

THE CODE
of
DUPAGE COUNTY
CHAPTER 36

General Enactments
of the
County of DuPage

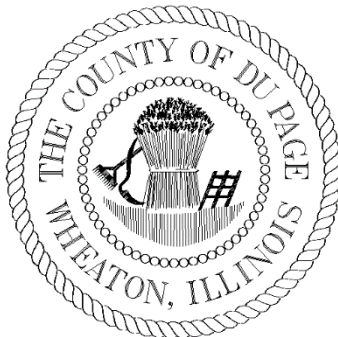
**THE DUPAGE COUNTY WATER SUPPLY AND DISTRIBUTION
AND WASTEWATER TREATMENT ORDINANCE**

Adopted, January 14, 1986

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Prepared by the DuPage County Public Works Committee
and the DuPage County
Department of Public Works



DUPAGE COUNTY WATER/WASTEWATER USE ORDINANCE

This Ordinance Shall Be Known As The
DUPAGE COUNTY WATER SUPPLY AND DISTRIBUTION,
AND WASTEWATER TREATMENT ORDINANCE,
And May Be Commonly Referred To As The
“DUPAGE COUNTY WATER/WASTEWATER USE ORDINANCE”.

It is adopted pursuant to authority granted to the County of DuPage at Illinois Compiled Statutes, 55 ILCS 5/5-1113 and 5/5-15001, et seq., as now enacted or hereafter amended.

This Ordinance shall apply to all Water Supply and Distribution Systems and to all Wastewater Collection and Treatment Systems owned and/or operated by DuPage County.

All FIGURES referenced within this Ordinance are made a part hereof, and attached hereto, and appear in order as referenced within the Ordinance.

All FORMS referred to within this Ordinance are available from either the DuPage County Department of Public Works, 7900 South Rt. 53, Woodridge, Illinois 60517, phone (630) 985-7400; or the DuPage County Public Works, 421 North County Farm Road, Wheaton, Illinois 60187, phone (630) 407-6800.

Emphasis added at highlighted paragraphs.

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ARTICLE 1: GENERAL CONSIDERATIONS FOR WATER/WASTEWATER USE

Sec. 36-1. COUNTY OF DUPAGE, ILLINOIS STATUTORY AUTHORITY FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE DUPAGE COUNTY WATER/WASTEWATER TREATMENT ORDINANCE

Pursuant to the authority granted by the Illinois General Assembly at Chapter 55 of the Illinois Compiled Statutes, detailed below, DuPage County herein adopts and sets forth the DuPage County Water/Wastewater Treatment Ordinance.

DuPage County from time to time shall amend the Water/Wastewater Treatment Ordinance as required to achieve compliance with STATE and Federal Pretreatment Regulations, to provide for specific provisions and requirements in the Ordinance, and to make any other changes deemed necessary by DuPage County.

A. *General powers of the County Board.*

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15007, (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15007).

In order to protect the quality of the environment and the quality of life from the adverse effects caused by the improper storage treatment or disposal of waste, the County Board is authorized and empowered to operate or maintain the works or the waste management system of the COUNTY and to construct all related appurtenances. The County Board shall have the power to produce, pump and sell waters so collected and impounded to public or private Users and may use such means as are reasonably necessary in connection with such service.

B. *Establish Department of Public Works.*

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15003, (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15003).

The County Board may establish a Department of Public Works with authority to exercise complete supervision in the COUNTY over any of the authorized projects.

C. *Furnish water and sewerage service.*

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15010 (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15010).

The COUNTY may furnish water, sewerage service, combined water and sewerage service or waste management service. Any COUNTY which owns and operates a water works system, a sewerage system, a combined waterworks and sewerage system, or a waste management system may enter into and perform contracts with any municipality, public utility or other corporation, or any person or firm, for the furnishing by the COUNTY of water, sewerage service, combined water and sewerage service, or waste management service.

