange for rent.
- d) A Senior is a resident who is of 65 years of age or older.

## **PETITION FOR VOLUNTARY ANNEXATION**

**TO: The President, Board of Trustees and Village Clerk  
Village of Bensenville, Illinois**

**WHEREAS**, the undersigned Owners are the owners of the property that is legally described on "Exhibit 1" (the "Subject Property"), which is attached hereto and incorporated herein; and

**WHEREAS**, the undersigned Electors are 51% or more of the Electors residing upon the Subject Property (Pursuant to Illinois Statute, 65 ILCS 5/7-1-1.1, an "Elector" is anyone registered to vote); and

**NOW THEREFORE**, the undersigned Owners and Electors do hereby petition to annex the property legally described in Exhibit 1 along with any adjacent rights-of-way that are not already within any municipality, if any, to the Village of Bensenville, Illinois pursuant to Section 5/7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8), and under oath state as follows:

1. The above recitals are true, correct, material to this Petition and incorporated herein as if they were fully set forth in this paragraph.
2. The Subject Property is not within the corporate limits of any municipality.
3. The Subject Property is either contiguous to the corporate limits of the Village of Bensenville.
4. The undersigned Owners are the only owners of the Subject Property.
5. The undersigned Electors residing on the Subject Property, if any, state that at least 51% of the Electors residing upon the Subject Property have signed this Petition. (Pursuant to Illinois Statute, 65 ILCS 5/7-1-1.1 an "Elector" is anyone registered to vote)
6. The undersigned Owners and Electors, request that the corporate authorities of the Village of Bensenville annex the Subject Property along with those portions of any right-of-way that are adjacent to the Subject Property and not within another municipality, if any, by the passage of an Ordinance pursuant to 65 ILCS 5/7-1-8.

After first being duly sworn and under oath, the undersigned Owners and Electors state that the statements contained herein are true and correct to the best of each of their knowledge and belief.

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

*Bretel Harmon*

[Printed Name]

Date: 3/20/19

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

*Francisca Harmon*

[Printed Name]

Date: 3/20/2019

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

**[OWNER][ELECTOR]**  
(Circle each status that is applicable)

[Printed Name]

Date: \_\_\_\_\_

(add additional signature lines as necessary)

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
                          ) ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Brian Lee Harmon, personally known to me to be the individual that

appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing Petition for Voluntary Annexation as an [OWNER][ELECTOR] (Circle each status that applies) for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this 7<sup>th</sup> day

of MARCH, 2018.

Notary Public



STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
 ) ss.  
 )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Francisca Haydee Harmon, personally known to me to be the individual that

appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing Petition for Voluntary Annexation as an [OWNER][ELECTOR] (Circle each status that applies) for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this 22<sup>nd</sup> day

of March, 2018.

---

## Notary Public



I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that , personally known to me to be the individual that

appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing Petition for Voluntary Annexation as an [OWNER][ELECTOR] (Circle each status that applies) for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this <sup>th</sup> day

of , 2018.

---

## Notary Public

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF DUPAGE )

appeared before me this day in person, did acknowledge that he signed, sealed and delivered the forgoing Petition for Voluntary Annexation as an [OWNER][ELECTOR] (Circle each status that applies) for the uses and purposes therein set forth.

Given under my hand and official seal  
and sworn to before me this <sup>th</sup> day

of , 2018.

---

## Notary Public

**EXHIBIT 1 TO PETITION FOR ANNEXATION**  
**Legal Description**

PIN #: 03 - 23 - 307 - 002

Common Address: 4N251 Hawthorne Avenue, Bensenville, IL 60106

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LEGAL DESCRIPTION

LOT 17 IN BLOCK 9 IN BANIGAR'S WHITE PINES, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 23 AND IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 13, 1945 AS DOCUMENT 476240, IN DUPAGE COUNTY, ILLINOIS.

PIN # 03-23-307-002

Street Address: 4N251 Hawthorne Avenue  
Bensenville, IL 60106

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 17 IN BLOCK 9 IN BANIGAR'S WHITE PINES, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 23 AND IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 13, 1945 AS DOCUMENT 476240, IN DUPAGE COUNTY, ILLINOIS.

PIN # 03-23-307-002

Street Address: 4N251 Hawthorne Avenue  
Bensenville, IL 60106

**EXHIBIT B TO ANNEXATION AGREEMENT**

(Water Main Overview)

## EXHIBIT C TO ANNEXATION AGREEMENT

### TEMPORARY CONSTRUCTION EASEMENT

The undersigned, Bruce Hartman, (Grantors) as the legal and beneficial owners of the property legally described in Exhibit A (the "Real Estate"), herein, grants to the VILLAGE OF BENSENVILLE ("Village"), an Illinois municipal corporation and its contractors, agents, employees, subcontractors and assigns, this **Temporary Construction Easement** over and within the Real Estate that is described as follows:

An easement over and within the Real Estate to allow equipment, workers and materials to be placed upon the Real Estate for the purpose of constructing and installing: (1) a new Village water main within the right-of-way of the street, road or highway serving the Real Estate or the property adjacent to the right-of-way; (2) a new water service line on the Real Estate connecting the new water main installed to the existing location where the water service line enters the structure on the Real Estate; and (3) the disconnection and abandonment in place of the existing water service line that connects to the water main in the rear yard;

in accordance with the terms set forth herein.

#### **1. Utilization of the Temporary Construction Easement.**

The work within the Temporary Construction Easement granted the Village, as described above, shall be performed solely at the expense of the Village and shall be subject to the following terms:

(i) The Village's obligation to repair any grass, vegetation, shrubs, plantings, sidewalks, driveways, fencing, other hard surfaces or other damages to the Real Estate to the extent they are caused by any work conducted pursuant to this Temporary Construction Easement. Following the completion of the work, it shall be the Village's obligation, at the Village's expense, to make any repairs and corrections to the Real Estate that may be necessary because of the activities conducted on the Real Estate pursuant to this Temporary Construction Easement in order to return the Real Estate to the condition it was in prior to entry upon the Real Estate pursuant to this Temporary Construction Easement, or better. In the event the season of the year or the weather prevents the installation of any necessary planting of grass, vegetation, shrubs, plantings or other repair work, the Village shall make all such plantings or work needed because of its use of this Temporary Construction Easement at soon as such activities can be successfully accomplished.

(ii) This Temporary Construction Easement shall only be used during the period of time that is necessary for the completion of the installation of a water main within the right-of-way adjacent to the Real Estate, the installation of a new water service line on the Real Estate and any repairs or corrective work on the Real Estate as a result of the activities conducted on the Real Estate pursuant to this Temporary Easement. Upon the completion of the work

contemplated, this Temporary Construction Easement shall be terminated.

(iii) All, work, repairs and corrective work performed pursuant to this Temporary Construction Easement shall be performed by qualified contractors and/or Village employees pursuant to all applicable relevant laws, ordinances and codes.

(iv) Following the installation of the new water service line and the expiration of any applicable contractor warranty period, the maintenance of the service line to the point at which it connects to the new Village water main installed in the right-of-way shall solely be the responsibility of the Grantors.

**2. Insurance.** The Village shall require that its contractor performing work on the Real Estate shall, at all times, be required to have standard liability insurance covering personal injuries and property damage caused by the contractor while working on the Real Estate with limits of coverage that shall not be less than \$1,000,000.00. The Grantor's shall be named as additional insureds on the contractor's required liability insurance.

**3. Indemnity.** The Village's contract with the contractor performing work on the Real Estate pursuant to this Temporary Construction Easement shall require that the contractor, to the fullest extent permitted by law, indemnify, hold harmless and defend the Grantors from and against all claims, damages, losses and expenses, including but not limited to legal fees (attorneys', experts' and paralegals' fees and court costs), arising out of or resulting from the performance of the contractor's work on the Real Estate pursuant to this Temporary Construction Easement, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or injury to or destruction of property, including the loss of use resulting therefrom, but only to the extent it is caused in whole or in part by any wrongful or negligent act or omission of the contractor and any of the contractor's subcontractors, or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right which the Grantors would otherwise have.

**4. Warranties of Grantor.** The Grantors set forth the following warranties:

- (i) That Grantors have full legal capacity and authority to enter into this Temporary Construction Easement and have properly approved this easement.
- (ii) That Grantors are the sole legal and beneficial owners of the Real Estate and have not assigned, sold, conveyed, encumbered, mortgaged, devised, leased, licensed or disposed of or otherwise granted any right, privilege or interest of any kind or type in said Real Estate that would prevent them from granting this Temporary Construction Easement or unreasonably interfere with the use of this easement.

**5. Warranties of Village.** As consideration for Grantors' performance under this Agreement, the Village warrants that the Village has full legal capacity and authority to enter into this Temporary Construction Easement and has properly approved this Temporary Construction

## Easement;

**6. Successors and Assigns.** This Temporary Construction Easement shall be binding not only upon Grantors but also upon the Grantors' successors, heirs, devisees, lessees, and assigns and all other successors and interests to the Real Estate or any portion thereof and shall continue until terminated pursuant to this paragraph its terms.

**7. Recording.** This easement may be recorded by the Village with the DuPage County Recorder of Deeds. If recorded, the Village shall also record a release of this Temporary Construction Easement upon the termination of this easement.

IN WITNESS WHEREOF, Grantors have executed, sealed and delivered this easement and the Village has caused this easement to accepted and signed in its corporate name by its Village President and to be attested to by its Village Clerk.

**GRANTOR(S):**

## VILLAGE OF BENSENVILLE

Village President

ATTEST:

ATTEST:  
Nancy Dunn  
Village Clerk

**EXHIBIT A TO TEMPORARY CONSTRUCTION EASEMENT**

(Legal Description)

PIN #:

Common Address:

**VILLAGE OF BENSENVILLE  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

---

**Ordinance No. 4-2020**

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois  
Amending Title 8, Chapter 7 of the Bensenville Village Code to Update the  
Sewers and Wastewater Treatment Code**

---

**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 28th DAY OF JANUARY 2020**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 29<sup>th</sup> day of January, 2020

STATE OF ILLINOIS        )  
COUNTIES OF COOK        )  
SS AND DUPAGE        )

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 4-2020 entitled an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Title 8, Chapter 6 of the Bensenville Village Code to Update the Sewers and Wastewater Treatment Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 29th day of January, 2020.



  
Corey Williamsen  
Deputy Village Clerk

ORDINANCE NUMBER 4-2020

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND  
COOK COUNTIES, ILLINOIS AMENDING TITLE 8 CHAPTER 6  
OF THE BENSENVILLE VILLAGE CODE TO UPDATE THE  
SEWERS AND WASTEWATER TREATMENT CODE**

---

**WHEREAS**, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "Village") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village President and Board of Trustees of the Village of Bensenville (the "Corporate Authorities") have the power and authority to amend the Bensenville Village Code as deemed necessary and advisable to protect the health, safety and welfare of the residents of the Village; and

**WHEREAS**, the Village owns and operates a Wastewater Treatment Plant and corresponding wastewater collection system; and

**WHEREAS**, the Village operates aforementioned plant and system by permit through the United States Environmental Protection Agency (USEPA) and administered by the Illinois Environmental Protection Agency (IEPA); and

**WHEREAS**, updates to the Village Code are mandated by the USEPA from time to time to address local, State, and federal mandates; and

**WHEREAS**, the Corporate Authorities find that it is in the best interest of the health, safety and welfare of the residents of the Village to provide for the regulations herein specified.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

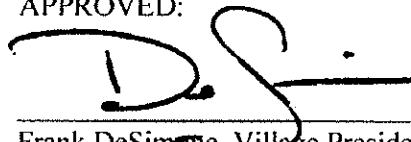
**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** The Corporate Authorities find and determine that it is necessary and desirable to amend the Bensenville Village Code for the purpose set forth herein and that the adoption of this Ordinance is in the best interests of the Village.

**Section 3.** Title 8 ("*Public Ways and Property*") of the Bensenville Village Code, is hereby amended by deleting Chapter 6 ("*Sewers and Wastewater Treatment*") in its entirety (including Article A) and replacing said Chapter with a new Chapter 6 ("*Sewer Use and Wastewater Treatment*") found in Exhibit A.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 28th day of January 2020, pursuant to a roll call vote, as follows:

APPROVED:



---

Frank DeSimone, Village President

ATTEST:



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Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Panicola, Perez

NAYES: None

ABSENT: Lomax

## VILLAGE OF BENSENVILLE

### TABLE OF CONTENTS

<b>8-6-1: GENERAL PROVISIONS.....</b>	<b>5</b>
8-6-1-1 ENACTMENT .....	5
8-6-1-2 PURPOSE AND POLICY.....	5
8-6-1-3 ADMINISTRATION .....	6
8-6-1-4 JURISDICTION.....	6
8-6-1-5 ABBREVIATIONS .....	6
8-6-1-6 DEFINITIONS.....	7
<b>8-6-2: SEWER EXTENSION REQUIREMENTS .....</b>	<b>19</b>
8-6-2-1 APPLICABILITY .....	19
8-6-2-2 SEWER EXTENSION REQUIREMENTS .....	19
<b>8-6-3: SEWER CONNECTION PROCEDURES .....</b>	<b>23</b>
8-6-3-1 USE OF PUBLIC SEWERS REQUIRED .....	23
8-6-3-2 PRIVATE SEWAGE DISPOSAL.....	23
8-6-3-3 BUILDING SEWER AND CONNECTIONS .....	25
8-6-3-4 FEES .....	29
8-6-3-5 USE OF PUBLIC SEWERS.....	30
8-6-3-6 MONITORING FACILITIES.....	30
8-6-3-7 ADDITIONAL STRUCTURES REQUIRED FOR THE USE OF THE PUBLIC SEWERS.....	31
8-6-3-8 FOOD SERVICE ESTABLISHMENTS.....	32
8-6-3-9 SEWER LINE MAINTENANCE/REPLACEMENT .....	35
8-6-3-10 AUTOMOBILE SERVICE , REPAIR AND FUEL DISPENSING PROPERTIES .....	35
8-6-3-11 AMALGAM MANAGEMENT AT DENTAL OFFICES .....	36
<b>8-6-4: INFORMATION REQUIRED OF NON-RESIDENTIAL USERS.....</b>	<b>38</b>
8-6-4-1 INITIAL SURVEY (QUESTIONNAIRE).....	38
8-6-4-2 AFFIRMATION TO INITIAL SURVEY .....	39
8-6-4-3 REPORTS OF CHANGED CONDITIONS .....	39
8-6-4-4 ADDITIONAL SURVEY INFORMATION.....	39
<b>8-6-5: GENERAL DISCHARGE REQUIREMENTS .....</b>	<b>41</b>
8-6-5-1 APPLICABILITY .....	41
8-6-5-2 PROHIBITED DISCHARGE STANDARDS .....	41

8-6-5-3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.....	45
8-6-5-4 STATE LIMITS .....	47
8-6-5-5 LOCAL LIMITS .....	48
8-6-5-6 RIGHT OF REVISION .....	50
8-6-5-7 MONITORING FACILITIES.....	50
8-6-5-8 MONITORING REQUIREMENTS .....	52
8-6-5-9 ANALYTICAL REQUIREMENTS .....	53
8-6-5-10 PROTECTION OF VILLAGE SAMPLING AND FLOW METERING EQUIPMENT FROM DAMAGE.....	53
<b>8-6-6: GENERAL DISCHARGE COMPLIANCE .....</b>	<b>54</b>
8-6-6-1 APPLICABILITY .....	54
8-6-6-2 PRETREATMENT FACILITIES.....	54
8-6-6-3 ADDITIONAL PRETREATMENT MEASURES .....	54
8-6-6-4 BEST MANAGEMENT PRACTICES (BMP) PLAN.....	55
8-6-6-5 ACCIDENTAL DISCHARGE & SLUG CONTROL PLAN.....	56
8-6-6-6 CLOSURE PLAN.....	57
<b>8-6-7: WASTEWATER DISCHARGE PERMIT REQUIREMENTS AND APPLICATION .....</b>	<b>59</b>
8-6-7-1 WASTEWATER INFORMATION AND ANALYSIS .....	59
8-6-7-2 WASTEWATER DISCHARGE PERMIT AUTHORITY AND REQUIREMENTS.....	59
8-6-7-3 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS .....	60
8-6-7-4 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS .....	61
8-6-7-5 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS .....	61
8-6-7-6 INDIVIDUAL AND GENERAL APPLICATION SIGNATORIES AND CERTIFICATION .....	63
8-6-7-7 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT DECISIONS .....	63
<b>8-6-8: WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.....</b>	<b>65</b>
8-6-8-1 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT DURATION .....	65
8-6-8-2 WASTEWATER DISCHARGE PERMIT CONTENTS .....	65
8-6-8-3 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT APPEALS .....	67
8-6-8-4 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT MODIFICATION .....	67
8-6-8-5 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT TRANSFER.....	68
8-6-8-6 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT REVOCATION .....	69
8-6-8-7 INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT RE-ISSUANCE.....	69
8-6-8-8 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS .....	70
<b>8-6-9: REPORTING REQUIREMENTS.....</b>	<b>72</b>
8-6-9-1 PRETREATMENT REQUIREMENTS FOR NON-RESIDENTIAL USERS .....	72

8-6-9-2 PRETREATMENT REQUIREMENTS FOR CATEGORICAL INDUSTRIAL USERS.....	73
8-6-9-3 PERIODIC COMPLIANCE REPORTS / SELF-MONITORING REPORTS.....	75
8-6-9-4 REPORTS FROM NON-PERMITTED USERS .....	77
8-6-9-5 AUTHORIZED REPRESENTATIVE CHANGE NOTIFICATION .....	78
8-6-9-6 REPORTS OF CHANGED CONDITIONS .....	78
8-6-9-7 REPORTS OF POTENTIAL PROBLEMS .....	78
8-6-9-8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.....	79
8-6-9-9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.....	79
8-6-9-10 REPORT SUBMITTAL DUE DATES.....	80
<b>8-6-10: COMPLIANCE MONITORING.....</b>	<b>81</b>
8-6-10-1 RIGHT OF ENTRY: INSPECTION AND SAMPLING.....	81
8-6-10-2 RECORD KEEPING .....	81
8-6-10-3 SEARCH WARRANTS.....	82
<b>8-6-11: CONFIDENTIAL INFORMATION .....</b>	<b>83</b>
<b>8-6-12: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE .....</b>	<b>84</b>
<b>8-6-13: ADMINISTRATIVE ENFORCEMENT REMEDIES .....</b>	<b>85</b>
8-6-13-1 NOTIFICATION OF VIOLATION.....	85
8-6-13-2 COMPLIANCE AGREEMENTS .....	86
8-6-13-3 SHOW CAUSE ORDER.....	86
8-6-13-4 COMPLIANCE ORDERS .....	86
8-6-13-5 CEASE AND DESIST ORDERS.....	86
8-6-13-6 EMERGENCY SUSPENSIONS .....	87
8-6-13-7 TERMINATION OF DISCHARGE .....	87
<b>8-6-14: PENALTIES AND JUDICIAL ENFORCEMENT REMEDIES.....</b>	<b>89</b>
8-6-14-1 RECOVERY OF COSTS INCURRED .....	89
8-6-14-2 ALTERNATIVE ADJUDICATION HEARING PROCESS .....	89
8-6-14-3 INJUNCTIVE RELIEF .....	90
8-6-14-4 CIVIL PENALTIES .....	90
8-6-14-5 REMEDIES NONEXCLUSIVE .....	90
<b>8-6-15: SUPPLEMENTAL ENFORCEMENT ACTION.....</b>	<b>92</b>
8-6-15-1 FAILURE TO REPORT OR NOTIFY.....	92
8-6-15-2 PERFORMANCE BONDS .....	93

8-6-15-3 LIABILITY INSURANCE.....	93
8-6-15-4 PAYMENT FOR OUTSTANDING FEES AND PENALTIES.....	93
8-6-15-5 WATER SUPPLY SEVERANCE .....	93
8-6-15-6 PUBLIC NUISANCES .....	93
8-6-15-7 CONTRACTOR LISTING.....	94
<b>8-6-16: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS .....</b>	<b>95</b>
8-6-16-1 UPSET.....	95
8-6-16-2 PROHIBITED DISCHARGE STANDARDS .....	95
8-6-16-3 BYPASS.....	96
<b>8-6-17: MISCELLANEOUS FEES.....</b>	<b>97</b>
8-6-17-1 PRETREATMENT FUNDING, CHARGES AND FEES .....	97
8-6-17-2 ADDITIONAL REMEDIES.....	97
<b>8-6-18: USER CHARGE &amp; SURCHARGE INDUSTRIAL WASTE COST RECOVERY .....</b>	<b>99</b>
8-6-18-1 USER AND SURCHARGE RATES .....	99
8-6-18-2 MEASUREMENT OF FLOW .....	100
8-6-18-3 REVENUES .....	101
8-6-18-4 ACCOUNTS.....	101
8-6-18-5 NOTICE OF RATES.....	101
8-6-18-6 ACCESS TO RECORDS.....	102
8-6-18-7 RESPONSIBILITIES OF THE VILLAGE CLERK AND VILLAGE TREASURER.....	102
<b>8-6-19: MISCELLANEOUS PROVISIONS.....</b>	<b>103</b>
8-6-19-1 SEVERABILITY .....	103
8-6-19-2 CONFLICT .....	103
8-6-19-3 OFFENSES UNDER PREVIOUS ORDINANCES .....	103

## **8-6-1: GENERAL PROVISIONS**

### ***8-6-1-1 Enactment***

Pursuant to the requirements of the Federal Clean Water Act and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970, as amended, and in accordance with Illinois Municipal Code: 65 ILCS 5/11-141-2: Sec. 11-141-2; 65 ILCS 5/11-126-4: Sec. 11-126-4; 65 ILSC 5/11-126-4: Sec. 11-141-7, and 65 ILCS 5/1-2-1: Sec. 1-2-1; this Ordinance, hereby known as Sewer Use and Pretreatment Ordinance, is enacted by the Board of Trustees of the Village of Bensenville.