D. ***Construction and maintenance of sewers.***

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15011 (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15011).

The COUNTY is authorized to construct, maintain, alter and extend its sewers, pipelines, channels, ditches and drains along, upon, under and across any highway, street, alley or public ground in the STATE as a proper use of highways, but so as not to incommode the public use thereof, and the right and authority are granted to the COUNTY to construct, maintain and operate any conduits, pipes, wholly or partially submerged, buried, or otherwise, in upon and along any of the lands owned by the STATE and under any of the public waters therein.

E. ***Rates and charges.***

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15020 (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15020).

Rates and charges for the use and service of the waterworks properties or sewage facilities acquired by any COUNTY shall be sufficient at all times to pay the cost of maintenance and operation, to pay the principal and interest of all revenue bonds and loans issued under the provisions of this Department, to provide a reasonable depreciation fund as established pursuant to the provisions of the ordinance authorizing the issuance of any revenue bonds, and to maintain such other reserves and sinking funds as may be deemed necessary or desirable by the COUNTY for the payment of the bonds of the extension or improvement of the waterworks properties or sewage facilities or combination thereof, as the case may be and the holder of any bond or bonds or any of the interest coupon or coupons of any revenue bonds of any such COUNTY may in any civil action, mandamus, injunction or other proceeding enforce and compel the performance of all duties required by this Department and the covenants and undertakings set forth in any bond ordinance including the making and collection of sufficient rates and charges for the use or service of the waterworks properties, sewage facilities, waste management systems and the proper application of the income and revenue there from.

F. ***Rules and regulations, liens/discontinuance of service.***

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-15021 (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-15021).

Rules and regulations governing the maintenance and operation of the waterworks properties or sewage facilities, as the case may be, shall be established from time to time by ordinance, and rates and charges for use and service for all purposes, including charges to connect to such properties or facilities, and which may include the imposition of interest and penalties for failure to make payments when due, except for charges or rates established by contract for a wholesale supply of water as herein authorized shall be established, revised, maintained, be due and payable, and be in force as the County Board may determine by separate ordinances, and rates or charges established by the board shall not be subject to any statutory regulations covering rates and charges for similar service by privately owned waterworks, or sewage facilities.

Rates and charges for the use and service of the COUNTY'S waterworks properties and sewage facilities (except for rates or charges for a wholesale supply of water or wholesale sewerage service as herein authorized) shall be liens upon the real estate to which water or sewerage service is supplied whenever the rates or charges become delinquent as provided by an ordinance of the COUNTY fixing a delinquency date. A lien is created under the preceding sentence only if the COUNTY sends to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number, (i) a copy of a delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and (ii) a notice that unpaid charges or rates may create a lien on the real estate under this Section.

The payment of rates and charges for water services to any premises may be enforced by discontinuing the water service to such premises, and the payment of charges for sewerage service to any premises may be enforced by discontinuing either the water or the sewerage service to such premises or both. Any public or municipal corporation or political subdivision of the STATE furnishing water to a premises shall discontinue such service upon receiving written notice from the COUNTY that a rate or charge for sewerage service has become delinquent and shall not resume water service until receiving a like notice that such delinquency has been removed. The COUNTY shall reimburse any such public or municipal corporation or political subdivision of the STATE for the reasonable cost of any such discontinuance and resumption of water service. The COUNTY may contract with any privately owned public utility for the discontinuance of water service to a premises on account of which a rate or charge for sewerage service has become delinquent.

G. *Power to execute.*

Illinois Compiled Statutes, 1992, Chapter 55, paragraph 5/5-1113 (Illinois Revised Statutes, 1991, Chapter 34, paragraph 5-1113).

Ordinance and rules to execute power; limitations on punishments. The County Board may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to the COUNTY, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay any taxes levied by the COUNTY shall exceed one thousand dollars (\$1,000.00).