### ***8-6-1-2 Purpose and Policy***

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Village of Bensenville, hereafter referred to interchangeably as the Village. This Ordinance provides for the use of public and private sewers and drains, private Sewage disposal, and authorizes the installation and continuing of connections into the Sewage works of the Village upon certain conditions, including permission thereof; providing for the installation and maintenance of such connections and enforcements thereto; regulating the use of municipal and private sewers and drains; individual Wastewater disposal, the installation, connection and disconnection of Building Sewers, the Discharge of water and waste in the Public Sewer system providing for penalties for violation therefore; and providing for penalties for violation thereof; and providing for termination of permits issued by the Village pursuant to the provisions hereof.

This Ordinance enables the Village to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations of 40 CFR Part 403. Additional objectives of this ordinance are:

- A. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works (POTW) that will Interfere with its operation;
- B. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will Pass Through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works Personnel who may be affected by air, Wastewater and Bio-solids in the course of their employment and the general public;
- D. To promote reuse and recycling of Industrial Wastewater and Bio-solids from the Publicly Owned Treatment Works;
- E. To enable the Village to comply with its National Pollutant Discharge Elimination System permit conditions, Bio-solids Use and Disposal Requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;

- G. To provide uniform requirements for Food Service Establishments for the control of grease Discharge to the Sanitary Sewer system; and
- H. To regulate private Wastewater disposal systems.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works and provides for the enforcement of general requirements for Users. The Ordinance authorizes the issuance of Wastewater connection and Discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein. The Ordinance authorizes the issuance of Wastewater Discharge permits that do not allow the discharge of defined process waste streams but continue to allow the discharge of domestic or Sanitary Wastewater.

#### ***8-6-1-3 Administration***

Except as otherwise provided herein, the Pretreatment Coordinator and/or Duly Authorized Agent(s) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Pretreatment Coordinator and/or Duly Authorized Agent(s) may be delegated by the Village or Pretreatment Coordinator to other Village Personnel or other Duly Authorized Agent(s) of the Village.

It shall be the duty of employees of the Police, Building, Engineering, Street, and Water departments to give vigilant aid to the Department of Public Works in the enforcement of this ordinance and to this end they shall report all violations thereof, which come to their knowledge, to the Director of Public Works (DPW). The employees of other municipal governments shall report all violations of locations that have Wastewater Discharges to the POTW to the DPW which come to their knowledge.

#### ***8-6-1-4 Jurisdiction***

This Article shall apply to the Village and to Persons outside the Village who are, by contract or agreement with the Village, Users of the Village POTW.

#### ***8-6-1-5 Abbreviations***

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

BOD	- Biochemical Oxygen Demand
BMP	- Best Management Practices
BMR	- Baseline Monitoring Report
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User
COD	- Chemical Oxygen Demand
DPW	- Director of Public Works
FOG	- Fats, Oils and Grease, interchangeable with Oil and Grease
FSE	- Food Service Establishment
FSEP	- Food Service Establishment Permit
GI	- Grease Interceptor
gpd	- Gallons per day
IAC	- Illinois Administrative Code
IEPA	- Illinois Environmental Protection Agency

IU	- Industrial User
mg/l	- Milligrams per liter
NCPS	- National Categorical Pretreatment Standard
NPDES	- National Pollutant Discharge Elimination System
NSCIU	- Non-Significant Categorical Industrial User
NSRU	- Non-Significant Regulated User
PE	- Population Equivalent
POTW	- Publicly Owned Treatment Works
PSES	- Pretreatment Standards for Existing Sources
PSNS	- Pretreatment Standards for New Sources
ppm	- Part per million
RCRA	- Resource Conservation and Recovery Act
SDWA	- Safe Drinking Water Act
SIU	- Significant Industrial User
SNC	- Significant Non-Compliance
SSO	- Sewer System Overflows
SSAC	- Sanitary Sewer Area of Concern
SWDA	- Solid Waste Disposal Act
TSS	- Total Suspended Solids
TTO	- Total Toxic Organics
U.S.C.	- United States Code
USEPA	- U.S. Environmental Protection Agency
VE	- Village Engineer

### **8-6-1-6 Definitions**

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

“Act” or “the Act” or “Clean Water Act” or “Federal Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

“Action Level” means the concentration based numeric value that the Grease Interceptor effluent, at the device’s outlet tee and prior to mixing with any other Wastewater from the contributing establishment’s property, that the FSE is expected to achieve on a consistent or stipulated basis. The Action Level is 200 mg/l.

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

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

“Agency” means the Illinois Environmental Protection Agency.

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

“Authorized Representative of the User” means

1. If the User is a corporation:
  - a) By a responsible corporate officer - the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or

- b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater permit (or general permit) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a limited liability company (LLC): any managing member of the company.
4. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
5. The individuals described in paragraphs 1 through 4, above, may designate a Duly Authorized Representative, if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village of Bensenville.
6. If an authorization under Paragraph 5 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall environmental matters for the company, a new authorization satisfying the requirements of Paragraph 5 must be submitted to the Village of Bensenville within 30 calendar days. If an authorization under Paragraph 5 of this section is no longer accurate because the individual described in Paragraphs 1 through 4 above has changed, a new authorization satisfying the requirements of Paragraph 5 must be submitted to the Village of Bensenville within 30 calendar days.

“Average Strength Waste” or “Average Strength Wastewater” means Sewage with characteristics not exceeding a five (5) day twenty degree centigrade (20°C) biochemical oxygen demand of two hundred milligrams per liter (200 mg/l); a Total Suspended Solids content of two hundred twenty milligrams per liter (220 mg/l) and an ammonia nitrogen content of fifteen milligrams per liter (15 mg/l) based on one hundred (100) gpcpd.

“Best Management Practice (BMP)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 8-6-5-2 [40 CFR 403.5(a)(1) and (b)] and/or prevent or reduce the pollution conveyed to the POTW. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Bio-solids or waste disposal, or drainage from raw materials storage.

“Biochemical Oxygen Demand (BOD) or (BOD<sub>5</sub>)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures approved in 40 CFR 136 for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

“Bio-solids” refers to the anaerobically digested and stabilized organic solids removed from the POTW and disposed of on agricultural land or at a landfill.

“Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the Discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer or other approved point of Discharge, beginning five feet (1.5 meters) outside the inner face of the building wall. Discharge of Stormwater runoff to the Building Drain is prohibited.

“Building Drainage Sewer” means a sewer which carries storm drainage, surface water, foundation drainage, and roof drainage, but excludes sewage and industrial wastes from the building plumbing to a public storm sewer or Natural Outlet.

“Building Inspector” means the Building Inspector of the Village or his authorized deputy, agent or representative as designated by the Village board of Trustees.

“Building Sewer” means the extension from the Building Drain to the Public Sewer or other place of disposal.

“Bypass” means the intentional diversion of wastestreams from any portion of a User’s treatment or Pretreatment facility.

“Categorical Industrial User (CIU)” means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard. A CIU is considered to be a Significant Industrial User.

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

“Chemical Oxygen Demand (COD)” means the quantity of oxygen utilized in the chemical oxidation of all compounds, both organic and inorganic in water, under standard laboratory procedures as described in 40 CFR 136 usually expressed as a concentration (e.g. mg/l).

“Combined Sewer” means a pipe or conduit that is designed and constructed to carry Wastewater, Stormwater, surface water and ground water drainage. Construction of combined sewers is prohibited.

“Combined Waste Stream Formula” means the formula set forth in 40 CFR Section 403.6(e).

“Compatible Pollutant” means Biochemical Oxygen Demand (BOD), Total Suspended Solids, ammonia nitrogen, pH, Fecal Coliform Bacteria and phosphorous.

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

“Control Authority” means Village of Bensenville.

“Control Manhole” means a structure located on a site from which Industrial Wastes are Discharged. The purpose of a Control Manhole is to provide access for a Village representative to sample and/or measure Discharges.

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

“Customer” means any person, partnership, corporation, trust or other party which uses and/or receives service from the waterworks, sanitary sewerage system, and/or POTW of the Village.

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

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

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

“Debt Service Charge” means the amount to be paid each billing period for payment of interest, principal and coverage of revenue bonds outstanding and shall be allocated to the various waste characteristics such as volume, BOD, Total Suspended Solids and ammonia nitrogen.

“Director of Public Works” means the Director of Public Works of the Village of Bensenville, or his authorized agent. The Director of Public Works supervises the operation of the POTW.

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

“Discharge Permit” means an individual or general permit issued to a User which specifies the requirements for Discharge of Wastewater or the requirements for zero Discharge of Wastewater as appropriate.

“Duly Authorized Agent” means the President and Board of Trustees of the Village of Bensenville and designated employees and agents of the Village.

“Dwelling” means a unit designed for occupancy by one family. It may be a house designed for the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.

“Easement” means an acquired legal right for the specific use of land owned by others.

“Effluent Criteria” means those criteria defined in any applicable “NPDES” Permit.

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

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

“Existing Source” means any source of Discharge that is not a “New Source”.

“Fats, Oil, And Grease (FOG)” is used interchangeably with “Oils and Grease”.

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

“Federal Grant” means the United States government participation in the financing of the construction of Treatment Works as provided by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations and the State of Illinois Revolving Fund.

“Food Service Establishment (FSE)” means any User engaged in the activities of manufacturing, preparing, serving, or otherwise making available for consumption foodstuffs that use one or more of the following preparation activities: blending, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and infrared heating, searing, barbecuing, and any other food preparation or servicing activity that produces a consumable food product in or on a receptacle requiring washing to be reused. A limited food preparation establishment is not considered to be a FSE when only engaged in reheating, hot holding or assembly of ready to eat food products and as a result, there is no Wastewater Discharge containing significant amounts of FOG.

“Floatable Oil” means oil, fat or grease in a physical state such that it will separate by gravity from Wastewater by treatment in an approved Pretreatment facility.

“Flow” means volume of Wastewater per unit of time.

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

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

“Grease Mitigation Fee” means a fee charged to an owner/operator of a Food Service Establishment when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE under consideration, impossible or impracticable. The Grease Mitigation Fee is intended to cover the costs of the increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.

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

“Incompatible Pollutant” means any pollutant which is not a Compatible Pollutant as defined.

“Indirect Discharge” or “Discharge” means the introduction of Pollutants into POTW from any non-domestic source.

“Industrial User (IU)” or “User” means a source of Indirect Discharge from a Non-Residential Source.

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

“Infiltration” means the water entering a sewer system, including Building Drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from, Inflow.)

“Infiltration/Inflow” means the total quantity of water from both Infiltration and Inflow without distinguishing the source.

“Inflow” means the water Discharged into a sewer system, including Building Drains and sewers, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; unpolluted Cooling Water discharges; drains from springs and swampy areas; manhole covers, cross connections from storm sewers and Combined Sewers, catch basins, stormwater, surface runoff, street wash waters or drainage. (Inflow does not include and is distinguished from, Infiltration.)

“Instantaneous Daily Maximum” means the maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial Flow rate and the duration of the sampling event.

“Interference” or “Interfere” means a Discharge which, alone or in conjunction with a Discharge or Discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its Bio-solids processes, use or disposal and 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 a violation) or of the prevention of Wastewater or Bio-solids use or disposal by the POTW in accordance with 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 Conservation and Recovery Act (RCRA), and including State regulations contained in any State Bio-solids management plan prepared pursuant to subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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

“Local Limit” means specific Discharge limits developed and enforced by the Village upon Non-Residential Users or facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

“Lot” means any parcel of land as set forth in the zoning ordinance of the Village.

“Medical Wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“Milligrams Per Liter” means a unit of the concentration of water or Wastewater constituent representing 0.001 gram of the constituent in 1,000 ml of water. It has replaced the unit formerly used, parts per million, to which it is approximately equivalent, in reporting the results of water and Wastewater analysis.

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

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

“Monthly Average Limit” means the highest allowable average of “Daily Discharges” over a calendar month, calculated as a sum of all the “Daily Discharges” measured during a calendar month divided by the number of “Daily Discharges” measured during that month.

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

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

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

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

“New Source” means:

1. Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that one of the following is true:
  - a) The building, structure, facility, or installation is constructed at a site on which no other source is located;
  - b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
  - c) The production or Wastewater generating processes of the building, structure, facility, or installations are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1.b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has done one of the following:
  - a) Begun, or caused one of the following to begin as part of a continuous onsite construction program:
    - 1) Any placement, assembly, or installation of facilities or equipment; or
    - 2) Significant site preparation work including, clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
4. New Sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 calendar days), New Sources shall meet all applicable Standards.

"Non-contact Cooling Water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"Non-Residential User" means all Users not defined "Residential Users".

"Non-Significant Regulated User" means a Non-Residential User that meets the criteria outlined in Section 8-6-7-2.C.5.

"Oils and Grease" means any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by a solvent in a method approved in 40 CFR 136.

"Operation or Maintenance Costs" means all costs, direct and indirect, (other than debt service) necessary to ensure adequate Wastewater treatment on a continuing basis, conforming with related Federal, State and local requirements, and assuring optimal long-term facility management. These costs include an annual charge for replacement of equipment computed on the basis of the cost of equipment replacement divided by its useful life.

"Overhead Sewer" means a sewer that does not Discharge to a public or private sewer main through the use of gravity. Overhead sewers utilize a pump to lift the Sewage to an elevation where gravity can then carry away the Wastewater. Non-Residential Wastes Discharged from Overhead Sewers are subject to all the same limits and requirements of Sanitary Sewers.

"Owner" means any person, partnership, corporation, trust, or other party having legal title to the Lot, tract or parcel of land for which usage or service from the waterworks and/or sanitary sewerage system of the Village is provided and/or proposed.

"Pass Through" means a Discharge that exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with 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, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

"pH" means a measure of the acidity or alkalinity of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration, expressed in standard units.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Wastewater Bio-solids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural Wastes and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Population Equivalent” means a term used to evaluate the impact of industrial or other waste on a Treatment Works or stream. One Population Equivalent is 100 gallons (380 liters) of Sewage per day, containing 0.17 pounds (77 g) of BOD (five-day Biochemical Oxygen Demand) and 0.20 pounds (91 g) of Total Suspended Solids. The impact on a Treatment Works is evaluated or defined as the highest Population Equivalent of the three parameters. (IEPA 301.345)

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

“Pretreatment” means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater 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 concentrations of the Pollutants unless allowed by an applicable Pretreatment Standard.

“Pretreatment Coordinator” means the Wastewater Supervisor of the Village of Bensenville or his designee.

“Pretreatment Requirements” means any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a Pretreatment Standard.

“Pretreatment Standards” or “Standards” means that for any specified Pollutant, Village Prohibitive Discharge Standards as set forth in Section 8-6-5-2, Village specific limitations on Discharge as set forth in Section 8-6-5-5, State of Illinois Pretreatment Standards in Ill. Adm. Code Section 307, or the National Categorical Pretreatment Standards.

“Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 8-6-5-2.

“Properly Shredded Garbage” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the Flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

“Publicly-Owned Treatment Works (POTW)” means a treatment works as defined by Section 212 of the Act, (33 U.S.C. section 1292) which is owned by the Village. This definition includes any devices and systems used in the collection, conveyance, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes, of a liquid nature that are connected to the Village POTW regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the Village POTW.

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

“Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

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

“Sanitary Interceptor Sewer” means a Sanitary Sewer not less than twelve inches (12”) in diameter which receives Sewage from a number of sanitary lateral sewers and conducts such Sewage to a point for treatment and disposal.

“Sanitary Sewer” means a pipe of conduit designed and/or intended to carry Wastewater from residences, commercial buildings, industrial plants and institutions, and to which Stormwater, surface water, ground water and unpolluted Non-contact Cooling Water are not intentionally admitted.

“Sanitary Sewer Area of Concern or SSAC” means areas in sewer lines that have experienced Sanitary Sewer overflows or that must be cleaned and maintained frequently to avoid blockages of the sewer system.

“Sanitary Wastewater” see “Wastewater”.

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

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

“Sewage Treatment Works” see “Publicly-Owned Treatment Works”.

“Sewerage” means the system of sewers and appurtenances for the collection, transportation and pumping of Sewage and Industrial Wastes.

“Sewers” means a pipe or conduit for conveying Sewage or any other waste liquids, including storm, surface and ground water drainage.

“Shall/May” “shall” is mandatory; “may” is permissive.

“Significant Industrial User” means a User of the POTW (except as provided by paragraphs (3) and (4)) who is:

1. A User subject to any National Categorical Pretreatment Standards;
2. A User that:
  - a) Has an average process Wastewater Discharge Flow of twenty-five thousand (25,000) gallons or more of process wastewater to the POTW per Work Day (excluding sanitary, non-contact cooling and boiler blow-down Wastewater); or
  - b) Has a Discharge Flow of process Wastewater that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - c) Is designated as such by the Village on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
3. The Village may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - a) The User, prior to the Village’s finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

- b) The User annually submits the certification statement required in Section 8-6-9-3.C [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
- c) The User never Discharges any untreated concentrated Wastewater.

4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Village may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a Significant Industrial User in accordance with 40 CFR 403.8(f)(6).

Significant Non-Compliance is defined in 8-6-12.

“Sludge” see “Bio-solids”.

“Slug” or “Slug Load” means any Discharge of a non-routine, episodic nature at a flow rate or concentration, including but not limited to an accidental spill or a non-customary batch Discharge or any Discharge of flow rate or concentration, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions that could cause a violation of the Prohibited Discharge Standards in Section 8-6-5-2.

“Standard Methods” means the examination and analytical procedures set forth in 40 CFR 136 of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“State Grant” means the state of Illinois participation in the financing of the construction of Treatment Works as provided by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of the State of Illinois.

“Storm Sewer” means a sewer that carries rain water, snow melt and surface drainage but excludes Sewage and Industrial Wastes other than unpolluted Cooling Water.

“Stormwater” means any Flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“Sump Pump” means any electrical and/or mechanical device designed to raise water from a lower level to a higher level and is designed to remove collected storm water from a pit to a Storm Sewer or other approved point of Discharge.

“Surcharge” means that part of the User Charge system in addition to the User Charge and Debt Service Charge which is levied on those persons whose waste Discharges are greater than Average Strength Wastewater and is imposed to recover the cost of treating excess strength industrial wastes.

“T” as in Cyanide-T means total.

“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, industrial waste or other liquids and is removable by laboratory filtration, under standard laboratory procedures approved in 40 CFR 136.

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

“Unpolluted Water” means water quality equal to or better than the Effluent Criteria in effect or water that would not cause violation of receiving Water Quality Standards and would not be benefited by Discharge to the Sanitary Sewers and POTW provided.

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

“User” means any Person or source that contributes, causes or permits the source of Indirect Discharge into the POTW. It may also include such Persons or sources that are prohibited from Discharging specific Pollutants or waste streams to the POTW.

“User Charge” means a charge established for Users of the treatment facilities in the proportionate share to each User of the cost of operation and maintenance including replacement of such facilities pursuant to section 204(b) of PL 92-500 and shall include Surcharges for the treatment of any excess strength wastes.

“User Class” means the type of user, either residential or non-residential, as defined herein.

“Village” means the Village of Bensenville, and any reference to “within the Village” shall mean all territory within the perimeter of the Village of Bensenville limits or wastewater service area.

“Village Business Day” means any full day that the Village administrative offices are open.

“Wastewater” means the combination of the liquid and water carried wastes and Sewage from residential Dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

1. Sanitary Wastewater means the combination of liquid and water carried wastes Discharged from toilets and other sanitary plumbing facilities.
2. Non-Residential Wastewater means a combination of liquid and water carried wastes Discharged from any Non-Residential User, including the Wastewater from Pretreatment facilities and polluted Cooling Water.

“Wastewater and Service Charge” means the charge per quarterly period established for all Users of the POTW. It shall consist of the total of the basic User Charge, the basic user rate, in which includes the Surcharge, if applicable, and the Debt Service Charge.

“Wastewater Supervisor” means the person who operates and maintains the POTW Treatment Plant and Sanitary Sewer System and reports to the Director of Public Works.

“Wastewater Discharge Permit” means the document or documents issued to a Non-Residential User by the Village pursuant to Section 8-6-8.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

“Waterworks and Sewerage Fund” means the principal accounting designation for all revenues received and expenses incurred in the operation of the waterworks and/or sewerage system. These revenues and expenses shall be segregated so that water system revenues and expenses shall be recorded in the waterworks account of the waterworks and sewerage fund and revenues and expenses of the sewerage system shall be recorded in the sewerage account of the waterworks and sewerage fund.

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

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

“Work Day” means a day on which work or service is performed by a Non-Residential User.

## **8-6-2: SEWER EXTENSION REQUIREMENTS**

### ***8-6-2-1 Applicability***

The extension of a Sanitary Sewer by any entity that will serve or in the future may serve more than one building and that will connect either directly or indirectly to the Sewage works of the Village shall be made only after an application for a Village permit has been made in writing on forms prescribed and furnished by the Village and an extension permit is issued by the Village.

### ***8-6-2-2 Sewer Extension Requirements***

A. Application. Persons desiring such extension of the sewer system shall file with the Village Engineer (VE) four (4) copies of the following documents:

1. Detailed plans and specifications prepared by a professional engineer registered in the State of Illinois.
2. IEPA permit application with such supporting documents required by the IEPA, completely filled out and ready for Village signature.
3. Detailed estimate of the cost of the extension.

The Person or Persons extending the sewer shall pay all costs of plan review by the VE to the Village prior to the Village signing the IEPA permit application.