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

1. To prevent the introduction of Pollutants into the POTW that will Interfere with its operation;
2. To prevent the introduction of Pollutants into the POTW that will Pass Through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

3. To protect both POTW Personnel who may be affected by air, Wastewater and Biosolids in the course of their employment and the general public;
 4. To promote reuse and recycling of Industrial Wastewater and Biosolids from the POTW;
 5. To enable the COUNTY to comply with its National Pollutant Discharge Elimination System permit conditions, Biosolids Use and Disposal Requirements, and any other Federal or State laws to which the POTW is subject;
 6. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
 7. To provide uniform requirements for Food Service Establishments for the control of grease Discharge to the Sanitary Sewer system; and
 8. To regulate private Wastewater disposal systems.
- I. This Ordinance shall apply to all Users of the POTW 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.

Sec. 36-2. DEFINITIONS FOR WATER/WASTEWATER USE

(By Alphabetical Reference)

Unless the context specifically indicates otherwise, the meaning of terms used in the Ordinance shall be as follows, and if a term is not defined within this Ordinance, it shall have the common dictionary meaning:

ACCOUNT HOLDER means that person whose name is listed on the COUNTY'S billing system for water or wastewater services.

ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.

AGENCY means the Illinois Environmental Protection Agency.

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

AMALGAM SEPARATOR means a device designed to capture amalgam particles from dental office wastewater through sedimentation filtration, centrifugation, or a combination of these

mechanisms. Some separators may also use ion exchange technology to remove mercury from wastewater.

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:

- A. If the User is a corporation:
 - 1. 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
 - 2. 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.
- B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the User is a limited liability company (LLC): any managing member of the company.
- D. 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.
- E. The individuals described in paragraphs A through D, 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 DuPage County.
- F. If an authorization under Paragraph E 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 E must be submitted to DuPage County within 30 calendar days. If an authorization under Paragraph E of this section is no longer accurate because the individual described in Paragraphs A through D above has changed, a new authorization

satisfying the requirements of Paragraph E must be submitted to DuPage County within 30 calendar days.

BEST MANAGEMENT PRACTICES (BMP) mean Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 36-10 [40 CFR Section 403.5(a)(1) and (b)] and/or prevent or reduce the pollution conveyed to the POTW. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Biosolids or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

BIOCHEMICAL OXYGEN DEMAND (BOD) or (BOD5) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures approved in 40 CFR Part 136 over five (5) days at twenty (20) degrees centigrade, expressed as a concentration in mg/L.

BIO-SOLIDS mean the anaerobically digested and stabilized organic solids removed from the POTW and disposed of on agricultural land or at a landfill.

BUILDING DRAIN means the part of the lowest piping of a drainage system which receives the Discharge from 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 SEWER means the extension from the Building Drain to the Public Sewer or other place of disposal.

BYPASS means the intentional diversion of waste streams 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 a measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

COMBINED WASTESTREAM FORMULA means the formula set forth in 40 CFR Section 403.6(e).

COMPOSITE SAMPLE means a sample of wastewater composed of at least four (4) or more discrete samples taken at selected intervals based on a flow proportional or time proportional method.

CONNECTED PREMISES means any structure, building or facility connected to the DuPage County Water Supply and Distribution Systems or to COUNTY Wastewater Treatment Works.

CONNECTIONS AVAILABLE means the total number of residential equivalent connections available within the wastewater treatment works.

CONNECTION FEE means a one-time charge billed to any User of the wastewater treatment works or water works system for a permit to connect to the system.

CONSULTING ENGINEER means an Illinois licensed professional engineer hired by the County of DuPage to determine appropriate connection fees to be charged by the Public Works Department or to provide engineering services related to Public Works projects.

CONTROL AUTHORITY means USEPA Region V.

CONTROL MANHOLE means a structure located on private property or on a public right-of-way adjacent to or abutting a site from which waste(s) discharged from a single facility are flowing through.