B. Issuance. The Village will issue an Extension permit in accordance with the following:

1. It has been demonstrated that the downstream Treatment Works, including Village sewers and pump stations, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
2. A permit has been issued by the Illinois Environmental Protection Agency. The Village permit shall expire on the expiration date of the Illinois Environmental Protection Agency permit. Those portions of the work for which a Village permit has been issued and the work has been approved by the Village shall be completed within the permit time. Future construction on the project for which the original permit was issued shall require a new permit that will be issued in compliance with the ordinances of the Village at the time of the application for the new permit. All fees and charges assessed under the conditions of the Village permit are forfeited by the applicant/owner upon the expiration of the permit.
3. The Village has received an agreement and bond executed by the permittee wherein he agrees to make and install the improvements in accordance with plans and specifications identifying a completion date not more than six (6) months after the date of the agreement unless the Village Board determines, on the basis of the recommendation of the VE, that a longer time is necessary.

The guarantee for completion of the improvements by the permittee shall be in the principal amount of 150 percent of the estimated cost as approved by the VE; and secured by either:

- a) A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association subject to draw by the Village to complete the improvements if it is not completed within the prescribed time limit.
- b) A clean, non-declining, irrevocable letter of credit issued by a federally insured bank or savings and loan association. The letter shall be approved by the Village and provide that funds may be drawn only by the Village.

- c) A surety bond in a form and from an institution acceptable to the Village Manager.

The bond shall remain in effect for a period of one (1) year after acceptance of the work by the VE as a guarantee of good faith of the permittee to correct defects. At the discretion of the Village Board, the bond may be reduced during the maintenance period.

- d) A cash bond as approved by the Village.
- 4. The Village has received copies of all permits, insurance and bonds required for street openings or stream crossings and any other permits required by an Agency having jurisdiction.
- 5. The Village has received Certificates of Insurance protecting the Village from any liability or damage whatsoever from injury, including death, to any Person or property. The amount of the insurance shall be as established by the Village Board.
- 6. The Village has received payment for the cost of the permit and the estimated cost of inspection. The cost of inspection shall include resident supervision if deemed necessary by the VE. The estimated cost of inspection, approved by the VE, shall be deposited with the Village Treasurer prior to the start of work and additional funds added during the work if required. The permittee, however, shall pay only the actual costs of such services based on standard engineering fees. At the completion of the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.

#### C. Construction Requirements

- 1. The rules, regulations, ordinances and policies listed hereafter and issued by the authorities indicated are incorporated herein by reference and shall govern the work so far as they apply to said work.
- 2. The Village's rules, regulations, resolutions, policies, directives and instructions that may be adopted or issued from time to time by the Village.
  - a) "Standard Specifications for Water and Sewer Main Construction in Illinois" latest edition.
  - b) The Illinois Environmental Protection Agency's rules, regulations, technical releases and requirements.
  - c) "The Illinois Recommended Standards for Sewage Works," IEPA, latest edition.
  - d) "The State of Illinois Plumbing Code" (latest edition).
  - e) "Federal Manual of Practice No. 9", Water Pollution Control Federation, latest edition.
- 3. The permittee agrees that they shall provide adequate inspection during the entire construction period which, at the option of the Village, may require a full-time resident engineer. The Village reserves the right to review the construction.
- 4. Changes in the work to be done or materials to be used from those shown on the plans or set forth in the specifications, as submitted to the Village, shall be approved by the Village prior to the changed work being done or the changed materials being installed.
- 5. The contractor or the contractor's representative constructing the sewer extension shall notify the Village 48 hours prior to commencing construction. When the construction of the sewer extension is interrupted for a period of seven (7) calendar days or more, the Village shall be notified 48 hours prior to continuing construction of the sewer extension.

6. At the time a sewer extension is connected to an existing sewer, the connection shall be made at an existing manhole or in a manhole constructed over the existing sewer. If an existing manhole is the point of connection and a suitable stub is not provided for the extension, the existing manhole shall be core drilled and a suitable connection stub installed. The sewer extension shall be plugged with a water tight concrete plug by the contractor at the time the connection to the existing sewer is made. The plug shall be maintained in place at all times until the sewer extension is approved in writing by the Village. If the plug is not maintained in place, the Village shall install a concrete plug and charge a fee to the contractor for each time a plug is installed by the Village. The fee for a plug is established annually by the Department of Public Works and is published in Section 8-6-17 of this chapter. Mechanical plugs are also an acceptable means of plugging the sewer to maintain it out of service. The charge for installation of a plug in the sewer is published in Section 8-6-17 of this chapter and will also include the cost of materials.
7. Upon completion of construction, the contractor shall notify the Village Department requesting final review of the work. The contractor shall teleview the completed extension in the presence of Village staff who will take immediate possession of the videotape prior to leaving the site. The Village shall review the work for conformance with the Village's requirements and adherence to the approved plans and specifications for which the Village's sewer extension permit was issued. If deficiencies are found in the work, the Village shall furnish the contractor with a listing of such deficiencies. When the contractor believes that the deficiencies have been corrected, the contractor shall request a re-review of the work. Should the re-review of the work show that the deficiencies as set forth have not been corrected, the contractor shall make the necessary corrections, and subsequent to that, shall notify the Village and request another review. The Village shall charge a fee for each additional review and/or inspection after the first inspection following the issuance of the list of deficiencies. The fee for each additional review and/or inspection is published as part of Section 8-6-17 of this chapter.
8. All Sanitary Sewers shall be constructed within public rights of way or within Easements dedicated for public utilities. No Sanitary Sewer mains shall be installed in the rear or side yard of any property unless first approved by the VE.
9. Minimum Sanitary Sewer main size shall be eight-inch (8") diameter for Public Sewer mains of sewer mains serving more than one building.
10. Manholes shall be pre-cast reinforced concrete sections meeting ASTM C-478 and ASTM C-443 Standards. Manholes for Sanitary Sewers twenty-four inches (24") or less in diameter shall have a minimum inside diameter of forty-eight inches (48"). Manholes for Sanitary Sewers greater than 24 inches (24") in diameter shall have a minimum inside diameter of sixty inches (60") and be spaced at a maximum of 400 feet (400'). Additionally, manholes shall be installed under the following conditions: termination of existing and future lines, changes in direction (horizontal or vertical), changes in pipe shape or pipe size, or junctions with other sewers.

Drop manholes shall be provided for manholes with any pipe having a difference in invert elevation more than twenty four inches (24") above the invert of the sewer leaving the manholes. All drop manholes shall be of the external type. No internal drop manhole connections will be allowed.

#### D. Project Completion

No connection permits shall be issued or building permits released until such time that final approval of the improvement has been made in writing by the Village. Final approval is contingent upon the following:

1. All punch-list work has been completed;
2. As-built plans prepared by a Registered Illinois Professional Engineer are furnished to the Village;

3. The sewer has been televised by the Contractor or by the permittee in the presence of Village Personnel per the requirements identified in Section 8-6-17 of this chapter; and
4. An electronic video record with audio of the television inspection has been provided to the Village. In addition to a video record, Air Exfiltration Testing as outlined in Division III, Section 31-1.11 of the Standard Specifications for Water & Sewer Main Construction in Illinois, will be completed prior to acceptance.
5. All additional charges levied by the Village have been paid.

E. Connections to Extension. No connection shall be made to the Sanitary Sewer until sewer connection permits have been issued by the Village under Section 8-6-3 of this chapter.

F. Performance Bond Release. The performance bond will not be released until the guarantee period has expired and the following documents are filed with the Village Clerk and approved by the Village Board:

1. As-built drawings: 1 reproducible set and 2 sets of prints;
2. Electronic video record with audio of television inspection;
3. Release of all permits,
4. Copies of all tests required by the VE;
5. Bill of sale for all constructed public improvements; and
6. Such other documents as may be reasonably requested by the Village.

## **8-6-3: SEWER CONNECTION PROCEDURES**

### ***8-6-3-1 Use of Public Sewers Required***

- A. It shall be unlawful for any Person to place, deposit or allow to be deposited any human or animal excrement, Garbage or other objectionable waste in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village.
- B. It shall be unlawful to Discharge any Sewage or other polluted waters to any Natural Outlet or storm sewer within the Village, or in any area under the jurisdiction of said Village without the expressed approval from the DPW that all state and federal effluent limitations have been met and there are no reasonable alternative methods of disposal.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.
- D. The owner of any house, building, or property used for human occupancy, employment, recreation or other purpose situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public Sanitary Sewer of the Village, is hereby required at his expense to install suitable facilities therein; including toilets, urinals, lavatory sinks and kitchen sinks; and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this chapter, within ninety (90) calendar days after date of official notice to connect, provided that said Public Sewer is within 200 feet of the property line. All Public Sewer extensions shall be made in accordance with Section 8-6-2-2.
- E. Damages.

The Village and specifically, the Department of Public Works, shall not be held responsible for damages to Personal property caused by the construction or repair to the Village sewers, by water and Sewage seepage, or for any other reason.

### ***8-6-3-2 Private Sewage Disposal***

No Person shall construct a Wastewater treatment facility within the corporate limits of the Village or in any area under the jurisdiction of the Village for the purpose of treating Wastewater and Discharging same to a water course unless the following provisions are met.

- A. For the purpose of treating Non-Residential source wastes, the VE determines that the Wastewater treatment facilities have inadequate capacity, and issues a permit for the construction and operation of a Wastewater treatment facility. No Village permit shall become effective until:
  1. The VE has approved the plans and specifications in writing,
  2. Approval has been obtained from the DuPage County Department of Health, as appropriate,
  3. An IEPA permit issued to construct the facility has been received,
  4. An IEPA NPDES permit to operate the facility has been issued and received,
  5. The installation is completed to the satisfaction of the VE, and
  6. The final inspection has been completed.

Persons operating a Wastewater treatment facility shall file copies of all operating reports sent to the USEPA and IEPA with the VE and such other reports as the VE deems necessary.

B. Where a public Sanitary Sewer is not available under the provisions of Section 8-6-3-1 and the Wastewater source to be treated is domestic in nature, the Building Sewer shall be connected to a private Sewage disposal system employing subsurface absorption facilities.

No Person shall construct a private Wastewater treatment facility with subsurface disposal without previous approval from the VE. If approval is given the Person must adhere to the following limitations.

1. Permit Requirements

- a) Before commencement of construction of a private Sewage disposal system the owner shall first obtain a written permit signed by the VE. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Village. A permit and inspection fee as published in Section 8-6-17 of this chapter or reimbursement of costs shall be paid to the Village at the time the application is filed. The permit shall not be issued until applicable State and County permits are on file.
- b) The type, capacities, location and layout of a private Sewage disposal system shall comply with all regulations and provisions of the State of Illinois Private Sewage Disposal Licensing Act and Code, with the State of Illinois Environmental Protection Agency and the DuPage County Health Department, latest revision. No permit shall be issued for any private Sewage disposal system employing subsurface soil absorption facilities where the area of the Lot is less than 40,000 square feet. No septic tank or cesspool shall be permitted to Discharge to any Natural Outlet.
- c) A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village. The Village shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit Shall notify the Village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the Village, except that no inspections will be made at any time other than regular Village working hours.

C. Where development is possible but gravity sewers and conventional sewer systems are not practical.

Accordingly, it is the policy of the Village to approve grinder pump systems on a discretionary case-by-case basis. In order to implement a grinder pump system, a developer or individual homeowner must prove to the Village that a grinder pump system is the only viable option other than a conventional Sanitary Sewer system. A permit and inspection fee as published in Section 8-6-17 of this chapter shall be paid to the Village at the time the application is filed. A permit for a private Wastewater treatment facility employing a grinder pump system shall not be issued until the design and installation is completed to the satisfaction of the Village.

1. Installation: The Village shall be allowed to inspect the work at any stage of the construction and, in any event, the applicant for the permit shall notify the DPW when the grinder pump system is ready for final inspection, and before any underground portions are covered.
2. Operation and Maintenance: The DPW or his designee shall be entitled to inspect the grinder pump system if said DPW has any reason to believe that the grinder pump system is not operating properly or pursuant to a routine inspection protocol developed by the DPW. Should the grinder pump system fall into disrepair or otherwise need maintenance as determined by the Village, and the owner refuses to repair, replace or otherwise fix the grinder pump system to the specifications of the Village, the Village may do so at its own expense and obtain reimbursement from the individual owner. In that regard, and as a condition of obtaining a Village permit for a grinder pump system, the individual owner shall enter into a contractual agreement indemnifying the Village for any costs the Village may incur with regards to maintaining the grinder pump system, and further allow the Village reasonable access to the grinder pump system for inspection purposes.

D. Other provisions.

1. The owner shall operate and maintain the private Sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
2. As provided in Section 8-6-3-2.B, at such time as a Public Sewer becomes available to a property served by a private Sewage disposal system, a direct connection shall be made to the Public Sewer within 60 calendar days in compliance with this chapter. Any septic tanks, cesspools and similar private Sewage disposal facilities shall be cleaned of Bio-solids and filled with suitable material such as clean bank-run gravel or dirt.
3. No statement contained in this section shall be construed to Interfere with any additional requirements that may be imposed by the Village and DuPage County Department of Health as appropriate.

**8-6-3-3 *Building Sewer and Connections***

A. Permit Requirements

No Person shall construct a new Wastewater source and connect same to the POTW of the Village without first making application for the privilege of making said connection to the Village.

1. No unauthorized Person shall uncover, make any connections with, or opening into; use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Department of Community Development, with sign-off by the DPW and receipt of an IEPA permit when required under 35 IAC 309.
2. No addition to or alteration of any Building Sewer shall be made or caused to be made by any Person without a permit from the Department of Community Development and then only through a sewer contractor. No permit shall authorize anything not explicitly stated in the application. No connection permit will be required for the removal of stoppage in waste pipes, or for replacing broken or old sewer lines, provided such sewer lines conform to the regulations in this Chapter.
3. No Person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which, in turn, is connected directly or indirectly to a public Sanitary Sewer. Any violation of this Section after ordinance adoption shall subject the violator to fines as designated by the Village Adjudication System per Section 8-6-14-2 of this chapter. Each successive day (24 hour period) shall be considered a separate violation.
4. All disposal by any Person into the sewer system is unlawful except those Discharges in compliance with federal Standards promulgated pursuant to the Federal Act, the Illinois Environmental Protection Act and regulations promulgated thereto, and the Village of Bensenville Municipal Code.
5. The Department of Community Development shall define the classes of Wastewater permits. A permit and inspection fee as provided in Section 8-6-17 of this chapter shall be paid to the Village at the time the application is filed or prior to receiving Village sign-off for an IEPA permit in the case on a Non-Residential User.
6. The Owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of Director of the Department of Community Development and the DPW. Persons desiring to construct a new waste source and connect it to the POTW of the Village shall state the quantity, quality and rate of Discharge into the sewer. The Non-Residential User, as a condition of permit authorization, must provide information describing its Wastewater constituents,

characteristics and type of activity per Section 8-6-4-1. In the case of any fraudulent representation upon the part of the User, the permit fees will be forfeited and the use of the sewer stopped.

7. A Building Sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream Sewerage facilities, including sewers, pump stations and Wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load based on the Population Equivalent.
8. The applicant will secure a building permit if the waste source is new equipment to be installed in an existing building with an existing sewer.
9. Each excavation for any of the purposes set out in this subsection shall require a separate permit.

Any Person who makes any excavation or does any work without first securing the permit required by this subsection, upon conviction thereof, shall be in violation of the Village Code and in addition to any other penalty imposed by this Chapter, shall be liable for the penalties set forth in Village Code.

10. All costs and expense incident to the installation and connection of the Building Sewer shall be paid by the owner. The Person installing the Building Sewer for said owner shall be a plumber or sewer contractor and he shall indemnify the Village from loss or damage that may be directly or indirectly be occasioned by said installation. Before a Building Sewer is issued, the plumber or sewer contractor shall file with the Village Clerk an indemnity bond in the amount of five thousand dollars (\$5,000.00), with corporate surety licensed to do business in the State of Illinois, on bond forms supplied by the Village. In addition thereto, the plumber or sewer contractor shall file with the Village Clerk a certificate of insurance covering public liability insurance in the amount of one hundred thousand to three hundred thousand dollars (\$100,000.00/\$300,000.00) for bodily injury and fifty thousand dollars (\$50,000.00) covering property damage.
11. The building permit will be issued for a period of 24 months consistent with the IEPA permits.

## B. Building Sewer Connections

1. A separate and independent Building Sewer shall be provided for every building.
2. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the VE or DPW or his designee, to meet all requirements of this chapter. All costs for this examination shall be paid by the applicant.
3. The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
4. No Building Sewer shall be laid parallel to or within 3 feet of any bearing wall. No Building Sewers shall be installed in any place where they may be subject to freezing temperatures unless adequate provisions are made to protect them from frost. Changes in direction shall be made only with properly curbed pipe and fittings, or a manhole, as determined by the DPW.
5. In all buildings in which any Building Drain is too low to permit gravity Flow to the Public Sewer, sanitary Sewage carried by such Building Drain shall be lifted by approved artificial means and Discharged to the Building Sewer. Where possible, all building sanitary services shall be "overhead" installations. Buildings having basements will have a pump or ejector provided to pump the Wastewater to the Sanitary Sewer service for gravity transport to the sewer main.

6. The connection of the Building Sewer into the Public Sewer shall be at an existing stub and conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight.

If no stub is available, then a wye or tee shall be installed on the public Sanitary Sewer by the User, at his expense, subject to inspection and approval by the Village.

C. Construction Requirements

Construction may not be started until fees are paid consistent with Section 8-6-3-4 and a written permit is issued by the Village after issuance and receipt of an IEPA permit for the project when applicable. The following conditions are also required:

1. The applicant Shall secure a street opening permit from the Director of Community & Economic Development when appropriate in conformance with the provisions of Chapter 5.
2. All excavations for Building Sewer installation shall comply with the provisions of this Code relating to excavations in streets and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. Failure to properly barricade will be cause for the job site to be shut down and a fine as provided by the Village Adjudication System as referenced in Section 8-6-14-2 of this chapter must be paid before any further work can commence.
3. The applicant for the Building Sewer permit shall notify the Director of Community & Economic Development 48 hours prior to the start of any underground piping installation and when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of a qualified Duly Authorized Agent of the Village during regular Village working hours.
4. Minimum building sanitary service sewer size shall be six-inch (6") diameter. All cleanouts shall be installed on the owner's property and not in Village right-of-way. The maximum distance between cleanouts is 120 feet. The Building Sewer shall be constructed of either PVC or extra heavy cast-iron soil pipe. It is the property Owner's responsibility to maintain the cleanout and cap in a manner to prevent overflows.
5. Sewer services shall not be connected to manholes. All Sanitary Sewer services serving single-family residences shall have "blind" connections to the sewer main (as stated in par. C sec. 8). Only exceptions are when homes are located in a cul-de-sac and the connection to the sewer main would be impractical. This exception must be approved by the Director of Community & Economic Development.

D. Connection, How Made: Approved types of service connections shall be one of the following types:

1. TYPE 1. Wye branches installed in the main sewer at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material of the bituminous type or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to any damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced either by another undamaged wye or by straight vitrified clay pipe. Concrete encasement of the wye branch, connection joint, or any other part of the connection shall not be deemed watertight and shall not be allowed as a method of repairing a damaged joint.

2. TYPE 2. Connections of the saddle type installed in the main sewer. Connections of this type shall be made in a smooth, round hole, machine-drilled into the main pipe. The fitting used in the connection shall be made in such a manner as to ensure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The machine-drilled hole shall be of such size to provide one-eighth inch ( $\frac{1}{8}$ ") clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch ( $\frac{1}{8}$ ") thick and this space shall also be completely filled with joint material.

The joint material used for the Type 2 service connection shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement will not be considered waterproof.

The fitting shall be manufactured of either case aluminum alloy, cast iron or vitrified clay pipe and shall be capable of receiving all normally used type of pipe for service connections.

The Type 2 fitting and drilling machine herein described shall be of the type manufactured by Smith and Loveless, Division-Union Tank Care Company, Lenexa, Kansas, or the approved equal. Tapping and connection shall be made in the presence of an authorized Village inspector.

3. TYPE 3. Installation of new tee or wye. An adequate section of the existing sewer shall be neatly removed to allow the installation of a new service tee or wye. The connection between the new tee or wye and the existing pipe shall be made with the use of a Band-Seal coupling with stainless steel bands or approved equal.
4. Other requirements.
  - a) TYPE 1, 2, and 3 connections, when and where used: Type 1 connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, Type 2 and 3 connections shall be made. When new sanitary sewers are constructed, Type 1 connections may be made in cases where the connection is made during construction and before backfilling of the sanitary main sewer trench.
  - b) TYPE 2 and 3 connections shall be made in all cases where services are installed subsequent to construction and backfilling operations. No wye branches shall be installed and covered up for future use, except when excessive depth, new subdivision design or other unusual conditions exist, and then only with prior approval of the Village Engineer and the Board of Trustees.

#### E. Sanitary Sewer Uses Outside of the Wastewater Service Area Corporate Limits of the Village

No new permit shall be issued for the tapping into or use of Sanitary Sewer facility under the jurisdiction of the Village for any location outside of the corporate limits or service area of the Village.

#### F. Sewer Installation Acceptance

1. A one (1) year warranty will be submitted to the Village by the Contractor doing the sewer installation against all defects including poor workmanship, improper installation, or material failure. The warranty will require the Contractor to correct any problems with the installation discovered during that one year period.
2. A video recording will be required of the entire length of the sewer service from the building to the main sewer including the connection into the main sewer. The video shall be in a format readily viewable by the Village.

#### **8-6-3-4 Fees**

The following types of fees shall be charged for when permitting and constructing a new Wastewater source and connecting it the POTW of the Village. All review, inspection and connection fees shall be based upon current fees identified in Section 8-8-6-17 of this chapter and 8-7-6 of the Village code and shall be reviewed and updated annually.

- A. A review and connection fee for sewer permit shall be paid to the Village at the time the residential application is filed. Non-Residential, Commercial and Industrial fees, will be based on an individual case basis measured by the impact on the current facility and current POTW capacity. A minimum sewer connection fee shall be established for any Non-Residential - Commercial and Industrial Users based on water line size or for additions at 4 Population Equivalents (PE). The first inspection that is required for a service is covered by the review fee.
- B. An inspection fee shall be paid for any additional inspections. This includes but is not limited to inspections of sampling manholes, common interceptors, Flow metering or sampling equipment, Garbage grinders, grease, oil and sand interceptors, and grease interceptors. A separate review fee may be charged based on the cost and expense to review equalization and/or Pretreatment facilities required at a Non-Residential User.
- C. Connection fees involving extra strength Wastewater:
  - 1. PE Determination:
    - a) The DPW may require Non-Residential commercial and industrial sewer Users to report to the DPW concentrations and Flow rates of waste water Discharged to the Village collection system. Flow rate averages will be calculated based on the number of actual days Discharged. For Wastewater the strength of which exceeds normal residential Wastewater for any constituent, as defined in 8-6-18 of this chapter, the fees shall be based as follows.
      - 1) In the event that the Wastewater exhibits a ratio of COD to BOD that is greater than 3.0, the BOD PE will be calculated on the basis of 0.33 of the COD value.
      - 2) A permit connection fee then will be charged on the basis of the impact on a Treatment Works as the equivalent of the highest PE of the three parameters: Flow, BOD or TSS. Upon payment, any increase in PE will be added to the baseline PE of the property.
    - b) When the volume and strength of the Wastewater to be Discharged to the public Sanitary Sewers is not known at the time of the connection, the fee shall be estimated and adjusted to reflect actual conditions during the billing period after a full year of operation of all equipment.
    - c) The volume and strength of the Wastewater for fee purposes shall be based on the maximum actual daily Discharge of constituents.
    - d) When a connection is made based on the applicant's statement that the strength of the Wastewater does not exceed normal domestic Wastewater in any constituent, and normally at the end of the billing period after a full year of operation of all equipment, it is determined that the Wastewater does exceed domestic Wastewater in strength, the DPW and Director of Community & Economic Development may accept or reject the wastes and back-charge the applicant for fees plus applicable penalties for the extra strength waste or have the service disconnected and the premises closed.
    - e) The DPW may review Non-Residential Users Flow and loadings on an intermittent frequency, normally every two years, to identify increases to the baseline PE. The DPW and Director of Community & Economic Development may bill the Non-Residential User, for increases to the

baseline, a connection fee as defined in Section 8-7-6 of the Village code. On payment of the fee, the property baseline shall be adjusted to the newly established PE.

D. Properties Outside Corporate Limits

The connection fees for any User not located within the corporate limits of the Village are listed in Section 8-7-6 of the Village code. On payment of the fee, the property baseline shall be adjusted to the newly established PE.

**8-6-3-5 Use of Public Sewers**

- A. It shall be unlawful to Discharge or cause to be Discharged to any facility served by the Village, without having first complied with the terms of this ordinance. At minimum, all Users are subject to the Prohibited Discharge Standards in Section 8-6-5-2, Change Notification in Section 8-6-9-6 and Hazardous Waste Notification in Section 8-6-9-9 if applicable. Spill Prevention Containment and Countermeasures / Slug Control planning may also be necessary for some Non-Residential Users as identified in Section 8-6-5.
- B. No User(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer.

**8-6-3-6 Monitoring Facilities**

- A. An inspection fee as provided in Section 8-6-3-4 Shall be paid to the Village prior to issuance of the permit should it be determined that the User is required to install any of the following structures:
  - I. Sampling Manhole Requirements. All Users located in areas zoned industrial and/or business park and such other Users as required by the DPW, except Residential Users, are required to install a monitoring manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the Director of Community & Economic Development. Each manhole shall be situated on the User's premises in an Easement dedicated to the Village.

The sampling manhole shall be located on the sewer connection pipe at a point where there are no changes in grade or alignment for at least 15 pipe diameters upstream and downstream from the manhole. The grade (slope) of the pipe shall not exceed 1% (1 foot per 100 feet) through the manhole and for a distance of 15 pipe diameters upstream and downstream from the manhole.

There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The manhole shall be installed and maintained by the owner/User at his sole expense so as to be safe and accessible to the Village at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

- a) Where such a manhole location would be impractical or cause extreme hardship on the User, the DPW may concur with the manhole being constructed in the public street or sidewalk area providing that the manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a sampling manhole must be in a parking lot, a permanent barricade, such as a vertical pipe shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover.
- b) The DPW and Director of Community & Economic Development may postpone the installation of the sampling manhole when specific circumstances prevent the installation of a manhole.

- c) A postponement for a sampling manhole will be handled on a case-by-case basis by the DPW and Director of Community & Economic Development when it is determined that the Discharge is solely from a Residential Source and the site is not in a zoned business park/industrial area.
- d) When a postponement for a sampling manhole installation is granted by the Village, an affidavit will be signed by the property owner to install the manhole at a later date should business practices change at the location where the manhole installation was postponed.
- e) The DPW may determine sub-classes of business that need not install monitoring manholes and will advise the Director of Community & Economic Development of such sub-classes. Monitoring manholes will always be required in zoned business or industrial parks.

2. Liquid Quantity Measurements. All Significant Industrial Users may be required to install an open channel Flow measuring device in said sampling manhole. When required, the sampling chamber shall contain a Palmer-Bowlus or Parshall flume or equivalent, unless a weir or similar device is approved by the Village.

The Village may, at its option, based on the water usage and/or waste loadings, require the User to install a device with a recording and totalizing register for measurement of the liquid quantity. The device shall include a circular chart recorder, suitable to record seven (7) calendar days of Flow. The equipment required to indicate, record and totalize the Flow shall be located in a warm dry location and be accessible to the Village for reading. This equipment shall be installed and maintained by the User at his sole expense. Should the requirement be made, the User shall complete installation of the flume and secondary Flow measuring device based on the installation schedule approved for such device by the Village.

The User shall be required to calibrate and maintain the Flow metering equipment in accordance with the manufacturer's recommended procedures and frequencies. Users who operate Flow measuring devices will submit the procedure for operation and maintenance (O & M) to the Village. The User shall further document O & M in a log which shall be available for inspection by Village Personnel. At minimum, the User shall submit a semi-annual calibration report performed by an outside representative by the deadline defined in the User's Discharge Permit. The User may be required to submit Flow records to the Pretreatment Coordinator monthly.

3. Sampling Equipment. The Village may, at its option, based on water usage and/or waste loadings or when the waste loads cannot be accurately evaluated by time Composite Samples, require the User to install sampling equipment. This equipment shall be installed and maintained by the User at his sole expense.

Users shall submit the procedure for operation and maintenance to the Village. The User shall further document O & M in a log which shall be available for inspection by Village Personnel. At minimum, the User shall submit an annual report confirming the accurate operation of the equipment performed by an outside representative by the deadline defined in the Discharge permit.

#### ***8-6-3-7 Additional Structures Required for the Use of the Public Sewers***

A. An inspection fee as provided by Section 8-6-3-4 and found in Section 8-6-17 of this chapter shall be paid to the Village prior to issuance of the permit should it be determined that the User is required to install any of the following structures:

1. Garbage Grinders. Garbage is required to be properly shredded in order to be approved to be Discharged to the Public Sewer. Wastes classified as Properly Shredded Garbage contain all particles being carried freely under the Flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. The installation and operation of any Garbage grinder equipped, with a motor of three-fourths horsepower (0.76 hp metric) or greater shall

be subject to review and approval of the Village. The Discharge of grinders is prohibited to be connected to a grease interceptor.

2. Grease, Oil, and Sand Interceptors. Interceptors shall be provided in services connected to the Village where it is determined that they are necessary for the proper handling of the Wastewater containing excessive amounts of grease, oil, and sand except that such interceptors shall not be required for private living quarters or Dwelling units. All interception units shall be of type and capacity approved by the Village and Shall be so located to be easily accessible for cleaning and inspection. Oil and sand interceptors used for petroleum grease and oils may be located inside the building. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense.
3. Neutralizing Basins. Laboratory and facilities commonly using acid or alkaline chemicals or compounds must install a neutralizing basin. All basins shall be of type and capacity approved by the Village and Shall be so located to be easily accessible for cleaning and inspection. Such basins shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense.

Equipment and devices installed under this section shall not be considered to provide Pretreatment to Wastewater. Any User operating devices installed in this section shall submit operating data as may be required by the Village.

B. Equalization and Pretreatment Equipment.

1. Approval. If the Village requires the equalization or Pretreatment of waste Flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and, subject to the requirements of all applicable codes, ordinances and laws. Said facilities shall also be subject to approval by IEPA consistent with IEPA regulations.
2. O & M. Where Flow-equalizing or Pretreatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

C. Commercial Car Wash Establishments

1. Commercial Car Wash Establishments have required recycle and chemical usage requirements that are defined in Section 8-7-25 of the Village code.

**8-6-3-8 Food Service Establishments**

A. Grease and Interceptors – Food Service Establishments (FSE). Hydro-mechanical grease interceptors and gravity grease interceptors (collectively referred to as grease interceptors or GI) are required to be installed in all new FSE. All GI shall be of a type and capacity approved by the DPW based on an evaluation of the volume and characteristics of the Discharge in conjunction with the operating plan of the FSE. The DPW may require GI to be installed or modified in existing FSE where FSE that have caused or contributed to overflows and/or blockages, or at existing FSE that that meet the remodeling requirements identified in Section 8-6-3-8 or when streetscapes or street/sewer replacements are installed.

I. Installation Requirements.

- a) All newly constructed FSE's shall install an exterior GI prior to operation of the facility.
- b) Common Interceptors are required to be installed when the tenants or purchasers of sub-properties that are unknown by the complex Owner and zoning allows the build-out of an FSE in said properties. The Owner of the property on which the Common Interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the Common Interceptor.
- c) Existing FSE. All existing FSE's may be required to install an exterior GI at the request of the DPW. The DPW may require said GI to be installed or modified in an existing FSE within ninety

(90) calendar days of notification by the Village where the FSE has caused or contributed to overflows and/or blockages, when any reconstruction, rebuilding, or remodeling of fifty percent (50%) or more of the building occurs, or when streetscapes or Street/Sewer Replacements are installed. The DPW may require a new exterior GI to be installed when the facility has an undersized, irreparable, or defective GI. In the event that winter weather will impact the installation of a GI, the DPW may grant an extension of the installation schedule to a maximum of one hundred eighty (180) calendar days.

- d) Existing FSE where Sanitary Sewer Area of Concern (SSAC) or blockages have occurred. GI's where SSAC or blockages have occurred will be required to install an exterior GI as defined in c) above. GIs interior to the building may be required as an interim measure to the installation of an exterior GI. Such GI interior to the building will be required to be installed within from five (5) to thirty (30) calendar days, as determined by the DPW based upon the nature of the SSAC or blockage, after a notice by the Village.
- 2. Location. All GI shall be so located to be easily accessible for cleaning and inspection. All GI will be provided exterior to the building for all new construction and when feasible at existing FSE. The exterior GI shall not be located in drive-through lanes.
- 3. An inspection fee as provided by Section 8-6-3-4 and found in Section 8-6-17 of this chapter shall be paid to the Village prior to issuance of the permit should it be determined that the User is required to install any GI.
- 4. Sign-off Inspection. Prior to the initial operation of any FSE, the GI shall be inspected by the Village and a sign-off will be issued by the Village. Notification will be made by the FSE to the Building Official during normal business hours of the Village. Inspections will be made normally by the Village within two (2) Village business days of the notice. The FSE will be required to make appropriate changes prior to initial operation, in the event that the GI does not meet requirements.
- 5. Maintenance. Such GIs shall be inspected, the grease cap and solids blanket cleaned every three months, the entire contents of the trap cleaned annually and repaired regularly, as needed, by the owner at his expense. It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure the trap is properly cleaned out and that all fittings and fixtures inside the trap are in working condition and functioning properly. In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive Discharges as defined in Section 8-6-5-2, the owner of the FSE will be required by the DPW to have the GI cleaned at a more frequent rate or install additional GI and/or Pretreatment as necessary.
- 6. Modifications. The DPW may make determinations of GI adequacy, need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding GI performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of the GI.
- 7. FSE that are required to be issued a permit shall be issued a general permit as provided by Sections 8-6-7 & 8-6-8 of this chapter.

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

- 1. The size will be determined by a formula approved by the Village. The minimum capacity of any one unit shall be 500 gallons and the maximum capacity shall be 1500 gallons. Where sufficient capacity cannot be achieved with a single unit, installation of GI in series is required.
- 2. Twenty-five Percent Requirement. Provide for a minimum hydraulic retention time of 24 minutes at actual peak Flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the GI being allowed for any food derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified as a solids blanket and grease cap respectively.

3. Access Manholes. Access manholes, with a minimum diameter of 24 inches, shall be provided over each exterior GI chamber and each sanitary tee. The access manholes shall extend at least to finished grade and be designed to and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and Wastewater sampling activities.
4. Prohibitions. Dishwashers and food waste disposal units shall not be connected to or Discharged into any GI.

C. Waivers that are available to FSE are identified below. A request for a waiver is required to be filed with the DPW on a form provided by the Village and a waiver review fee will be required at the time of the filing as defined in Section 8-6-17 of this chapter. Waiver requests are not considered to be filed until the request has been reviewed and determined complete. If the DPW fails to act on a completed waiver request within 45 calendar days, a request for waiver shall be deemed to be denied. While waivers may result in an alteration of the GI requirements, it does not waive the requirement to prevent prohibitive Discharges through alternate technologies and Best Management Plan practices.

1. Existing External FSE GI Installation Waiver. The requirement to install and to properly operate and maintain a GI is conditionally stayed, that is, delayed in its implementation by the DPW. Terms and conditions for application of a stay to a FSE shall be set forth in a permit. The terms may include the requirement to install GI(s) inside the facility, alternate technology and the use of Best Management Practices. The waiver will not apply to any existing facility that has not operated as a FSE for the last 12 consecutive months prior to the adoption of this ordinance. Such facilities will be required to install a GI in order to operate a FSE in the Village Sanitary Sewer service area.
2. Common GI Waiver. Common GI means one or more interceptors receiving FOG laden Wastewater from more than one establishment. Common interceptors may be used in lieu of an individual GI at each FSE provided a waiver has been granted by the DPW. A common GI may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single GI. The owner of the property on which the common grease interceptor is located shall be responsible for operating and maintenance of the common interceptor including program documentation, upkeep, and repair. In such cases, a general permit will be issued to the property owner for the common GI and separate general permits will also be required at each FSE connected to the common GI for Best Management Practices requirements.
3. Limited Food Preparation Establishments GI Installation Waiver. Waivers for installations at FSE only serving beverages and snack bars with no food preparation other than food warming will be handled on a case-by-case basis by the DPW and are deemed to be limited food preparation establishments.
4. Constraint Waivers at existing FSE. Where the installation of a GI is not feasible and no equivalent alternative Pretreatment can be installed, a waiver from the installation of the GI requirement may be granted. The DPW determination to grant the waiver will be based upon, but not limited to, evaluation of the following conditions:
  - a) There is no adequate space for installation and/or maintenance of a grease interceptor;
  - b) There is no adequate slope for gravity Flow between the kitchen plumbing fixtures and the GI and/or between the GI and the private collection lines or Public Sewer; or
  - c) A waiver from GI installation cannot be granted to allow alternative Pretreatment technology that is, at least, equally effective in controlling the FOG Discharge in lieu of a GI.

If a Constraint Waiver is granted, the DPW will institute the Grease Disposal Mitigation Fee as defined in Section 8-6-17 of this chapter.

5. Alternate Technology Waiver. The use of automatic grease removal systems is permissible only upon the written approval of the DPW and the lead plumbing inspector of the Village. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Village may approve these types of devices dependent on manufacturer's specifications on a case by case basis. Any User operating an alternative technology may be subject to additional operational requirements. Any User with this equipment shall operate the system in such a manner that attainment of the grease Wastewater Discharge limit, as measured from the unit's outlet, is consistent achieved as required by the DPW.

#### ***8-6-3-9 Sewer Line Maintenance/Replacement***

- A. The residential property owner is responsible for the maintenance of the private sewer line from their structure to the Public Sanitary Sewer connection. It shall be the responsibility of the Village to repair a broken or collapsed building sanitary sewer service line from the private property line to the point of connection with the Public Sanitary Sewer. Evidence (via videotape) of a broken/collapsed building sanitary service must be provided to the Village to justify a repair in the public right-of-way. Root infiltration is not considered a broken or collapsed service. The final determination of a break or collapse in the sewer service will be given by the Director of Public Works (or his/her designee).
- B. The Non-Residential property owner is responsible for the maintenance and repair of the private sewer line from their structure to the Sanitary Sewer connection.
- C. In the event the property owner finds it necessary to excavate the private sewer line for maintenance or replacement, that shall be the property owner's responsibility.
- D. In those instances when property owners have had to excavate and as a result the sidewalk, curb and street have been dug out, the property owner will be responsible for the restoration of the street (surface and sub-surface), curb and sidewalk.
- E. In those instances where Subsection D. is involved, it is recommended tunneling under the curb and sidewalk whenever practical. Sidewalk and curb must be cut when removal is required.
- F. All work, as it is related to the replacement and/or repair of the private sewer line, shall be in conformance with the Village standard construction specifications and will be inspected by a Duly Authorized Agent of the Village during the repair and replacement.
- G. The Village may, in case of emergency, repair or order the repair of any sanitary sewer service from the Village main to the premises served thereby, and if it does so, the cost of such repair work located on private property shall be repaid to the Village by the owner or occupant (who are jointly and severally liable). These costs shall be treated and collected in the same manner and with the same remedies as for the collection of charges for water and sewer service.

#### ***8-6-3-10 Automobile Service , Repair and Fuel Dispensing Properties***

- A. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all Discharges shall have installed a sampling manhole consistent with the requirements of Section 8-6-3-6. All sampling manholes of this type shall be monitored throughout the year in a manner secured and coordinated by the Pretreatment Coordinator. Additionally, any property involved in the repair or servicing of automobiles, trucks, or engine-powered equipment shall install a triple basin oil separator in the sanitary line (per State of Illinois Plumbing codes) servicing the repair area of the building. This system shall be cleaned, serviced and inspected at least four times per year by the owner at his expense. The property may petition the Pretreatment Coordinator to reduce the cleaning and servicing of the triple basin oil separator to two times per year upon demonstration that the amount

removed quarterly is significantly less than 25% rule for the basin capacity and the Discharge does not exceed the Oil and Grease Local Limit. Conversely, the system may be required by the Pretreatment Coordinator to be cleaned at a more frequent rate if the property cannot meet the requirements.

B. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. All fuel dispensing equipment, piping and venting shall be installed in accordance with the standards listed below and be in accordance and in compliance with the current adopted building, electrical and fire codes:

1. *Guidance Manual for LUST Cleanups in Illinois*, September 1989; and *Leaking Underground Storage Tank Manual*, September 1991; both published by IEPA, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276.
2. *Recommended Practices for Installation of Underground Liquid Storage Systems*, PEI/RP 100, 1994; published by Petroleum Equipment Institute, P.O. Box 2380, Tulsa, OK 74101.
3. *Flammable and Combustible Liquid Code*, NFPA/30; *Automotive and Marine Services Station Code*, NFPA/30A; *National Electric Code*, NFPA/70; and *Underground Leakage of Flammable and Combustible Liquids*, NFPA/329; latest editions all published by National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.
4. *Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules*, 40 CFR Parts 280 and 281, Part II, Federal Register, Friday, September 23, 1988; and *Musts for UST's: A Summary of the New Regulations for Underground Storage Tank Systems, and Hazardous Waste Management Standards*, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.
5. *Rules of the Illinois State Fire Marshall*, Parts 170 & 180, Title 41, Chapter 1, State of Illinois, Office of the Fire Marshall, 1035 Stevenson Parkway, Springfield, IL 62703.

C. Jurisdiction:

1. These requirements shall be met by any property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, where any water main, Wastewater or Stormwater facility is under the jurisdiction of the Village, regardless of whether or not such property lies within the corporate limits of the Village.
2. The requirements of this Section 8-6-3-10 shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, involving placement, replacement, reconfiguration, removal or modification of any fueling area, or a Discharge has occurred that does not meet the Local Limits, or a blockage has been caused or contributed to, compliance with the provisions of Section 8-6-3-9 shall be required.

### **8-6-3-11 Amalgam Management at Dental Offices**

A. Applicability.

1. Except as provided in paragraphs 3, 4, and 5 of this section, this part applies to Dental Dischargers as defined in Section 8-6-1-6.

2. Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR part 403, and are not Categorical Industrial Users or industrial users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR part 403, as a result of applicability of 40 CFR 441.
3. This part does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
4. This part does not apply to wastewater discharges from Mobile Units as defined in Section 8-6-1-6 operated by a Dental Discharger.
5. This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Section 8-6-1-6 to a POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR part 437.
6. Dental Dischargers that do not place Dental Amalgam as defined in Section 8-6-1-6, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR 441.50 are exempt from any further requirements of this part.

B. Existing Dental Discharger Compliance. Within the shortest reasonable time, but not later than July 14, 2020, any Existing Dental Discharger as defined in Section 8-6-1-6 subject to this section must comply with the requirements of 40 CFR 441.30(a) that defines removal of amalgam solids and (b) implementation of two Best Management Practices. Dental Dischargers must file a One-Time Compliance Report per 40 CFR 441.50(a) by October 12, 2020 to the Village and maintain and make available for inspection defined records per 40 CFR 441.50(b).