COOLING WATER means the water Discharged from any use such as air conditioning, cooling, or refrigeration, to which the only Pollutant added is heat.

COUNTY means the County of DuPage, Illinois, by and through the DuPage County, Department of Public Works.

DAILY AVERAGE means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

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

DEADLINES FOR SUBMITTAL OF REPORTS AND INFORMATION required under this Ordinance or the COUNTY'S Enforcement Response Plan shall be considered met if the required report or information is received or postmarked by the due date.

DEBT SERVICE CHARGES means the annual principal and interest payments on all outstanding revenue bonds or other long-term capital debts.

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

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

DEPARTMENT PROCESSING FEE means a one-time charge billed to any User of the wastewater treatment works or water works system for processing a connection application, inspection for reconnection or repair and any connection fee reimbursement request.

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.

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 County Board of DuPage County and designated employees and agents of the COUNTY.

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 are defined in any applicable "NPDES Permit."

ENVIRONMENTAL PROTECTION AGENCY (EPA) means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXCESSING STRENGTH SURCHARGES means an additional charge which is billed to "Industrial Users" for treating wastewater with an average strength in excess of normal domestic sewage.

EXISTING CONNECTIONS means the average of residential equivalents connected to the COUNTY'S wastewater treatment works in the year prior to the year in which the connection fee is determined.

EXISTING DENTAL DISCHARGE 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) may be used interchangeably with “Oils and Grease”.

FECAL COLIFORM BACTERIA means any number of organisms common to the intestinal tract of human and animals whose presence in Sanitary Sewage is an indicator of pollution.

FEDERAL ACT or **ACT** or **THE ACT** or **CLEAN WATER ACT** means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and the Clean Water Act of 1977 (P.L. 95-217) and regulations adopted thereunder, or latest adopted revisions.

FEDERAL GRANT means U.S. Government participation in the financing of the construction of treatment works as provided for by any Federal moneys used for the construction of public works projects.

FIRE SUPPLY LINE means the water supply line dedicated solely for fire protection from the water main directly to the fire suppression system.

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. A wastewater shall be considered free of floatable oil, fat, or grease if it is properly pretreated, and the wastewater does not interfere with the collection system.

FLOW means a volume of Wastewater per unit of time.

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.

GARBAGE means any refuse or materials including but not limited to the following: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, sale, or consumption of food; glass or metal containers, products or objects discarded as no longer useable; and paper, wood, and cardboard waste.

GRAB SAMPLE means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream, without consideration of time, and over a period not to exceed fifteen (15) minutes.

GREASE, OIL, and SAND TRAPS means constructed devices, and their appurtenant surfaces and working parts, having the function of removing fats, oils and grease from wastewaters before such wastewaters are discharged to the COUNTY'S sanitary sewer system.

GREASE TRAP SLUDGE means the fats, oils, grease and other matter collected by any grease trap or substance trap installed in a regulated grease trap facility.

GREASE TRAP SLUDGE HAULER means any person licensed and authorized by any agency of the State of Illinois to remove and/or haul grease trap sludge.

HAULED WASTE means sanitary or process Wastewater transported as a commercial venture.

HOT SPOTS mean where areas of sanitary sewer lines have experienced Sanitary Sewer overflows or that must be cleaned and maintained frequently to avoid blockages of the sewer system.

IEPA means the Illinois ("STATE ") Environmental Protection Agency.

INDIRECT DISCHARGE or **DISCHARGE** means the introduction of Pollutants into POTW from any non-domestic source under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM means the USEPA, IEPA, and County Board approved program outlining and describing the mechanics and requirements by which the COUNTY manages the Non-Residential discharges contributing to its publicly owned treatment works (POTW)

INDUSTRIAL USER (IU) or USER means a source of Indirect Discharge from a Non-Residential Source. As defined in this Ordinance, "Non-Residential Users" includes Industrial Users.

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

INFILTRATION means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, as is distinguished from, inflow.

INFLOW means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INSTANTANEOUS LIMIT 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.

INTEREST PAYMENTS and **FINANCE CHARGES** mean the total incurred cumulated interest and finance costs for construction, which creates additional capacity within the system, beginning with the year 1981.

INTEREST RECOVERY FEE means a one-time charge billed to any User of the wastewater treatment works for recovery of a pro rata share of interest payments and finance charges.

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 Biosolids 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 Biosolids 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 Biosolids 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.

An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above cited authorities whenever such Industrial User:

- A. Discharges a daily pollutant loading in excess of that allowed by permit of the POTW or by Federal, State, or local law; or
- B. Discharges wastewater which substantially changes in nature or constituents from the Industrial User's average discharge, and the Industrial User must demonstrate that the change does not cause a negative impact to the POTW; or
- C. Discharges any substance, alone or in conjunction with discharges from other sources, which results in a POTW permit violation, or prevents sewer sludge use or disposal in accordance with the above cited authorities as they apply to the POTW's selected method of sludge management.

LABORATORY DETERMINATIONS means measurements, tests, and analyses of the characteristics of waters and wastes in accordance with procedures set forth by the Environmental Protection Agency in the latest adopted revisions of 40 CFR Part 136.

LETTER OF COMPLIANCE means a letter giving approval to move forward with the project.

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 the DuPage County Pretreatment Standards which specify quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the wastewater treatment system as set forth in **FIGURE A**. **FIGURE A** indicates the concentration limits which must be met for all industrial discharges into the wastewater treatment system. On a case by case basis, the COUNTY, at the discretion of the Pretreatment Coordinator or designee, may develop mass limitations as an alternative to concentration limitations. Mass

limitations, when implemented shall (1) be specific for an Industrial User and (2) take precedence over the concentration limits specified in **FIGURE A**. Mass limits shall be issued in conjunction with a permit which specifies the conditions under which such mass limits are allowed, any pretreatment which would be required and a provision that the mass limits shall be subject to change as the need for less stringent or more stringent regulations arise. All local limits, mass or concentration, take precedence over Federal and STATE pretreatment standards if the local limits are more stringent. The local limits shall be reviewed periodically as set forth in 40 CFR Part 403 or any revision thereto. Total industrial allocation shall not exceed the maximum allowable industrial loading for a given pollutant.

MAXIMUM ALLOWABLE HEADWORKS LOADING (MAHL) means the estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference.

MAXIMUM ALLOWABLE INDUSTRIAL LOADING (MAIL) means the estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted Industrial Users and other controlled sources without causing pass through or interference. This is usually calculated by applying a safety factor to the Maximum Allowable Headworks Loading and discounting for uncontrolled sources, hauled waste and growth allowance.

MAY means permissible.

MEDICAL WASTES mean 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 (mg/L) means a unit of the concentration of water or wastewater constituents. It is 0.001 g of the constituent in 1,000 mL of water.

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

MONTHLY AVERAGE means the sum of all "Daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.

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:

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

Agency in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Subsection 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- C. STATE Pretreatment Standard means the Pretreatment Regulations promulgated by the Illinois Environmental Protection Agency and as set forth at Title 35: Subtitle C: Chapter I: Subpart B of the Illinois Water Pollution Control Regulations.
- D. Local Pretreatment Standard or DuPage County Pretreatment Standard means the pretreatment standards as set forth herein.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits from point sources to waters of the United States, and imposing and enforcing Pretreatment Requirements, under Section 402 of the Clean Water Act (CWA).

NATIONAL POLLUTANT ELIMINATION DISCHARGE SYSTEM PERMIT (NPDES PERMIT) means any permit or equivalent document, or requirements issued by the Administrator, after enactment of the Federal Water Pollution Control Amendments of 1972, or Clean Water Act of 1977, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act. The COUNTY operates its Woodridge – Greene Valley POTW under NPDES Permit No. IL0031844, its Knollwood POTW under NPDES Permit No. IL0065188, its Nordic Park POTW under NPDES Permit No. IL0028398, and its Cascade Drive-In Theatre POTW under NPDES Permit No. IL0028428.