1. If a transfer of an Existing Source occurs after July 14, 2020, the new owner must submit a new One-Time Compliance Report to the Village no later than 90 days after the transfer.

C. New Dental Discharger Compliance. As of July 14, 2017, any New Dental Discharger Source as defined in Section 8-6-1-6 subject to this section must comply with the requirements of 40 CFR 441.40 that states discharges must comply with the requirements of 441.30(a) that defines removal of amalgam solids and (b) implementation of two Best Management Practices. Dental Dischargers must file a One-Time Compliance Report per 40 CFR 441.50(a) to the Village no later than 90 days following the introduction of wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR 441.50(b).

1. If a transfer of a New Source occurs after July 14, 2017, the new owner must submit a new One-Time Compliance Report to the Village no later than 90 days after the transfer.

D. Limited Dental Dischargers. Limited Dental Dischargers must file with the Village a One-Time Compliance Report with certification that they do not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020 for Existing Sources and within 90 days following the introduction of wastewater for New Sources.

E. Signatory Requirements. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(j) and Section 8-6-1-6 under Authorized Representative (5) and (6).

## **8-6-4: INFORMATION REQUIRED OF NON-RESIDENTIAL USERS**

### ***8-6-4-1 Initial Survey (Questionnaire)***

A. The Initial Survey shall be completed in order to ensure that said Non-Residential Users of the POTW of the Village adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the Village set forth in Section 8-6-5 of this chapter, spill control of raw materials, intermediates and waste as set forth in Section 8-6-6-5, and to facilitate the Village's investigation of apparent or suspected violations thereof. The requirements are as follows:

1. All existing or new Non-Residential Users, or in areas receiving sewer service from the Village, shall complete and submit an Initial Survey on a form provided by the Village when requested by the Village.
2. All Users defined in Section 8-6-4-1.A.1 seeking to establish a new account for Sanitary Sewer service from the Village or to establish a new connection to the POTW of the Village shall file a completed Initial Survey with the Village as a condition to the establishment of such new Sanitary Sewer service account or connection to the POTW of the Village.
3. The Initial Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the User as defined in Section 8-6-1-6.
4. All Users defined above that fail to complete and submit to the Village an Initial Survey shall be in violation of the provisions of this division (Section 8-6-4-1) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the Village.

B. Food Service Establishment (FSE) Survey

The Initial FSE Survey shall ensure that Food Service Establishments using the POTW of the Village adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the Village set forth in Section 8-6-5-2 and to spill control of raw materials, intermediates and waste as set forth in Section 8-6-6-5, and shall facilitate the Village's investigation of apparent or suspected violations thereof. The requirements for the Initial FSE Survey are as follows:

1. All existing or new FSE's, including those in areas receiving Sewer Service from the Village, shall complete and submit an Initial FSE Survey on a form provided by the Village when requested by the Village.
2. The Initial FSE Survey shall cover, at a minimum, information that includes a description of processes, kitchen fixtures, water usage and Wastewater characteristics, plus grease usage and management for the facility. This information will be required to be submitted and will be evaluated by the Village for determination of the requirement to issue a General FSE Discharge Permit or FSEP per Section 8-6-8-2.D.
3. All new FSE's that establish a new account for Sanitary Sewer Service or those that transfer an existing FSE account in the Village shall file a completed Initial FSE Survey with the Village as a condition to the establishment of such new or transferred Sanitary Sewer Service account or connection to the POTW of the Village.
4. The Initial Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the User as defined in Section 8-6-1-6. In the event that the Village obtains the information through a site inspection(s) but the Initial

Survey is not signed by an Authorized Representative, the Village may proceed to determine classification and permit as appropriate based on the information obtained at the site.

5. All Users defined above that fail to complete and submit to the Village an Initial Survey within thirty (30) calendar days of notice by the Village shall be in violation of the provisions of this Division (Section 8-6-4-1.A) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the User in question for the Discharge of Sewage or Wastewater into the POTW of the Village.

#### ***8-6-4-2 Affirmation to Initial Survey***

- A. The Village shall determine based on building, zoning and occupant usage whether the User shall be required to file a periodic Affirmation of Survey or an updated/revised Survey with new questions. The User's status will be defined by the Village after review of the Initial Survey submitted as required in Section 8-6-4-1.
- B. Any User, defined in Section 8-6-4-1, having filed an Initial Survey where the information remains true, complete and correct in all respects may be required to submit a statement that the information remains current as part of a discharge permit application process.
  1. The statement is required to be signed by an Authorized Representative of the firm.
  2. The statement will be due normally not later than January 31 of each year required.
  3. All Users defined above that fail to file an Affirmation with the Village shall be in violation of the provisions of this division (Section 8-6-4-1) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the Village.

#### ***8-6-4-3 Reports of Changed Conditions***

- A. Any User, defined in Section 8-6-4-1, that makes any changes determined to be substantial as defined in Section 8-6-9-6 shall report said changes as required in Section 8-6-9-6. Reports of changed conditions are required to be made prior to the change. The User may be required to file an updated survey as a result of changed conditions.

#### ***8-6-4-4 Additional Survey Information***

- A. After review of the Initial Survey completed per Section 8-6-4-1, all Non-Residential Users that the Village has defined to have the potential to be defined a Significant Industrial User (SIU) or a Non-Significant Regulated User (NSRU) shall be required to complete and file a more detailed Wastewater Survey on a form provided by the Village. At a minimum, a description of processes, water usage and Wastewater characteristics for the facility will be required to be submitted. This information will be evaluated by the Village for determination of the requirement to issue an Individual Wastewater Discharge Permit per Sections 8-6-7 and 8-6-8 of this chapter or a General Wastewater Discharge Permit.
- B. Periodic Updates of Wastewater Survey Information. The information provided in the Wastewater Survey may be required to be revised and/or updated for the following conditions:

1. A Report of Changed Conditions is filed as required in Section 8-6-9-6,
2. An application for a Wastewater Discharge Permit is required to be filed per Sections 8-6-7 and 8-6-8 of this chapter, or
3. A re-issuance of a Wastewater Discharge Permit occurs per Section 8-6-8-7.

C. In addition to the Wastewater Survey defined in Section 8-6-4-4, Categorical Industrial Users may be required to complete a category specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by an USEPA Effluent Guideline category.

## **8-6-5: GENERAL DISCHARGE REQUIREMENTS**

### ***8-6-5-1 Applicability***

- A. It shall be unlawful to Discharge or cause to be Discharged to any facility served by the Village, without having first complied with the terms of this ordinance.
- B. Users must meet the most stringent applicable requirements and limitations at all times either as set forth in this Ordinance, or in individual Wastewater Discharge Permits, Federal Pretreatment Standards as established by 40 CFR Part 403, or State of Illinois Standards as codified in 35 IAC 307. Said Users shall provide the necessary Wastewater treatment to achieve compliance with all National Categorical Pretreatment Standards and requirements within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards including Local Limits and requirements, by applicable deadlines.
- C. Each FSE shall provide Wastewater Pretreatment and implement Best Management Practices as necessary to comply with this Article and shall achieve compliance with all Local Limits and the prohibitions set out in Sections 8-6-5-2 and 8-6-5-5, respectively, within the time limitations specified by the Pretreatment Coordinator.

### ***8-6-5-2 Prohibited Discharge Standards***

These general prohibitions apply to all Users of the POTW whether or not they are subject to a Categorical Pretreatment Standard or any other National, State or local Pretreatment Standards or Requirements.

- A. No User shall contribute or cause to be contributed, directly or indirectly to the POTW, any Pollutant or Wastewater contaminant which will cause Pass Through, cause Interference with, or inhibition or other problems with the operation of the POTW;
- B. No User shall increase the use of potable or process water, or in any way to attempt to dilute a Discharge as a partial or complete substitute for adequate treatment in order to achieve compliance with a Pretreatment Standard or Requirement except where expressly authorized to do so by an applicable Categorical Pretreatment Standard or Requirements and in a Wastewater Discharge Permit; and
- C. No User shall introduce, or cause to be contributed, either directly or indirectly, any of the following described Pollutants, substances or Wastewater into the POTW:
  1. Any Unpolluted Water including, but not limited to, uncontaminated Non-contact Cooling Water, storm-water, surface and ground-waters, subsurface drainage, roof run-off, spill contaminant area run-off, footing drains or construction drainage except as specifically permitted by the Pretreatment Coordinator;
  2. Any Pollutant which by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, fire or explosion or be injurious in any other way to the facilities or Personnel of the Village, or to the operation of Village POTW. Materials considered in this regard

are those with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21;

3. Any solid, solid waste or viscous substance that will cause obstruction to the Flow in a sewer or the POTW, or other Interference to the operation of the POTW. Prohibited materials include but are not limited to: waste cooking oil, grease, grease interceptor wastes, Garbage with particles greater than one-half (1/2-inch) in any direction, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, paper, wood, plastics, residues from gas, tar or asphalt, residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acids, or any material which can be disposed of as trash;
4. Any noxious or malodorous solids, liquids, gases or other Wastewater, which either singly or by their interaction are capable of creating a public nuisance or hazard to life, or to Interfere with, inhibit or cause Potential Problems of any operation of POTW, including but not limited to, prevention of entry into sewers for their maintenance and repair;
5. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or which necessitates the Village taking special measures to counteract and/or alleviate the impact of the Pollutant(s);
6. Any Wastewater containing substances in sufficient quantity to Interfere with the POTW;
7. Any toxic Pollutants in sufficient quantity, either singly or by interaction, to injure, Interfere with or cause Potential Problems to any POTW treatment processes or facilities, constitute a hazard to humans or animals, or to exceed limitation as set forth in the existing Act, or the Act as it may be amended;
8. Any Wastewater having a temperature which shall inhibit biological activity or cause Interference in the Village's POTW, but in no case heat in such a quantity that the influent temperature at the POTW will exceed 40° C. (104° F.);
9. Any Wastewater having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or Personnel in the POTW. The pH limits are Instantaneous Limits that shall be met at all times, and are not subject to averaging;
10. Any Pollutant, including oxygen demanding Pollutants, released in a Discharge at a Flow rate and/or Pollutant concentration (including any Slug load), either singly or by interaction with other Pollutants which may cause Interference with, inhibit, or cause Potential Problems at the POTW;
11. Ammonia nitrogen in amounts that would cause a violation of the Water Quality Standards of the receiving waters of the POTW;
12. Any wastes containing detergents, surface active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the collection system or the treatment process that result in POTW Interferences and/or Pass Through and/or is shown to inhibit the nitrification process. Wastes prohibited in this section shall not be processed or stored in such a manner that they could be Discharged to the POTW;
13. Additives for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to Interceptor maintenance that have a content of enzymes, surfactants or solvents that is greater than ten percent (10%) of the volume without the written consent of the Pretreatment Coordinator;
14. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference, Pass-Through or Potential Problems;

15. Any Wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to POTW organisms other than by direct excrement and any other wastes defined as Medical Wastes;
16. Any Wastewater containing any radioactive wastes or isotopes, except in compliance with Village, State and Federal rules governing such Discharges;
17. Wastewater or wastes containing iron pickling wastes or concentrated plating solutions whether neutralized or not;
18. Any leachate, groundwater remediation Wastewater or waste material, originating within the Village service area, which does not meet discharge limitations as set forth in this Article or determined by this Article except at Discharge points designated by the Pretreatment Coordinator;
19. All trucked or Hauled Waste is prohibited, except as approved by the Pretreatment Coordinator;
20. Any Bio-solids, screenings or other residues from the Pretreatment of Non-Residential wastes;
21. Any solid, solid waste or viscous substances that have caused an obstruction to the Flow in a sewer that is eliminated by a professional service or contractor;
22. Inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) that cause Potential Problems or Interfere with POTW operations;
23. Any substance with color which is not removed in the treatment processes, such as, but not limited to: dye waste, ink waste and vegetable tanning solutions;
24. Any substances that inhibit the use of UV for disinfection purposes;
25. Wastewater or wastes containing substances which are not amenable to treatment or reduction by the POTW processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of agencies having jurisdiction over Discharge to the receiving waters;
26. Any substance or combination of substances which shall cause the POTW to be in violation of its NPDES permit(s), or to cause the Village's POTW to violate receiving stream water quality and/or general effluent Discharge Standards;
27. Any Wastewater causing the POTW effluent to fail a toxicity test; or
28. Any substance which may cause the Village's POTW effluents or Bio-solids, to be unsuitable for reclamation and re-use, or Interfere with the reclamation processes. In no case shall a substance Discharged to the Village's POTW cause the Village to be in noncompliance with any Bio-solids use or disposal regulations developed under Section 405 of the Act; or any regulations affecting Bio-solids use or disposal developed pursuant to the Resource Conservation and Recovery Act, Solids Waste Disposal Act, Toxic Substance Control Act, or any State or local Standards applicable to any Bio-solid management methods either being used, or considered by the Village.
29. Any waste containing items that could clog or damage the Village's sanitary sewers, pump stations or POTW operation including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and any plastic products.

D. Wastes prohibited in this section shall not be processed or stored in such manner that they could be Discharged or introduced to the POTW. All Users with prohibited wastes described in this Section or those that have Hazardous Wastes as defined in Section 8-6-9-9 shall develop and implement a Spill Prevention/Slug Control Containment and Countermeasures Plan consistent with the requirements in Section 8-6-6-5. The Pretreatment Coordinator may also determine Spill Prevention/Slug Control is required of liquids and solids not previously described on either list based on an evaluation of a site potential to cause spills or Slug Loads to be introduced to the POTW. Notice Requirements shall be permanently posted as provided in Sections 8-6-6-5 and 8-6-9-7.

E. Requirements of Polluted Discharges - Discharge Locations:

1. Discharge of Polluting Substances From Fixtures into Storm Sewers Prohibited. It shall be unlawful for any Person or User to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, Industrial Waste, or any fixture or device Discharging polluting substances, to any Storm Sewer or storm water drainage system within the corporate limits of the Village.
2. Discharge of Sanitary and Industrial Waste into Storm Drainage Systems Prohibited, Nuisance Declared. For reasons of the protection of the health, safety and welfare of the inhabitants of the Village, is the declared policy of the Village to prohibit sanitary and Industrial Waste from entering into the storm water drainage system, and any such connection to the storm water drainage system is determined to be injurious to the public health and welfare and is hereby declared a public nuisance.
3. Prohibited Discharges into Natural Outlets. It shall be unlawful to Discharge into any Natural Outlet within the Village or in any area under the jurisdiction of the Village, any sanitary Sewage, Industrial Wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the required permits have been obtained and is in compliance with the Clean Water Act.

F. Requirements of Unpolluted Discharges

1. Discharge of Sump Pumps. A Sump Pump or Sump Pumps must Discharge into a Storm Sewer system; or with the prior written permission of the DPW may Discharge outside a building in an area first approved by the DPW. A shut-off valve or similar device which can divert the unpolluted Discharge from the Sump Pump into the Sanitary Sewer system, rather than into the storm system, or vice versa, shall not be constructed or installed, and any construction or installation of same shall be deemed a violation of this chapter. It shall be *prima facie* evidence of a violation of this chapter if any Person or User has on his premises or under his control a Sump Pump, or any other pump, fixture, or gravity drain connected to the Sanitary Sewer system which would allow the Flow of Unpolluted Water into the Sanitary Sewer system.
2. Discharge of Unpolluted Drainage into Storm Sewers or Natural Outlets. Storm water and all other unpolluted drainage shall be Discharged to such sewers as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the DPW. Industrial Cooling Waters or unpolluted process waters may be Discharged, upon approval by the DPW and the IEPA if appropriate, to a Storm Sewer or Natural Outlet. Discharges are required to be in compliance with the Clean Water Act.
3. Discharge of Unpolluted Discharges Upon Adjacent Property or Public Streets or Ways Prohibited. It Shall be unlawful for any Person or User to Discharge any storm water, surface water, ground water, roof runoff, or subsurface drainage, including the use of a Sump Pump for such purpose in such manner as to cause waters to overflow onto adjacent property or to be Discharged upon any public street or public way.

### ***8-6-5-3 National Categorical Pretreatment Standards***

These Pretreatment requirements Shall apply to all Non-Residential Users subject to National Categorical Pretreatment Standards, promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, currently Discharging or scheduled to Discharge to the Village. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405 – 471 are hereby incorporated into this ordinance.

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

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with paragraphs B and F below and 40 CFR 403.6(c) unless specifically restricted by the Categorical Pretreatment Standard. These equivalent limitations calculated in accordance with the following requirements are deemed Pretreatment Standards. Users shall be required to comply with the equivalent limitations instead of the promulgated Categorical Standards from which the equivalent limitations were derived. An alternative Pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants.
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit production, the Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users (see 40 CFR 403.6(c)(2)).

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

The Village calculating equivalent concentration limitations shall calculate such limitations by dividing the mass limitations by the average daily Flow rate of the User's regulated process Wastewater. This average daily Flow rate must be based upon a reasonable measure of the User's actual long-term average Flow rate, such as the average daily Flow rate during the representative year.

- C. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Pretreatment Coordinator shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR 403.6(e) provided that the regulation allows the Wastewaters to be mixed and the User can supply the information necessary to allow issuance of an alternative limit.
- D. A User may request a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR 403.13.
- E. A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.
- F. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the Village convert the limits to equivalent mass limits (see 40 CFR 403.6(c)(4)). The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment

Coordinator. The Village may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 1(a) through 1(e) below.

1. To be eligible for equivalent mass limits, the User must:
  - a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual Wastewater Discharge Permit;
  - b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c) Provide sufficient information to establish the facility's actual average daily Flow rate for all wastestreams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;
  - d) Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
2. A User subject to equivalent mass limits must:
  - a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b) Continue to record the facility's Flow rates through the use of a continuous effluent Flow monitoring device;
  - c) Continue to record the facility's production rates and notify the Pretreatment Coordinator whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 1(c) of this Section. Upon notification of a revised production rate, the Pretreatment Coordinator will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 1(a) of this Section so long as it Discharges under an equivalent mass limit.
3. When developing equivalent mass limits, the Pretreatment Coordinator:
  - a) Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c) May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the User's actual average daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 8-6-5-2.B. The User must be in compliance with Section 8-6-16-3 regarding the prohibition of Bypass.

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

All Users that are subject to National Categorical Pretreatment Standards are required to file reports as required in this Ordinance, signed by an Authorized Representative per Sections 8-6-9-2 and 8-6-9-3. These reports shall include all information that the Village deems necessary to make compliance determinations.

#### **8-6-5-4 State Limits**

- A. All Users are subject to State Standards and requirements as defined in 35 Ill Adm. Code (IAC) 307. Specifically, the Standard for Discharge of mercury is as follows:

1. Mercury (35 IAC 307.1102)

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

CONSTITUENT	STORET NUMBER	CONCENTRATION
Mercury	71900	mg/l 0.0005

- b) It shall be an exception to subsection a) if the Discharge is to a publicly owned or publicly regulated sewer system which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the Discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it Discharges.

- c) It shall be an exception to subsection a) if all the following conditions are met:

- 1) The Discharger does not use mercury; or, the Discharger uses mercury and this use cannot be eliminated; or, the Discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of Wastewater; and,
- 2) The Discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 IAC 304.104(a); and,

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

#### **8-6-5-5 Local Limits**

The following Pollutant limits are established to protect against Potential Problems, Interference and Pass Through.

**A. Non-Toxic Pollutants**

POLLUTANT (Total unless otherwise listed)	CONCENTRATION Instantaneous Daily Maximum (mg/l)
Oil and Grease	200

**B. Toxic Pollutants**

No User shall Discharge any Wastewater containing concentrations greater than the Daily Maximum Local Limits as set forth below into any sewers that connect either directly or indirectly to the POTW.

POLLUTANT	CONCENTRATION (mg/L)	
	Instantaneous	Daily Maximum

Arsenic		2.0
Cadmium		0.5
Chromium		15.5
Chromium (hexavalent)	2.0	
Copper		2.0
Cyanide	0.3	
Lead		2.0
Mercury (see Section 8-6-5-4)		0.0005
Nickel		0.3
Silver		3.0
Zinc		1.0
Total Toxic Organics (TTO)		2.0

- C. In the event that a suitable Sampling Manhole does not exist as per Section 8-6-5-7 and no end-of-process discharge location exists, the "sampling facility" shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.
- D. FSE Twenty-five Percent (25%) Requirement. The last section of an external GI at an FSE shall be measured to determine that the total volume of the GI being used for any food-derived solids to settle or accumulate plus the floatable grease-derived materials that rise and accumulate, identified as a solids blanket and grease cap respectively, is less than twenty-five percent (25%) of the total design hydraulic depth as measured from the effluent discharge pipe to the bottom ("Twenty-five Percent (25%) Requirement").
  - 1. The Village will apply the Twenty-five Percent (25%) Requirement above normally at the discharge side of the external GI if multiple compartments exist, prior to mixing with any other Wastewater from the contributing FSE's property.
  - 2. The Village reserves the right to apply the Action Level for Discharge at an end-of-pipe discharge location that connects to the Public Sewer system in the event that a unique sampling location in the end compartment of the GI is not available or there is no external GI.
  - 3. The Village also reserves the right to apply said Action Level to the discharge in the next Sanitary Sewer manhole downstream of the facility in the event that there is neither a GI sampling location nor a Sampling Manhole at the site.
  - 4. The Village may also apply the Twenty-five Percent (25 %) Requirement for external GI that are used in non-FSE locations such as an automobile service, repair and dispensing properties.
- E. The Village will apply the Local Limits found in Sections 8-6-5-5.A and B above normally at the end-of-pipe point where the Non-Residential waste is Discharged to the municipal sewer system. The Village reserves the right to apply said Local Limits at an end-of process Discharge location that connects to the POTW sewer system in the event that a unique sampling manhole at end-of-pipe is not available to sample or the sample is being taken from a batch discharge so that it is more representative of the impact the discharge will cause to the POTW.
- F. The Village reserves the right to establish requirements, by ordinance or in a Wastewater Discharge Permit or General Permit, to require control over the quantities and rates of Discharge from any User.
- G. The Village reserves the right to establish, by ordinance or in a Wastewater Discharge Permit, mass limitations rather than concentration limitations on Discharges particularly if Users are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

- H. The Village reserves the right to set specific limits for those Pollutants not identified in Sections 8-6-5-5.A or B, on a case by case basis for impacts caused to the POTW including but not limited to Interference, Potential Problems, Pass Through and prevention of beneficial Bio-solid re-use. Those limits shall be set forth in a Wastewater Discharge Permit per Section 8-6-8 of this chapter.
  - I. Local limits for additional pollutants not identified in Sections 8-6-5-5.A. or B will be noticed to the permit holder a minimum of 30 days prior to the effective date of the wastewater discharge permit. In the event that the village receives written comment on said limit during the comment period, the limit will take effect within 60 days of the public notice date to allow review and comment by the Village.
  - I. The Village may develop Best Management Practices (BMPs), by ordinance or in individual Wastewater Discharge Permits or General Permits, to implement Local Limits and the requirements of Sections 8-6-5-2 and 8-6-5-3 or to implement other provisions of this code.
  - J. Any User Discharging Pollutants such as but not limited to: Oils and Grease, BOD or TSS to the Village's facilities that cause the Village to alter its method of Wastewater treatment or Bio-solid disposal to a more costly method shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the Village Board.
  - K. Any User, whose Discharge is pretreated by the Village pursuant to the Village's determination that such pretreatment is more effective and which discharges pollutants into the Village's facilities so as to necessitate the Village's alteration of its method of Wastewater treatment or Bio-solid disposal to a more costly method, shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the Village Board.