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 SOURCES mean:

- A. Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that one of the following is true:
 - 1. The building, structure, facility, or installation is constructed at a site on which no other source is located;
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
 - 3. The production or Wastewater generating processes of the building, structure, facility, or installations are substantially independent of an Existing Source at the

same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

- B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section A2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has done one of the following:
 - 1. Begun, or caused one of the following to begin as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including, clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which 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.
- D. 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.

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-DOMESTIC USAGE means include but are not limited to process rinse waters and wastewaters, excessive food and beverage wastes, discharges of cooling waters which contain chemicals which may be harmful to the treatment plants and/or sewer system, special cleaning solutions which may be corrosive or which may contain toxic organic chemicals.

NON-METERED USAGE CHARGE means the minimum usage charged to a customer that is connected to water and/or sewer service without the use of a valid water meter.

NON-RESIDENTIAL USER means all Users not defined as Residential Users, including but not limited to Industrial Users.

NON-SIGNIFICANT REGULATED USER (NSRU) means a Non-Residential User that meets the criteria outlined in Section 36-129.B.3.e.

NORMAL DOMESTIC SEWAGE (for the purpose of determining surcharges) means wastewater having an average daily concentration of not more than two hundred twenty (220) milligrams per liter (mg/L) of five (5) day "Biochemical Oxygen Demand" (BOD) and not more than two hundred forty (240) milligrams per liter (mg/L) of "Suspended Solids" (SS). This comes from normal washing, cleaning, and washroom activities, kitchen activities, and cooling water, which does not contain anything toxic which, if discharged into the sewer system, would constitute a violation of this Ordinance.

OILS AND GREASE mean 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 Part 136.

ORDINANCE means this ordinance, the DuPage County Water Supply and Distribution and Wastewater Treatment Ordinance, and may be commonly referred to as "chapter", "ordinance", or the "DuPage County Water/Wastewater Treatment Ordinance."

OPERATION AND MAINTENANCE COSTS means all costs necessary to provide adequate wastewater collection, transportation, and treatment on a continuing basis, in order to produce an effluent discharge to the receiving waters that conforms to all related Federal, State, and local requirements.

OTHER CONTRACTUAL SURCHARGES means an amount billed to those Users that are affected by an agreement between the DuPage County and a second party, the User or a special User class.

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.

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.

An Industrial User contributes to pass through when it:

- A. Discharges a daily pollutant loading in excess of that allowed by a permit of the COUNTY or by Federal, State, or local law; or
- B. Discharges wastewater which substantially differs in nature or constituents from the Industrial User's average discharge.

PERSON means an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity (public

or private) or their legal representatives, agent, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" means a measure of the acidity or alkalinity of a solution expressed in standard units.

POLLUTANT means any dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Wastewater Biosolids, 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 (PE) means the evaluation of the impact of industrial or other waste on a treatment works or stream. One (1) population equivalent is one hundred (100) gallons of sewage per day, containing no more than two hundred twenty (220) mg/L of five (5) day BOD and two hundred forty (240) mg/L of SS. The impact on a Treatment Works is evaluated or defined as the highest Population Equivalent of the three (3) parameters. (IEPA 301.345).

POTENTIAL INDUSTRIAL USER means a User which is not classified as an Industrial User, but which User could potentially discharge non-domestic waste (as defined herein) into the COUNTY'S sanitary sewer system.

PPM means parts per million by weight.

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 as prohibited by 40 CFR Part 403.6(d) or any revision thereto unless allowed by an applicable Pretreatment Standard. Appropriate pretreatment technology includes surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Part 403.6(e) or any revision thereto.