#### ***8-6-5-6 Right of Revision***

- A. The Village reserves the right to establish, by ordinance or in Wastewater Discharge Permits or General Permits, more stringent limitations or requirements on Discharges to the POTW consistent with the purpose of this ordinance. The specific limitations on Discharge listed in Section 8-6-5-5 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those IUs, at the Village's discretion, that contribute the regulated Pollutant and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific Discharge limit. In no case shall the total of all allocations exceed the MAIL.
- B. The Village will maintain a reserve of the maximum allowable headworks Pollutant loading for each Pollutant for new industries or increase with existing industries. The Village will recalculate the maximum concentrations from time to time using site specific data taking into consideration revisions to State and Federal regulations that may impact the calculations.

#### ***8-6-5-7 Monitoring Facilities***

- A. Sampling Manhole Applicability.
  - I. All Non-Residential Users are required to install a sampling manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the Village and Section 8-6-3-6.

- a) When required by the Village, a SIU or NSRU, that does not have a unique sampling chamber at end-of-pipe, shall install a monitoring manhole or sampling chamber for use as the regulation location of Local Limits in the Building Sewer in accordance with plans and specifications approved by the Village. This sampling chamber may be required to be installed within the building.
  - b) When required by the Village, a Categorical Industrial User shall install a monitoring manhole or sampling chamber for use as the regulation location of the categorically regulated Discharge in the Building Sewer in accordance with plans and specifications approved by the Village. This sampling chamber may be required to be installed within the building and may be in addition to an end-of-pipe manhole.
2. The Village reserves the right to apply said Local Limits in Section 8-6-5-5 at an end-of process Discharge location that connects to the POTW sewer system in the event that:
  - a) A unique sampling manhole at end-of-pipe is not available;
  - b) A more representative sample can be taken of a process batch discharge even though an end-of-pipe manhole exists;
  - c) A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute wastestreams;
  - d) An end-of process location is used because the IU is unable to provide adequate flow documentation to use a combined wastestream formula.
3. In the event that a suitable sampling facility does not exist, the "sampling manhole" shall be considered to be either the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected or the point of process Wastewater Discharge if accessible by the Village.

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

1. Such facilities will be installed and maintained at all times at the User's expense. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its Discharge. Installation will be consistent with the requirements of Section 8-6-3-6.
2. The manhole or chamber located on a Building Sewer Discharge located in dedicated Easements shall be easily accessible to representatives of the Village twenty-four (24) hours per day, seven (7) days per week.
3. The manhole or chamber at a Discharge location within the building shall be accessible to representatives of the Village during normal User operating hours.
4. Metered water supply may be used to determine Wastewater Flow if it is substantiated to the Village that the metered water supply and Wastewater quantities are approximately the same, or where an adjustment agreed to by the Village is made in the metered water supply to determine Wastewater Flow which is documented through the use of sub-meters and/or production records. In the event that the Wastewater Flow cannot be substantiated at any regulated location, the User will be required to install Flow monitoring consistent with Section 8-6-3-6.
5. The sampling chamber, Flow metering device, sampling equipment and documentation of the frequency of sampling, sampling methods and analysis of samples shall be subject, at any reasonable time, to inspection by the Village.

## **8-6-5-8 Monitoring Requirements**

### **A. Applicability**

At minimum, all Significant Industrial Users (SIU) including Categorical Industrial Users (CIU) as well as Non-Significant Regulated Users (NSRU) are required to sample based on the Village Monitoring Frequency as stated in the Wastewater Discharge Permit. Other Users are required to sample upon the request of the Village. The Users shall pay the costs of sampling of its Discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the User or by the POTW.

### **B. Frequency**

1. All SIU including CIU with Wastewater Discharge Permits must sample their effluent consistent with the permit requirements and report the results to the POTW at least twice yearly. The Village may specify more frequent reporting, quarterly or monthly, dependent of the frequency for those parameters specified in the User's Permit and the Village Monitoring Frequency defined in the Village Enforcement Response Plan. The SIU may have the Village conduct routine monitoring using an independent laboratory. Sampling visits of this type will normally be unannounced.
2. Any NSRU with an individual or general Wastewater Discharge Permit shall sample their effluent and report the results to the POTW consistent with the requirements of the Wastewater Discharge Permit and the Village Monitoring Frequency. The NSRU may have the Village conduct routine monitoring using an independent laboratory. Sampling visits of this type will normally be unannounced.
3. Hauled Waste and batch Discharges that have been approved by the Pretreatment Coordinator will have sampling and analysis performed as defined by the Pretreatment Coordinator.
4. The Village shall have the right to perform its own sampling at any time at any location. Village data will be used for all surcharge evaluations.
5. The Village may initiate sampling and analyses at a greater frequency as a result of a violation of any Discharge Permit limit, including cases where SSAC maintenance issues or blockage to the Sanitary Sewer System has occurred. Cost of additional sampling and analyses for any monitoring event will be invoiced to the applicable User through the Village water and sewer invoice system.
6. The Village may resample a FSE within thirty (30) calendar days when a violation of the twenty-five percent (25%) requirement as defined in Section 8-6-5-5.D is identified.

### **C. Sample Collection**

1. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the Wastewater Discharge Permit.
2. Except as indicated in Subsections C.3 and C.5 below, the User must collect Wastewater samples using Flow proportional composite collection techniques.
3. In the event Flow proportional sampling is infeasible, the Pretreatment Coordinator may authorize the use of time proportional sampling at minimum collecting samples every 15 minutes during a 24-hour workday; or a minimum of four (4) Grab Samples where the User demonstrates that this will

provide a representative sample of the effluent being Discharged. A proportional number of samples shall be collected for Wastewater Discharges less than 24 hours.

4. Single Grab Samples may be required in the event of an infrequent batch Discharge or to show compliance with instantaneous Discharge limits.
5. Samples for Fats, Oil and Grease, temperature, pH, cyanide, hexavalent chromium, phenols, sulfides, and volatile organic compounds must be obtained using the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. Multiple Grab Samples are required for reports identified in Sections 8-6-9-2.A and 8-6-9-2.C as defined. Multiple Grab Samples that are individually preserved as specified in 40 CFR 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:
  - a) For, cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
  - b) For volatile organics and oil and grease: multiple Grab Samples may only be composited in the laboratory.
6. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Village, as appropriate.

D. Cost

The cost of Village sampling and analyses for any monitoring will be invoiced to the applicable User.

#### ***8-6-5-9 Analytical Requirements***

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the USEPA 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 applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by USEPA.

#### ***8-6-5-10 Protection of Village Sampling and Flow Metering Equipment From Damage***

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is owned or contracted by the Village. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## **8-6-6: GENERAL DISCHARGE COMPLIANCE**

### ***8-6-6-1 Applicability***

Each User that Discharges Non-Residential Source waste shall provide Wastewater treatment and Best Management Practices as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 8-6-5 of this chapter within the time limitations specified by USEPA, the State, or the Pretreatment Coordinator, whichever is more stringent.

### ***8-6-6-2 Pretreatment Facilities***

Any Pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the Village under the provisions of this ordinance.

All Users are required to comply with IEPA permitting requirements. Users shall obtain all necessary construction-operating permits from the IEPA prior to the Village connection and/or Discharge permit(s) being issued. IEPA will make the determination of actual permitting requirements based on changes in the Wastewater volume or characteristics generated at the User site. The Village will track and parallel this IEPA permitting process. No sources of Non-Residential Wastewater will be allowed to Discharge to Village POTW until all permitting requirements have been satisfied. Such Pretreatment facilities shall be under the control and direction of an IEPA-certified Wastewater operator.

Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to the Village and IEPA prior to the User's initiation of the changes. Users shall obtain all additional construction-operating permits from IEPA and the Village for the changes prior to Discharge.

### ***8-6-6-3 Additional Pretreatment Measures***

At minimum, the Village may require the additional Pretreatment measures defined below. The Village reserves the right to make unannounced inspections of any additional Pretreatment measures during normal business hours whether the User has been issued an individual or general Wastewater Discharge permit or not.

- A. Whenever deemed necessary, the Pretreatment Coordinator may require Users to restrict their Discharge during peak Flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial Waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Pretreatment Coordinator may require any Person or User Discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and Flow-control facility to ensure equalization of Flow. The Village may issue an individual or general Wastewater Discharge Permit solely for Flow equalization.

- C. Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- D. Grease Interceptor (GI) maintenance. A GI located inside an FSE will be inspected and cleaned weekly. A GI located outside an FSE on its property shall be inspected and the grease cap and solids blanket minimally cleaned every three months; the entire contents of the trap cleaned annually; and the GI repaired regularly, as needed, by the Owner at his expense. Logs of inspection and cleaning are to be posted in a readily accessible location of the facility. It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure the trap is properly cleaned out and that all fittings and fixtures inside the trap are in working condition and functioning properly. In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive Discharges, as defined in Section 8-6-5-2, or fail to meet Local Limits, as defined in Section 8-6-5-5, the Owner of the FSE will be required by the DPW to have the GI cleaned at a more frequent rate or install or modify Pretreatment as necessary.
- E. GI Cleaning Cycle Waiver. The GI Owner or operator may petition the Pretreatment Coordinator to reduce the cleaning and servicing of the GI from every three (3) months to a maximum of every six (6) months upon demonstration that the amount removed every three months is significantly less than the Twenty-five Percent (25%) Requirement for the basin capacity, as defined in Section 8-6-5-5.D, and that the Discharge does not exceed the Oil and Grease Action Level at a downstream sampling location. The GI Owner or operator will be required to submit data sufficient to document to the Pretreatment Coordinator that the Twenty-five Percent (25%) Requirement can be maintained using a longer cleaning cycle.

#### ***8-6-6-4 Best Management Practices (BMP) Plan.***

- A. FSE's are required to develop, implement and maintain Best Management Practices (BMP) plans that include, but are not limited to:
  - 1. Proper storage of unused cooking oil;
  - 2. Segregation, collection, and proper storage of waste cooking oil;
  - 3. Disposal of food waste into the trash or garbage disposal;
  - 4. Installation of drain screens;
  - 5. Wipe-up grease spills before using water;
  - 6. Employee training within ninety (90) days of initiation and twice each calendar year thereafter;
  - 7. Grease Interceptor maintenance;
  - 8. Kitchen exhaust filter maintenance;
  - 9. Record keeping requirements;
  - 10. Notifications required for spills or Slug Loads changes; and
  - 11. Notices and signage advising employees in the language used in the kitchen.

All FSE's that meet the criteria defined in Section 8-6-3-8 are required to develop and implement a BMP Plan regardless whether such FSE are regulated by a Discharge Permit or not.

- B. Each FSE meeting the criteria in Section 8-6-3-8 is to provide ready documentation as follows that the provisions of the BMP Plan are being implemented:

1. Specifics of documentation:
  - a) Site diagram showing location of all containers holding unused or spent yellow grease;
  - b) Procedures to prevent adverse impact from any accidental Discharge to Storm or Sanitary Sewers. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training and building of containment structures or equipment;
  - c) Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use whom to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge or a Bypass of any part of a Pretreatment system; and
  - d) Off-site emergency (24-hour) telephone number, and backup telephone number.
2. Notification Procedure. The BMP Plan shall contain procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge of any raw materials or recycled oil to either the Sanitary or Storm Sewer consistent with the requirements in Section 8-6-6-5.

C. The Village may require the submittal of BMP Plans and documentation of procedures required in this section. Review of such plans and documentation of procedures by the Village shall not relieve the User from the responsibility to modify the User's facility or BMP Plan and procedures as necessary to meet all requirements of this chapter. Review by the Village does not constitute an approval of a BMP Plan and procedures, and the Village and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Discharge.

#### ***8-6-6-5 Accidental Discharge & Slug Control Plan***

- A. All permitted Non-Residential Users are required to develop, implement and maintain Best Management Practices in the form of an Accidental Discharge & Slug Control Plan hereafter referred to as Spill Plan. All Non-Residential Users that meet the below criteria are required to develop and implement a Spill Plan regardless whether that User is regulated by a Discharge permit or not.
  1. Chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;
  2. Prohibited Discharge Materials as defined in Section 8-6-5-2 at or on its site; or
  3. Hazardous Waste as defined in Section 8-6-9-9 at or on its site; or
  4. Been defined by the Pretreatment Coordinator to have a need to control Slug Discharges.
- B. The Spill Plan which is required to be submitted to the Village for review if the User's Discharge is regulated shall address, at a minimum, the following:
  1. Specifics of Spill Plan:
    - a) Description of Discharge practices, including non-routine batch Discharges;
    - b) Description of stored chemicals, including quantity of chemicals and type and number of storage containers;

- c) Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing 8 drums or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;
- d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response. Building containment structures or production equipment changes are considered procedures to prevent adverse spills. If containment structures are connected to the Sanitary Sewer, a valve normally left in a closed position is required;
- e) Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use whom to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge or a Bypass of any part of a Pretreatment system; and
- f) Emergency telephone number (24-hour) off-site and backup telephone number. If the Spill Plan has been submitted, any change in the telephone numbers should be submitted within five working days when revised.

2. Notification Procedure. The Spill Prevention Containment and Countermeasures / Slug Control Plan shall contain procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge, as required by Section 8-6-9-7;
3. Documentation. The Spill Prevention Containment and Countermeasures / Slug Control Plan shall contain a sample of the documentation maintained at the site that:
  - a) Ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency notification procedures; and
  - b) Such logs to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify valves in containment structures, if present, are closed.

C. Review of such plans and operating procedures by the Village shall not relieve the User from the responsibility to modify the User's facility or Spill Plan as necessary to meet all requirements of this ordinance. Review by the Village does not constitute an approval of a spill plan and the Village and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Load.

D. At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each Significant Industrial User needs a revision to its Spill Plan. The Pretreatment Coordinator may require any User to submit at a frequency less than two (2) years such Spill Plan or require modification of an existing Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

In alternate years, the Pretreatment Coordinator shall evaluate whether each Non-Significant Regulated User is required to file a revision to its Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

### **8-6-6-6 *Closure Plan***

A. Any Non-Residential User meeting the requirements of Section 8-6-7-2.A including but not limited to those with Wastewater Discharge permits that determines it will cease operations permanently, or if some

of the processes that classify the User as significant are closed, the User shall file a written closure plan with the Village. The closure plan shall be submitted 10 working days prior to the initiation of the plan and shall contain, at a minimum, the following:

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

## 8-6-7: WASTEWATER DISCHARGE PERMIT REQUIREMENTS AND APPLICATION

### ***8-6-7-1 Wastewater Information and Analysis***

When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Pretreatment Coordinator may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Sections 8-6-4 and 8-6-7-5 of this chapter.

### ***8-6-7-2 Wastewater Discharge Permit Authority and Requirements***

- A. Individual Wastewater Discharge Permit issued to Significant Industrial Users (SIUs) which includes Categorical Industrial Users (CIUs). No SIU, including any CIU, shall Discharge Wastewater into the POTW without first obtaining an individual Wastewater Discharge Permit from the Pretreatment Coordinator except that a SIU, including any CIU, that has filed a timely application pursuant to this ordinance may continue to Discharge for the time period specified therein.
- B. General Wastewater Discharge Permit issued to SIU and CIU. At the discretion of the Pretreatment Coordinator, the Village may use general Wastewater Discharge Permits to control SIU or CIU Discharges to the POTW if the following conditions are met:
  1. Involve the same or substantially similar types of operations;
  2. Discharge the same types of waste;
  3. Require the same effluent limitations or Best Management Practices;
  4. Require the same or similar monitoring and/or reporting requirements; and
  5. In the opinion of the Pretreatment Coordinator, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
- C. Other Wastewater Discharge Permits. The Pretreatment Coordinator may require other Non-Residential Users to obtain either individual or general Wastewater Discharge Permits as necessary to carry out the purposes of this ordinance. The Wastewater Discharge Permit will define that holders of permits issued under this section shall not be classified as SIU. Non-Residential Users with Wastewater Discharge Permits in this class may include but are not limited to:
  1. Any User that has been determined to be a Non-Significant Categorical Industrial User (NSCIU) as defined in Section 8-6-1-6;
  2. Any User that has been determined not to be a SIU as defined in Section 8-6-1-6 that the Pretreatment Coordinator requires to be regulated by Wastewater Discharge Permit;
  3. Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;

4. Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator determines shall be permitted;
5. Non-Significant Regulated Users (NSRU) as defined below.
  - a) NSRU that Discharge a process Wastewater Flow greater than or equal to one half (0.5) percent of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller;
  - b) NSRU that Discharge more than or equal to one half (0.5) percent of the design dry-weather organic treatment capacity of the POTW;
  - c) NSRU that Discharge one half (0.5) percent of the maximum allowable headworks loading for any Pollutant regulated by a Local Limit developed in accordance with Section 8-6-5-2; or
  - d) NSRU that intermittently Discharge any individual batch or batches that would meet the criteria in 1, 2, or 3 above when Discharged or otherwise has the potential to Discharge a Slug Load to the POTW;
6. Non-Residential Users that have devices installed to remove oils, grease and sand;
7. Food Service Establishments (FSE);
8. Trucked waste; and
9. Non-Residential Users required to eliminate or control specified Pollutants from their wastestream through the development and implementation of a Best Management Practice (BMP) Plan.

D. Any violation of the terms and conditions of an individual or general Wastewater Discharge Permit shall be deemed a violation of this ordinance and subject the Wastewater Discharge permittee to the sanctions set out in Sections 8-6-13 through 8-6-15 of this chapter. Obtaining an individual or general Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### ***8-6-7-3 Individual and General Wastewater Discharge Permitting: Existing Connections***

- A. Any SIU or CIU required to obtain an individual or general Wastewater Discharge Permit who was Discharging Wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such Discharges in the future, shall, within ninety (90) calendar days after said date, apply to the Pretreatment Coordinator for the appropriate Wastewater Discharge Permit in accordance with Section 8-6-7-5, and shall not cause or allow Discharges to the POTW to continue after 180 calendar days of the effective date of this ordinance except in accordance with a Wastewater Discharge Permit issued by the Pretreatment Coordinator.
- B. Any non-SIU or non-CIU that is required to obtain individual or general Wastewater Discharge Permits shall file an application within the number of working days required in a notification sent by the Pretreatment Coordinator.
- C. General Permits for Food Service Establishments. No Person shall Discharge, or cause to Discharge any Wastewater from FSE directly or indirectly into the sewer system without first obtaining a FSE Wastewater Discharge Permit. The Village will implement the FSE permit process by issuing a survey provided by Section 8-6-4 of this chapter specific to FSE. The survey will serve as the Discharge Application. Any FSE that submits a survey in the timeframe required by the Village will be deemed to have complied with the permit requirements during the implementation of this program.

#### ***8-6-7-4 Individual and General Wastewater Discharge Permitting: New Connections***

- A. Any CIU who proposes to begin or recommence Discharging into the POTW must obtain such permit prior to the beginning or recommencing of such Discharge. An application for this individual or general Wastewater Discharge Permit, in accordance with Section 8-6-7-5, must be filed at least ninety (90) calendar days prior to the date upon which any Discharge will begin or recommence pending review by the Pretreatment Coordinator.
- B. Any non-CIU who proposed to begin or recommence Discharging into the POTW that is required to obtain an individual or general Wastewater Discharge permit must obtain such permit prior to the beginning or recommencing of such Discharge or operations in the case of a zero process Discharger, in accordance with Section 8-6-7-5. An application for this individual or general Wastewater Discharge Permit must be filed at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence pending review by the Pretreatment Coordinator.
- C. An FSE that propose new connections are required to obtain a general FSE Discharge Permit in accordance with Section 8-6-7-5.