PRETREATMENT COORDINATOR means the Superintendent of the DuPage County Department of Public Works or their designee.

PRETREATMENT STANDARDS or **REQUIREMENTS** or **STANDARDS** mean for any specified Pollutant, COUNTY prohibitive Discharge Standards as set forth in Section 36-10, COUNTY specific limitations on Discharge as set forth in Section 36-75, State of Illinois Pretreatment Standards in Ill. Adm. Code Section 307, or the National Categorical Pretreatment Standards.

PRIVATE WASTEWATER DISPOSAL SYSTEMS means A private network of pipes, pumping stations, and other infrastructure that transports sewage from its source to the destination that will treat and/or dispose of it.

PROHIBITED DISCHARGE STANDARDS or **PROHIBITED DISCHARGES** means absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 36-10.

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 particles greater than one-half (1/2) inch, (1.27 centimeters) in any dimension.

PUBLIC SEWER means any sanitary sewer provided by or subject to the jurisdiction of DuPage County. It shall also include sewer within or outside the COUNTY boundaries, including sewers within municipal boundaries that serve one (1) or more persons and ultimately discharge into the COUNTY sanitary sewerage system, even though those sewers may not have been constructed with COUNTY funds.

PUBLIC WORKS COMMITTEE means the committee of elected DuPage County Board Members as assigned by the County Board Chair and as approved by the County Board, responsible for direction pertaining to the operations of the Department of Public Works.

PUBLICLY OWNED TREATMENT WORKS or **POTW** means a “Treatment Works” as defined in Section 212 of the Federal Act (33 U.S.C. section 1292), which is owned by the STATE or a municipality (as defined in Section 502(4) of the Federal Act). This definition includes any devices and systems owned by DuPage County used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW owned and/or operated by DuPage County, Department of Public Works (COUNTY), as well as any part of the sanitary sewer collections system tributary to such treatment plants. Synonymous with POTW Treatment Plant, Wastewater Treatment Works, Water Pollution Control Facility, and Wastewater Facility.

REGIONAL ADMINISTRATOR means the Regional Administrator for USEPA Region V.

REGULATED GREASE TRAP FACILITY means a place, whether inside or outside a building, including the parcel of real estate upon which it is located, excluding any building which is used solely for residential purposes, where there is an operation or process working which involves the manufacture, processing or preparation of food or food products and which discharges fats, oils, grease and other matter which would be collected by a grease trap or substance trap.

REPLACEMENT COSTS means the expenditures for obtaining and installing equipment, accessories, or appurtenances to maintain the design capacity and performance during the service life of the wastewater treatment works.

RESIDENTIAL EQUIVALENT (RE) means a unit of measure equivalent to the flow of three hundred fifty (350) gallons per day, or three and one-half (3½) P.E., or ten thousand five hundred (10,500) gallons per month, of normal domestic strength sewage into sewers owned or operated by DuPage County or sewers tributary to sewage treatment units owned by DuPage County.

RESIDENTIAL SOURCE or **RESIDENTIAL USER** means any single family or multi-family Dwelling unit designed primarily as a place of human habitation which Discharges only domestic Wastewater to the COUNTY's system.

REVENUE BOND COSTS mean the annual principal, interest, and reserves for payments on all outstanding revenue bonds or other long-term capital debts.

RIGHT OF WAY means the strip of land over which facilities such as highways, railroads, or power lines are built. No private property shall be located in the public right-of-way, such as but not limited to, sprinklers, dog fences, etc. as it will not be the responsibility of the COUNTY to repair or replace such items.

SANITARY SEWER SYSTEM means a sewer that conveys wastewater from residences, commercial buildings, industrial plants and facilities, and into which stormwater, surface water, ground water, or unpolluted non-contact cooling water are not intentionally admitted. For the purposes of this Ordinance, sanitary sewer system shall refer to those systems owned by the COUNTY, but which may or may not necessarily discharge into a COUNTY owned POTW.