#### ***8-6-7-5 Individual and General Wastewater Discharge Permit Application Contents***

- A. Individual Application Requirement. All Users required to obtain an Individual Wastewater Discharge Permit or Zero Process Wastewater Discharge Permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- B. Individual Application Contents. The Pretreatment Coordinator may require all Users to submit as part of an application all or some of the following information:
  1. All information required by Sections 8-6-4-1, 8-6-4-3 and 8-6-4-4;
  2. Identifying and contact information for the site including name and address of the facility, as well as contact information for the Authorized Representative and daily on-site contact;
  3. Description of Operations.
    - a) A brief description of the nature of the activities, services, production, and plant processes on the premises. Include each product produced by type, amount, process or processes, and a general rate of production;
    - b) Number and type of employees, hours of operation, and proposed or actual hours of operation;
    - c) Type and amount of raw materials processed (average and maximum per day) including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, Discharged to the POTW;
  4. Time and duration of Discharges with an estimate of the average daily and maximum Flow;
  5. Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to applicable Pretreatment Standards and Local Limits. Any sampling and analysis required for trucked discharges are required to be paid by the applicant;
  6. Requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge based on 40 CFR 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;
  7. Plans and Diagrams

- a) Site plans / floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;
- b) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of Discharge;
- c) A diagram showing the location for monitoring the Discharge of all wastes covered by the permit; and

8. Environmental Permits. A list of any environmental control permits held by or for the facility.
9. Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the Wastewater Discharge Permit application.

C. General Application Requirement. The Pretreatment Coordinator may require all Users that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the Village which is specific to the category regulated by the general Wastewater Discharge Permit. The form may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit. Where the Standard will require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator.

D. General Application Requirement for Food Service Establishments (FSE). The Pretreatment Coordinator may require all FSE that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the Village which is specific to FSE. The form may require but is not limited to contact information, general business information; facility operation; kitchen fixtures; fats, Oil and Grease handling, kitchen clean-up and water usage, grease interceptor or alternatives used, and sampling locations. The Village requires FSE to comply with a BMP and the FSE shall submit documentation as required by the Pretreatment Coordinator.

E. General Application for Waste Haulers. The Pretreatment Coordinator may require waste haulers that are required to obtain a Wastewater Discharge Permit to submit an application on a form provided by the Village. The form may require but is not limited to contact information, truck identification, names and addresses of sources of waste, volume and characteristics of the waste, type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

F. Categorical Monitoring Waivers

1. Authority. Pursuant to 40 CFR Part 403.12(e)(2)(v) and (vi), the Village may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the User. This waiver is not available to Users whose concentration Standards are derived from mass Standards or production based Standards. This authorization is subject to the following conditions:
  - a) The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Wastewater Discharged from the facility provided that the Sanitary Wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process Wastewater.
  - b) The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new

request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit.

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

## 2. Application Requirements

- a) In making a demonstration that a Pollutant is not present, the User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
- b) The request for a monitoring waiver must be signed in accordance with Section 8-6-7-6, and include the certification statement in Section 8-6-7-6.
- c) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

## 3. Documentation and Record Retention for CIU Monitoring Waivers

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

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

## ***8-6-7-6 Individual and General Application Signatories and Certification***

- A. All Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement:

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

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

## ***8-6-7-7 Individual and General Wastewater Discharge Permit Decisions***

The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within thirty (30) calendar days of receipt of a complete Wastewater Discharge Permit application, the Pretreatment Coordinator will determine whether or not to issue a Wastewater Discharge Permit. The Pretreatment Coordinator may deny any application for a Wastewater Discharge Permit. If the Pretreatment Coordinator fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied.

## **8-6-8: WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

### ***8-6-8-1 Individual and General Wastewater Discharge Permit Duration***

- A. An individual Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.
- B. A general Wastewater Discharge Permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. The Village will identify in the individual or general Wastewater Discharge Permit whether or not the permittee is defined as a Significant Industrial User.
- C. A general FSE Discharge Permit (FSEP) shall be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. Each FSEP will indicate a specific date upon which it will expire.
- D. The Pretreatment Coordinator may extend a permit issued under Section 8-6-8-1 A, B or C above with duration of less than five (5) years to a maximum duration of five (5) years upon written notification.

### ***8-6-8-2 Wastewater Discharge Permit Contents***

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate Bio-solid management and disposal, and protect against damage to the POTW.

- A. Individual and General Wastewater Discharge Permits must contain:
  - 1. A statement that indicates Wastewater Discharge Permit issuance date, expiration date and effective date;
  - 2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Village in accordance with Section 8-6-8-5, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, local limits, and State and local law;
  - 4. Requirements to control Accidental Spills and Slug Discharges, if determined by the Pretreatment Coordinator to be necessary;
  - 5. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. An individual Wastewater Discharge Permit may contain the process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with Section 8-6-7-5.E. Any grant of the monitoring waiver by the Pretreatment Coordinator shall be included as a condition of the User's permit.

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

1. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for Flow regulation and equalization;
2. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to equalize, reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
3. Requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR 403.17 and Section 8-6-16-3;
4. Requirements for the development and implementation of Spill Prevention Containment and Countermeasures / Slug Control Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
5. Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;
6. Development and implementation of Best Management Practices Plans to reduce the amount of Pollutants Discharged to the POTW if categorical standards do not already require the implementation of a Best Management Practices Plan;
7. The unit charge and/or schedule of Surcharge fees for the management of the Wastewater Discharged to the POTW;
8. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
9. Requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local standard;
10. Documentation of any monitoring waiver approved by the Pretreatment Coordinator for categorically regulated Pollutants found to be not present and requirements to re-institute monitoring in the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operation;
11. A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and
12. Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

D. General Permits for Food Service Establishments. The general permit for FSE will include grease interceptor requirements with operation and maintenance requirements. All FSE shall implement Best Management Practices (BMP) plan in its operation to minimize the Discharge of FOG to the sewer system. Detailed requirements for BMP plans shall be specified in the permit. This may include but is not limited to:

1. Installation of drain screens;

2. Segregation and collection of waste cooking oil;
3. Disposal of food waste into the trash or Garbage;
4. Employee training;
5. Record keeping requirements;
6. Notifications required, and
7. Kitchen signage.

If the FSE has a waiver for some aspect of the program, that waiver will be documented in an attachment to the permit.

#### ***8-6-8-3 Individual and General Wastewater Discharge Permit Appeals***

The Pretreatment Coordinator shall provide public notice of the issuance of an individual or general Wastewater Discharge Permit. Any Person, including the User, may petition the Pretreatment Coordinator to reconsider the terms of a Wastewater Discharge Permit within thirty (30) calendar days of notice of its issuance. The following conditions apply to Wastewater Discharge Permit appeals:

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.
- C. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
- D. If the Pretreatment Coordinator fails to act within thirty (30) calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Circuit Court for DuPage County within sixty (60) calendar days.

#### ***8-6-8-4 Individual and General Wastewater Discharge Permit Modification***

- A. The Pretreatment Coordinator may modify an individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
  1. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
  2. To address substantial alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

3. To address introduction of a Pollutant for which a monitoring waiver had been obtained;
4. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
5. Information indicating that the permitted Discharge poses a threat to the Village's POTW, Village Personnel, or the receiving waters;
6. Violation of any terms or condition of the Wastewater Discharge Permit;
7. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
8. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
9. To correct typographical or other errors in the Wastewater Discharge Permit;
10. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 8-6-8-5; or
11. To reflect the issuance of a monitoring waiver.

B. The Pretreatment Coordinator may modify a general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
3. To correct typographical or other errors in the Wastewater Discharge Permit; or
4. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 8-6-8-5.

#### ***8-6-8-5 Individual and General Wastewater Discharge Permit Transfer***

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

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

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

Failure to provide the sale/transfer notification defined in subsection A and B above, renders the Wastewater Discharge Permit void as of said sale and/or transfer date. It is further provided that the temporary permit shall only be effective for one hundred eighty (180) calendar days after the date of sale or transfer. The Village shall have the same remedies for violation of temporary permits as it has for violation of other Discharge permits.

#### ***8-6-8-6 Individual and General Wastewater Discharge Permit Revocation***

The Pretreatment Coordinator may revoke an individual or general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Pretreatment Coordinator of substantial changes to the Wastewater prior to the changed Discharge;
- B. Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to Sections 8-6-9-5 and 8-6-9-6;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Pretreatment Coordinator and designee(s) 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 business or operation ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this ordinance.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business or operation ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

#### ***8-6-8-7 Individual and General Wastewater Discharge Permit Re-issuance***

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete Wastewater Discharge Permit application, in accordance with Section 8-6-7-5, a minimum of ninety (90) calendar days prior to the expiration of the User's existing Wastewater Discharge Permit.

#### ***8-6-8-8 Regulation of Waste Received from Other Jurisdictions***

- A. If another municipality, or User located within another municipality, contributes Wastewater to the POTW service area, the Village shall enter into an intergovernmental agreement with the contributing municipality.
- B. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
  1. A requirement for the contributing municipality to adopt the Village Sewer Use and Pretreatment Ordinance (SUPO), including Local Limits and amendments as required by USEPA. This agreement shall authorize the Village to enforce the Village's SUPO against users in its Service Area. The Village shall have the power and authority to do within the Service Area whatever the Village is empowered to do within the Village limits pursuant to SUPO and Enforcement Response Plan (ERP).
  2. The requirement shall specify that such ordinance and Local Limits must be revised as necessary to reflect changes made to the Village's SUPO or Local Limits. After review and approval by USEPA, followed by public notice as required, the Village shall adopt such revisions or additions as needed to the SUPO. Said Local Limits will be applied to IUs located in Village and in its service area. Whenever the Village revises its SUPO, it will forward a copy of the revisions to the affected municipality through the DPW.
- C. The intergovernmental agreement shall identify that the Village of Bensenville shall perform technical and administrative duties necessary to implement and enforce its SUPO consistent with its program and ERP approved by USEPA within the Village limits and its service area and shall share any information or records concerning IUs outside the Village limits with the appropriate municipality when requested. At minimum, the Village shall:
  1. Annually update the industrial waste survey;
  2. Require submittal of information and reports;
  3. Review and sign-off on any IEPA permit completed by IUs in service area;
  4. Issue or deny, discharge or zero discharge permits (as appropriate) to all IUs required to obtain a permit;
  5. Conduct inspections, sampling, and analysis;
  6. Take all appropriate enforcement actions as outlined in its EPA approved ERP; and
  7. Perform any other technical or administrative duties as required by its wastewater and bio-solids permits.
- D. In addition, the intergovernmental agreement will provide that the Village of Bensenville may take emergency action to stop or prevent any discharge within the Village and its service area and shall share any IU information or records in the service area with the appropriate municipality when requested, which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause Interference, Pass-Through, Potential Problems or Bio-solids contamination.

E. The intergovernmental agreement will require that any municipality in the service area shall provide water use records to the Village on an agreed frequency. If said municipality inspects or otherwise enforces Pretreatment regulations against any IU in the Village service area, it shall convey such information and reports to the Village.

## **8-6-9: REPORTING REQUIREMENTS**

Each User of the POTW and facilities of the Village shall provide reports as necessary to comply with this ordinance and any Wastewater Discharge Permit. Reporting requirements may apply to Users that are not required to obtain a Wastewater Discharge Permit.

### ***8-6-9-1 Pretreatment Requirements for Non-Residential Users***

Should the Village find that a Non-Residential User does not meet Pretreatment Standards and Requirements applicable to its Discharge, causes or contributes to Potential Problems at the POTW, or when analysis of waste or observation of the effect of such wastes on the POTW indicate that said wastes cannot be treated satisfactorily at such works, or that said wastes are injurious to the POTW, or to the treatment processes, or pollute the natural waters within the Village, its service areas or the Waters of the State of Illinois additional Pretreatment and/or O&M will be required by the Village to meet Pretreatment Standards and Requirements. Such facilities as the Village may deem necessary for Pretreatment of the wastes shall be furnished by and at the expense of the User as a condition of the Discharge of said wastes into the POTW or to any natural water within the Village service area.

- A. Pretreatment Review: The Pretreatment Coordinator will require the User to initiate a Pretreatment review through a telephone call, letter or certified letter to the Authorized Representative of the User.
- B. Pretreatment Initiation Meeting. A Pretreatment Initiation Meeting will be held between the Pretreatment Coordinator and the User to discuss the problem and the solution to said problem. If it determined that changes in operation and maintenance, plant modifications, and/or the installation of Pretreatment equipment shall occur to resolve noncompliance, a schedule shall be established with events and completion deadlines agreeable to both parties to resolve the noncompliance. If appropriate, a Compliance Agreement defining the agreed upon schedule will be sent from the Village to the User shortly after the meeting. If a schedule for compliance acceptable to the Pretreatment Coordinator cannot be established, the matter will be referred for further enforcement action consistent with the provisions of Section 8-6-13 of this chapter as appropriate.
- C. Progress Reports. Progress Reports will be filed by the User on a schedule agreed to by the Pretreatment Coordinator and the User concerning the completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation); The User shall identify whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.
- D. Final Report. A Final Report will be filed with the Pretreatment Coordinator by the User normally required within 90 calendar days from the end of the schedule deadline to verify the success or failure or the schedule objective chosen by the User. The Final Report will if appropriate identify the steps being taken by the User to resolve noncompliance.

## **8-6-9-2 Pretreatment Requirements for Categorical Industrial Users**

In the event that either the Village, EPA or a User determines that the User is regulated as a Categorical Industrial User by standards and requirements promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, the following reports are required to be filed by the User with both the Village and USEPA.

### **A. Baseline Monitoring Reports**

Within either one hundred eighty (180) calendar days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently Discharging to or scheduled to Discharge to the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed below. At least ninety (90) calendar days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Pretreatment Coordinator a report which contains the information listed below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated Flow and quantity of Pollutants to be Discharged.

Users described above shall submit the information set forth below.

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of Discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily Flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the Combined Waste Stream Formula set out in 40 CFR 403.6(e).
5. Measurements of Pollutants.
  - a) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - b) The User shall submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, Daily Maximum, and long-term average concentration, (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires a Best Management Practice or pollution prevention alternative, the User Shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard;
  - c) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph. A minimum of four (4) Grab Samples are required for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds;

- d) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the Flows and concentrations necessary to allow the use of the Combined Wastestream Formula of 40 CFR Part 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- e) Sampling must be performed in accordance with procedures set out in Section 8-6-5-8 and shall be analyzed in accordance with procedures set out in Section 8-6-5-9;
- f) The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and
- g) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the Village.

6. Compliance Certification. A statement, reviewed by the User's Authorized Representative of the CIU (as defined in Section 8-6-1-6), 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 for the CIU to meet the Pretreatment Standards and Requirements.
7. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 8-6-9-2.B. e.
8. Signature and Report Certification. All baseline monitoring reports must be signed and certified in accordance with Section 8-6-7-6.

#### B. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 8-6-9-2 A.7:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) calendar months;
3. The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;
4. In no event shall more than nine (9) calendar months elapse between such progress reports to the Pretreatment Coordinator; and

5. All compliance schedule progress reports must be signed and certified in accordance with Section 8-6-7-6.

C. Reports On Compliance With Categorical Pretreatment Standard Deadline

Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information described in Section 8-6-9-2.A.. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and Section 8-6-5-3, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8-6-7-6. All sampling will be done in conformance with Section 8-6-5-8.C.

**8-6-9-3 Periodic Compliance Reports / Self-Monitoring Reports**

A. Significant Non-Categorical Industrial Users

1. Significant Non-Categorical Industrial Users shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year (on dates specified by the Village) submit a report to the Village with a description of the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period.
2. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Sections 8-6-5-8 and 8-6-5-9.
3. All sampling and analysis may be performed by the Village in lieu of Significant Non-Categorical Industrial User. In such cases, the Village will issue an Attachment to the Wastewater Discharge Permit that specifies the Village will perform sampling and analysis semi-annually at minimum.
4. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
5. Where the Village itself collects all the information required for the report, the Significant Non-Categorical Industrial User will not be required to submit the report.

B. Categorical Industrial Users

1. All Industrial Users subject to categorical Pretreatment Standards (Categorical Industrial Users) shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year on dates specified by the Village (normally in July and January), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period. At the discretion of the Village and in consideration of such factors as local high or low Flow rates, holidays, budget cycles, etc., the Village may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Section 8-6-7-6.

2. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Sections 8-6-5-8 and 8-6-5-9.
3. This sampling and analysis may be performed by the Village in lieu of Categorical Industrial User. In such cases, the Village will issue an Attachment to the Wastewater Discharge Permit that specifies the Village will perform sampling and analysis semi-annually at minimum.
4. If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Sections 8-6-5-8 and 8-6-5-9, the results of this monitoring shall be included in the report.
5. Where the Village has imposed mass limitations on Users as provided for by 40 CFR Part 403.6(d), the report required by paragraph B.1 of this section shall indicate the mass of Pollutants regulated by the Pretreatment Standards in the Discharge from the Industrial User.
6. For Users subject to equivalent mass or concentration limits established by the Village in accordance with the procedures in Section 8-6-5-3.F, the report required by paragraph B.1 shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by paragraph B.1 shall include the User's actual average production rate for the reporting period.
7. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
8. Upon approval of a monitoring waiver for Pollutants found to be not present and revision of the User's permit by the Pretreatment Coordinator, the User must certify on each periodic report with the statement in Section 8-6-7-6, that there has been no increase in the Pollutant in its wastestream due to activities of the User with the following statement:

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

9. In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 8-6-9-3 B.1. or other more frequent monitoring requirements imposed by the Pretreatment Coordinator, and notify the Pretreatment Coordinator.

#### C. Non-Significant Categorical Users (NSCIU)

1. NSCIUs as defined in Section 8-6-1-6 shall, at a frequency determined by the Pretreatment Coordinator but no less frequently than annually (on dates specified by the Village) submit a report which contains the certification statement contained in Section 8-6-9-3.C.2 below.
2. Certification Statement.

"Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge

and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (months, days, year):

- a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by Section 8-6-1-6;
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

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

D. Other Non-Significant Regulated Users

1. Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Batch Dischargers, Food Service Establishments and any firms regulated by individual or general permit requirements including but not limited to Best Management Practices shall, at a frequency determined by the Pretreatment Coordinator, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.
2. The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation necessary to determine the compliance status of User as defined by the Pretreatment Coordinator and identified in the Wastewater Discharge Permit.
3. All FSE's with GI's must maintain cleaning logs. These logs shall be immediately available at the time of an inspection and are required to contain the following information:
  - a) Person and company that performed the cleaning;
  - b) Measurement of the depth of solids blanket and grease cap prior to cleaning in each trap or Interceptor;
  - c) Volume of material removed from each trap or Interceptor; and
  - d) Location where waste will be disposed.
  - e) A copy of the cleaning log may be required to be submitted to the Village by a date specified in a request issued by the Pretreatment Coordinator.

***8-6-9-4 Reports from Non-permitted Users***

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Pretreatment Coordinator as required. These reports include but are not limited to surveys of business activities, water usage, wastes Discharged, spill and Slug Loading potential, Pretreatment equipment, waste hauling and facility layout.

#### ***8-6-9-5 Authorized Representative Change Notification***

Any Significant Industrial User that changes the Authorized Representative of its company as defined in Section 8-6-1-6 shall file a change notice with the Village within 30 calendar days.

#### ***8-6-9-6 Reports of Changed Conditions***

Each User must notify the Pretreatment Coordinator of any planned substantial changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) calendar days before the change that for example results in an increase or addition or planned shutdown or deletion of products. Immediate shutdowns or deletions of products are required to be noticed within five (5) working days of determination.

- A. The Pretreatment Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 8-6-7-5.
- B. The Pretreatment Coordinator may issue or modify an existing individual or general Wastewater Discharge Permit under Sections 8-6-8-2 and 8-6-8-4 in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, substantial changes include, but are not limited to, Flow increases of twenty percent (20 percent) or greater, the addition or deletion of a shift, the Discharge of any previously unreported Pollutants including changes to the listed or characteristic hazardous wastes for which the User has submitted initial notification under Section 8-6-9-9, introduction of a Pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste Discharge or lack of Discharge, shutdown of a process, or addition or deletion of a product.
- D. Significant Industrial Users and Categorical Industrial Users are required to immediately notify the Pretreatment Coordinator of any changes at its facility affecting the potential for a Slug Discharge.

#### ***8-6-9-7 Reports of Potential Problems***

- A. Initial Notification. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load, that may cause potential problems for the POTW, any User shall immediately telephone (within fifteen (15) minutes), and notify the Pretreatment Coordinator of the incident. If this notification cannot be made to the POTW staff during routine business hours, the User shall notify the Village Police Department. This notification shall include the name of the caller, location of the Discharge, physical state of Discharge, chemical composition, concentration and volume, if known, and date and time of Discharge as well as duration of the Discharge, and corrective actions taken by the User. The notification shall include what Federal, State and local entities have also been notified by the User.
- B. The User shall control production of all Discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

- C. Written Notification: Within five (5) calendar days following such Discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences.
- D. Such notifications shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- E. A Notice/Sign shall be permanently posted on the User's bulletin board or other prominent place advising employees in English and the language of common use whom to call in the event of a Discharge described in paragraph A, above. Employers shall ensure through documentation that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.

#### ***8-6-9-8 Notice of Violation/Repeat Sampling and Reporting***

If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) calendar days after becoming aware of the violation. The User is not required to resample if the Pretreatment Coordinator monitors at the User's facility at least once a month, or if the Pretreatment Coordinator samples between the User's initial sampling and when the User receives the results of this sampling. If the Village performed the sampling and analysis in lieu of the User, the Village will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

#### ***8-6-9-9 Notification of the Discharge of Hazardous Waste***

- A. Pursuant to 40 CFR 40 3.12 (p) any User who commences the Discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) calendar days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 8-6-9-6. The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8-6-9-2.A, 8-6-9-2.C, and 8-6-9-3.B.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15)

kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Pretreatment Coordinator, the USEPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### ***8-6-9-10 Report Submittal Due Dates***

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 United States Postal Service, the date of receipt of the report shall govern. In order to meet deadlines, reports may be faxed or emailed on the due date to the Village. The original of the Fax or email is required to be mailed to the Village postmarked within one (1) working day of the transmission.

## 8-6-10: COMPLIANCE MONITORING

### 8-6-10-1 *Right of Entry: Inspection and Sampling*

The Pretreatment Coordinator and his designee(s), Duly Authorized Agents of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, hereafter referred to as above named entities, shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual or general Wastewater Discharge Permit or order issued hereunder. Users shall allow the above named entities ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, analyses, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the above named entities will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Village Shall have the right to set up on the User's property or require installation of such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Pretreatment Coordinator may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater Flow and quality shall be calibrated twice yearly (at six month intervals) to ensure their accuracy. The User shall submit these calibration reports semi-annually to the Village with the Periodic Compliance Reports required in Section 8-6-9-3.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Pretreatment Coordinator and his designee access to the User's premises shall be a violation of this ordinance.
- F. In the event that a suitable sampling facility does not exist, as per Section 8-6-3-6, the "sampling facility" shall be considered to be either the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected or the point of process Wastewater Discharge within the building.

### 8-6-10-2 *Record Keeping*

- A. Users. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8-6-8-2. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Village, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.

B. Village. The Village will maintain documentation of any monitoring waiver issued per Section 8-6-7-5.D for a period of three (3) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

#### ***8-6-10-3 Search Warrants***

If the Pretreatment Coordinator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pretreatment Coordinator may seek issuance of a search warrant from the Circuit Court of DuPage County.

## **8-6-11: CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, individual or general Wastewater Discharge Permits, and monitoring programs, and the Pretreatment Coordinator inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Pretreatment Coordinator and Village Attorney, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## 8-6-12: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements including Instantaneous Limits. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and Categorical Industrial Users (or any other User that violates paragraphs (C), (D) or (H) of this Section and shall mean:

- A. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66 percent) or more of all the measurements taken for the same Pollutant parameter during a six-(6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits as Defined in Article 5;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 percent) or more of Wastewater measurements taken for each Pollutant parameter during a six-(6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article 5 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, Oils and Grease, and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Article 5 (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator has determined caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW Personnel or the general public;
- D. Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a Discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual or general Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, that the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local Pretreatment program.

## **8-6-13: ADMINISTRATIVE ENFORCEMENT REMEDIES**

### ***8-6-13-1 Notification of Violation***

- A. When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may serve upon that User a written Notice of Violation. A Notice of Violation will be sent to the industry after all sampling results have been received from the sampling period. For the first and second violation counts, the Notice of Violation will be sent within thirty (30) Working Days of completion of a sampling cycle data receipt. For the third and subsequent violations, the Notice of Violation will be sent once per month during the Village's ticket writing period. Industries will need to provide within ten (10) Working Days of the receipt of this notice or by the deadline defined (usually within twenty (20) Village business days of issuance excluding holidays), 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 Pretreatment Coordinator. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.
- B. The Pretreatment Coordinator may initiate a Pretreatment Review meeting for any Violation issued under Section 8-6-13-1.A but most likely for the first violation of any parameter. The Village shall schedule a Pretreatment Review meeting, normally within thirty calendar days of the determination that a meeting is required.

As a result of a Pretreatment Review meeting, the Village may issue a compliance directive stating that the User is in a "corrective action" status. A plan for correction and compliance schedule illustrating milestones may be issued by the Village to the User. This plan for correction and compliance schedule may become part of the User's permit. The User is responsible for meeting the permit limits at all times. The plan for correction, compliance schedule and revised permit does not relieve the User of meeting the permit limits and/or Ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.

- C. As a result of a violation, the Village may continue to sample the User and inspect the User's progress towards meeting milestones as needed to determine if the User is complying with the conditions of the plan of action, compliance schedule and/or permit. In the event the Village detects and documents any violation; a NOV will be issued to the User.
- D. Each detected Violation of the plan of action, compliance schedule, and permit, will result in an NOV being issued to the User. When NOV #3 (total of three NOVs) is issued, a "ticket" shall be issued to the User, Authorized Representative per Title 13, Chapter 1 of the Bensenville Administrative Code. The ticket is a legal notice requiring the User to appear in court, either DuPage Circuit Court or the Village Adjudication Court per Section 8-6-14-2. The Village may charge assessments to the User as provided for in the code.
- E. When the User has met the conditions of the plan of action, compliance schedule, and permit, the Village will notify the User in writing that the conditions have been satisfied and they are no longer under a "corrective action" status if such a status was formally issued.
- F. Nothing in this section shall limit the authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### ***8-6-13-2 Compliance Agreements***

The Pretreatment Coordinator may enter into Compliance Agreements, i.e. Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8-6-13-4 and 8-6-13-5 and shall be judicially enforceable.

### ***8-6-13-3 Show Cause Order***

The Pretreatment Coordinator may order a User which has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear at a specified date and time to show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served Personally or by registered or certified mail (return receipt requested) at least ten (10) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### ***8-6-13-4 Compliance Orders***

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants Discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### ***8-6-13-5 Cease and Desist Orders***

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Pretreatment Coordinator may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.

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

#### ***8-6-13-6 Emergency Suspensions***

The Pretreatment Coordinator may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of Persons. The Pretreatment Coordinator may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to Interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Pretreatment Coordinator may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 8-6-13-7 are initiated against the User.
- B. A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections 8-6-13-3 or 8-6-13-7.

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

#### ***8-6-13-7 Termination of Discharge***

In addition to the provisions in Section 8-6-8-6, any User who violates the following conditions is subject to Discharge termination:

- A. Violation of Wastewater Discharge Permit conditions;
- B. Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- C. Failure to report substantial changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;

- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 8-6-5 of this chapter.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 8-6-13-3 why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **8-6-14: PENALTIES AND JUDICIAL ENFORCEMENT REMEDIES**

### ***8-6-14-1 Recovery of Costs Incurred***

Any entity or User violating any of the provisions of this ordinance, or who causes damage to or impairs the Village's POTW shall be liable to the Village for any expense, loss or damage caused by such violation or Discharge. The Village may invoice the costs, including but not limited to, sampling and analyses associated with the investigation, costs of mitigating impact to the POTW, costs of preparing the administrative enforcement actions such as notices and orders; investigative and/or correction actions, and review of response(s) from the User. In the event of damage, losses or impairments, the Village shall bill the User for the costs incurred by the Village for any cleaning, repair, replacement or other investigative and/or corrective action(s) as a response to the violation or Discharge. Refusal to pay the assessed costs shall constitute a violation of this ordinance enforceable under the provisions of 8-6-13 of this chapter.

Recovery of costs incurred also includes but is not limited to the following provisions specific to Food Service Establishments (FSE):

- A. Grease Disposal Mitigation Fee. FSE that operate without a grease interceptor (GI) may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increase maintenance of the sewer system as a result of the FSE's inability to adequately remove FOG from its Wastewater Discharge. This Section shall not be interpreted to allow the new construction of, or existing FSE undergoing remodeling to operate without an approved GI.
  1. The Grease Disposal Mitigation Fee shall be established in Section 8-6-17 of this chapter and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device.
  2. Sewer System Overflows, Public Nuisance, Abatement and Cleanup Costs. Notwithstanding the waiver of grease interceptor installation for existing FSE established in Section 8-6-3-8, FSE found to have contributed to a sewer blockage, Sewer System Overflows (SSOs) or any sewer system Interferences resulting from the Discharge of Wastewater or waste containing FOG may be subject to costs incurred by the Village's established in Section 8-6-17 of this chapter. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSE alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the Village must act immediately to contain and clean up an SSO caused by blockage of a private or Public Sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the Village's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and the individual(s) as a responsible officer or owner of the FSE(s) and may constitute a debt to the Village and become due and payable upon the Village's request for reimbursement of such costs.

### ***8-6-14-2 Alternative Adjudication Hearing Process***

The Pretreatment Coordinator in conjunction with the Village Attorney as defined by Title 13, Village Code 13-1 of the Bensenville Municipal Code shall have the discretion to direct any process involving civil fines and penalties set forth in this subchapter to the administrative adjudication hearing process described in Title 13 Chapter 1 of the Bensenville

Municipal Code. Upon filing of any action before the administrative adjudication hearing officer, he or she shall have plenary powers to levy all civil fines and penalties, to decide and continue cases and to take all other quasi-judicial steps which are consistent with the grant of powers given in said Chapter 1. However, consistent with the limitations on the grants of powers that can be devolved onto such hearing officers, the administrative adjudication hearing officer shall have no jurisdiction to levy any criminal fine or to issue any form of injunction, restraining order or other extraordinary remedy.

#### ***8-6-14-3 Injunctive Relief***

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of DuPage County through the Village Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general Wastewater Discharge Permit, order, or other requirement imposed by this ordinance on activities of the User. The Pretreatment Coordinator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### ***8-6-14-4 Civil Penalties***

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of DuPage County through the Village Attorney for civil penalties as follows:

- A. Any User shall be subject to the imposition of a civil penalty in at least the amount of one thousand dollars (\$1000.00) a day for each violation. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Pretreatment Coordinator may recover costs, including but not limited to, filing fees, witness fees, attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### ***8-6-14-5 Remedies Nonexclusive***

The remedies provided for in this ordinance are not exclusive. The Pretreatment Coordinator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Village's enforcement response plan. However, the Pretreatment Coordinator may take other action

against any User when the circumstances warrant. Further, the Pretreatment Coordinator is empowered to take more than one enforcement action against any noncompliant User.

## 8-6-15: SUPPLEMENTAL ENFORCEMENT ACTION

### 8-6-15-1 Failure to Report or Notify

#### A. Sewer Permits

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

1. First Notice	Issuance of Warning/Citation
2. Second Notice	\$250.00
3. Cost per day per PE for each additional day past second notice deadline	\$100.00

#### B. Village Reports or Notifications

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

1. First Offense – less than 30 calendar days past due	Issuance of Warning
2. Recurring reporting violations or 30 or more calendar days past due	\$100.00
NOV response noncompliance	\$250.00
Cost per additional day past final request deadline	\$50.00
3. Substantial Change Notification No written notification of substantial changes whether Discharged or not: At start-up or shutdown	\$500.00
Per each additional 15 days in excess of 30 calendar days	\$100.00

#### C. Reports or Notifications required by Significant or Categorical Industrial Users

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

1. First Offense – less than 30 calendar days past due	Issuance of Warning
2. Recurring reporting violations or 30 or more calendar days past due	\$250.00
NOV response noncompliance	\$500.00
Cost per additional day past final request deadline	\$100.00
3. Substantial changes No written notification of substantial changes whether Discharged or not: At start-up or shutdown	\$1000.00
Per each additional 15 days in excess of 30 calendar days	\$200.00

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

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

#### ***8-6-15-2 Performance Bonds***

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Village, in a sum not to exceed a value determined by the Pretreatment Coordinator to be necessary to achieve consistent compliance.

#### ***8-6-15-3 Liability Insurance***

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its Discharge.

#### ***8-6-15-4 Payment for Outstanding Fees and Penalties***

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual or general Wastewater Discharge Permit or order issued hereunder.

#### ***8-6-15-5 Water Supply Severance***

Whenever a User has violated or continues to violate any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid outstanding costs, fees, and penalties.

#### ***8-6-15-6 Public Nuisances***

A violation of any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Coordinator. Any Person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the Village for any costs incurred in removing, abating, or remedying said nuisance.

#### ***8-6-15-7 Contractor Listing***

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are hereby declared to be non-responsible Users and therefore are not eligible to receive a contractual award for the sale of goods or services to the Village. Existing contracts for the sale of goods or services to the Village held by a User found to be in significant noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Pretreatment Coordinator.

## 8-6-16: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 8-6-16-1 *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 User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An Upset occurred and the User can identify the cause(s) of the Upset;
  - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - 3. The User has submitted the following information to the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the Upset (if this information is provided orally, a written report must be provided within five (5) working days):
    - a) A description of the Indirect Discharge and cause of noncompliance;
    - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- F. Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 8-6-16-2 *Prohibited Discharge Standards*

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Sections 8-6-5-2.A and B or the specific prohibitions in Sections 8-6-5-2.C1-26 (excluding paragraphs C2, C10 and C17) if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference or that either:

- A. A Local Limit exists for each Pollutant Discharged and the User was in compliance with each Limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the Village was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable Bio-solids use or disposal requirements.

### **8-6-16-3 Bypass**

A. For the purposes of this section,

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

B. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of Subsections C and D of this section.

C. Bypass Notifications

1. Anticipated: If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Pretreatment Coordinator, at least ten (10) working days before the date of the Bypass, if possible.
2. Unanticipated: A User shall submit oral notice to the Pretreatment Coordinator of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) working days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The Pretreatment Coordinator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. POTW Actions

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

## **8-6-17: MISCELLANEOUS FEES**

### ***8-6-17-1 Pretreatment Funding, Charges and Fees***

- A. Pretreatment Program General Funding. It is the intent of the Village to pass all general costs of the Pretreatment program to all Non Residential Users. The Pretreatment regulations require ordinance compliance evaluations for all Non Residential Users and the fees are based on water usage per billing period combined with water line size. The general industrial pretreatment charges shall apply to Non-Residential Users and may be found in Title 8, Section 7-7 of the Village Code.
- B. The Village may adopt reasonable fees for reimbursement of costs of setting up and operating the Village's Pretreatment Program unique to a specific User. These fees will be invoiced quarterly along with surcharge fees and may include:
  - 7. Categorical pretreatment standard determination, establishment and documentation for wastewater discharge permit;
  - 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;
  - 3. Fees for establishing and reviewing Best Management Practices Plans and requirements;
  - 4. Fees for reviewing plans or construction relating to Spill Prevention Containment and Countermeasures / Slug Load Plans as defined in Section 8-6-6-5;
  - 5. Fees for reviewing FSE waivers per Section 8-6-3-8.C;
  - 6. Fees for responding to Report of Potential Problems as defined in Section 8-6-9-7;
  - 7. Fees for filing appeals;
  - 8. Fees to recover administrative and legal costs (not included in Section 8-6-15-1) associated with the enforcement activity taken by the Pretreatment Coordinator to address User noncompliance;
  - 9. Fees to install a sewer plug; and
  - 10. Other fees as the Village 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 all other fees, fines, and penalties chargeable by the Village.

### ***8-6-17-2 Additional Remedies***

- A. In addition to remedies available to the Village set forth elsewhere in this Ordinance, if the POTW is fined by the state or USEPA for violation of the POTW NPDES permit or violation of Water Quality Standards as the result of Discharge of Pollutants by a User or group of Users, then the fine, including all legal, sampling, analytical testing costs and any other related costs incurred by the Village shall be charged to the responsible User or group of Users. Such charges shall be in addition to, and not in lieu of, any other remedies the Village may have under this Ordinance, statutes, regulations, at law or in equity.
- B. If the Discharge from any Non-Residential User causes a deposit, obstruction or damage to any portion of the POTW, the POTW shall cause the deposit or obstruction to be promptly removed or cause the

damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the Person or Non-Residential User causing such deposit, obstruction, or damage.

## **8-6-18: USER CHARGE & SURCHARGE INDUSTRIAL WASTE COST RECOVERY**

### ***8-6-18-1 User and Surcharge Rates***

- A. The wastewater service charges for the use of and for the service supplied by the POTW of the Village shall consist of a fixed User Charge to pay fixed expenses of the cost of operation, maintenance and replacement of the system; a basic user rate to pay variable expenses of said operation and maintenance expense and Debt Service Charge to pay principal and interest of outstanding revenue bonds issued for sewer construction purposes. There shall be and there is hereby established a fixed User Charge to each unit served (single user or multiple user) of the POTW of the Village. Actual rates are included in Title 8-7 of the Village Code.
  - 1. The fixed User Charge shall be computed by allocating administrative expenses (administrative salaries and employee insurance) and the infiltration-inflow volume equally among all users. This allocation shall be made by dividing the total annual amount of such administrative costs and the cost of treating infiltration-inflow by the number of connections or units served by the system and thereafter dividing such annual User Charge by 12 to define the monthly rate based on water line size.
  - 2. The Debt Service Charge shall be computed by dividing the annual cost of debt service of revenue bonds outstanding applicable to the construction of sewerage system improvements by the number of connections or units served by the system and dividing the annual rate by twelve (12) to determine the monthly rate based on water line size. The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants to the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in the number of users and in operation and maintenance costs including equipment replacement costs. The purpose of annual review is to assure that each user through the wastewater service charge pays a proportionate share of the cost of operation and maintenance, including debt service, and to maintain proportionality of the user charge system. Currently the Debt Service Charge is contained in the Fixed Rate.
- B. The basic user rate shall be based on water usage as recorded by water meters for the purpose of paying the remaining or variable cost associated with operation, maintenance and replacement and capital of the system. The wastewater volume in thousand gallons per billing period shall be multiplied by the rates. Actual rates are included in Title 8-7 of the Village Code.
  - 1. The basic user rate will be applicable for wastes having the following average strength waste characteristics:
    - a) A five (5) day, twenty degree (20°) C. Biochemical Oxygen Demand (BOD) of two hundred Milligrams Per Liter (200 mg/l).
    - b) A Total Suspended Solids (TSS) content of two hundred twenty Milligrams per Liter (220 mg/l).
    - c) An ammonia-nitrogen (NH<sub>3</sub>-N) content of fifteen Milligrams per Liter (15 mg/l).
  - 2. The basic user rate shall consist of operation and maintenance costs plus replacement and shall be computed as follows:
    - a) Estimate the projected annual revenue required to operate and maintain the POTW including an equipment replacement fund for the year, for all works categories.

- b) Proportion the estimated costs to POTW categories by volume, SS, BOD and ammonia-nitrogen.
- c) Estimate wastewater volume, pounds of SS and pounds of BOD and pounds of ammonia-nitrogen to be treated
- d) Compute costs per thousand gallons for average strength waste.
- e) Compute the unit costs per thousand gallons and per pound of BOD, SS and NH<sub>3</sub>-N based on average strength waste.

C. A Surcharge in addition to the basic User Charge will be levied to all non-residential Users quarterly where those Discharges exceed the domestic BOD, SS and NH<sub>3</sub>-N concentrations outlined above in Section 8-6-18-1.B.1. The Surcharge will be based on metered sewage flow for all wastes which exceed these concentrations. Following are the specifics for the procedure to compute a Surcharge rate:

BOD	\$386,464/yr 996,000 lb/yr	=	\$0.3880/lb BOD
Total Suspended Solids	\$336,168/yr 999,000 lb/yr	=	\$0.3365/lb Total Suspended Solids
Ammonia Nitrogen (NH <sub>3</sub> -N)	\$ 96,604/yr 75,500 lb/yr	=	\$1.2795/lb Ammonia Nitrogen

D. In the event that the Village can mitigate the impact for an interim period by using additional treatment alternatives, the User will be required to pay those additional costs as a result of the mitigation.

### ***8-6-18-2 Measurement of Flow***

The volume of Flow used for computing basic User Charges and Surcharges shall be the metered water consumption read to the lowest even increments of one thousand (1,000) gallons.

- A. If the persons or other Dischargers (industrial, commercial, etc.) Discharging wastes into the public sewers procure any part or all of their water from sources other than the public waterworks system, all or a part of which is Discharged into the public sewers, the Discharger shall, if directed by the Village, install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.
- B. Devices for measuring the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined from the metered water consumption records.
- C. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Wastewater Supervisor.
- D. For those dischargers not connected to the Village water system, a water meter may be installed to read the water use of the private water well. The measurement of this meter shall be the basis of the sewer User Charge. To receive the approval of such an installation and User Charge, the property owner shall:

purchase a meter meeting Village specifications as determined by the DPW, install said meter to ensure reading of any water used, and make the premises available for periodic inspection of the meter and replacement of the meter as determined by the DPW.

#### ***8-6-18-3 Revenues***

- A. All revenues and moneys derived from the operation of the coverage system shall be deposited in the Sewerage account of the Sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village, and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) working days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Village Board.
- B. The Village Treasurer shall receive all such revenues from the Sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Bensenville." Said Treasurer shall administer such fund in every respect in the manner provided by statute in the Illinois Municipal Code, effective July 1, 1961, as amended (Illinois Revised Statutes, Chapter 24).

#### ***8-6-18-4 Accounts***

- A. The Village Treasurer Shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the Sewerage fund, and at regular intervals, the Treasurer shall cause to be made an audit by an independent auditing concern of the books to show that the receipts and disbursements of the Sewerage system.
- B. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the POTW, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:
  1. Flow data showing total gallons received at the Wastewater plant for the current fiscal year,
  2. Billing data to show total number of gallons billed,
  3. Number of Users connected to the system,
  4. Number of non-metered Users, and
  5. A list of Users Discharging Non-Residential wastes and volume and strength of waste Discharged.

#### ***8-6-18-5 Notice of Rates***

A copy of this ordinance, properly certified by the Village Treasurer, shall be recorded in the office of Recorder of Deeds of DuPage County and shall be deemed notice to all Users of the Sewerage system of the contents of this ordinance, including the charges of the system by the Village on their properties.

#### ***8-6-18-6 Access to Records***

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of User charges or industrial cost recovery, for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State Grant or loan.

#### ***8-6-18-7 Responsibilities of the Village Clerk and Village Treasurer***

The Village Clerk shall maintain the necessary records for determination of User share of the cost and shall provide the billing and collection services. The Village Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery.

## **8-6-19: MISCELLANEOUS PROVISIONS**

### ***8-6-19-1 Severability***

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### ***8-6-19-2 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.

### ***8-6-19-3 Offenses Under Previous Ordinances***

This Ordinance shall not be construed or held to repeal a former Ordinance, whether such former Ordinance is expressly repealed or not, as to any offense committed against such former Ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former Ordinance, or in any way whatever to affect such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new Ordinance takes effect, save only that proceedings thereafter shall conform to the Ordinance in force at the time of such proceeding, so far as practicable. Nothing contained in this Ordinance shall be construed as abating any action now pending.

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