SEPTIC TANK WASTES mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SERVICE SEWER means the service extension from the building to the public sewer or other place of disposal.

SEWAGE means human excrement and gray water (household showers, dishwashing operations, etc.).

SEWER means a pipe or conduit for conveying sewage.

SEWER MAINTENANCE CHARGES means a minimum charge billed to all Users connected to the COUNTY owned and maintained collection sewers.

SEWERAGE means the system of sewers and appurtenances for the collection, transportation, pumping and treatment of sewage.

SHALL means mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU) means a User of the POTW (except as provided by paragraphs 3 and 4) who is:

- A. A User subject to any National Categorical Pretreatment Standards; or
- B. A User that:
 - 1. Has an average process Wastewater Discharge Flow of twenty-five thousand (25,000) gallons or more per work day (excluding sanitary, non-contact cooling and boiler blow-down Wastewater);

2. 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 Treatment Plant; or
 3. Is designated as such by the COUNTY on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- C. The COUNTY 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:
1. The User, prior to the COUNTY's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 2. The User annually submits the certification statement required in Section 36-138.C [see 40 CFR Section 403.12(q)], together with any additional information necessary to support the certification statement; and
 3. The User never Discharges any untreated concentrated Wastewater.
- D. Upon a finding that a User meeting the criteria in Subsection (B) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the COUNTY may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a Significant Industrial User in accordance with 40 CFR Section 403.8(f)(6).

SINGLE FAMILY DWELLING UNIT means a single-family residence, or each apartment unit or each condominium unit in a multifamily building receiving an individual bill.

SLUDGE means the residue materials that are removed or withdrawn from the wastewater treatment process.

SLUG or **SLUG LOAD** means any non-routine Discharge of an episodic nature of any pollutant, including but not limited to an accidental spill or a non-customary batch Discharge or any Discharge of a flow rate or concentration, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions or a non-customary batch Discharge or any Discharge of flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in Section 36-10.

SPECIAL CONNECTION FEE means the fee assessed to cover total COUNTY expenditures associated with installation of the sanitary sewer and, or, water main extensions for service of a particular area, by which fee is assessed in addition to the Connection Fee. Special connection fees shall be determined by the Superintendent or designee based on total COUNTY expenditures

allocated amongst the serviced properties using such methodology as deemed appropriate by the Superintendent or designee in each particular instance.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) means a numerical categorization used by the Department of Commerce to denote segments of industry.

STANDARD SPECIFICATIONS mean the "Standard Specifications for Water and Sewer Main Construction in Illinois," latest edition.

STATE means the State of Illinois.

STATE ACT means the Illinois Environmental Protection Act, Public Act 76-2429, and regulations adopted thereunder, Illinois Compiled Statutes, 1992, Chapter 415, paragraph 5/1 et seq. (Ill. Rev. Stat. 1991, Chap. 111-1/2, Par. 1001 et seq.).

STATE GRANT means State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Antipollution Bond Act, and for making such grants as filed with the Secretary of the State of Illinois.

STORM SEWER means a sewer that carries rainwater, 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.

SUPERINTENDENT means the Deputy Director/Director of the DuPage County Department of Public Works, or their designee.

SURCHARGE means the assessment in addition to the basic User charge and debt service charge which is levied on those Users whose wastes are greater in strength than the concentration values established in Section 36-201.A.3.

T used in conjunction with another term (such as in CYANIDE-T) means total.

TOTAL ANNUAL BILLABLE FLOW means the sum of all Users' sewage flow, including commercial, institutional, and governmental flows discharged to the wastewater treatment works, as determined by metered water consumption and the estimated annual flow from all private wells.

TOTAL NET EQUITY means the total assets of the COUNTY's wastewater treatment works, minus the related liabilities, as determined by the annual audit of the year prior to the year in which the connection fee is determined.

TOTAL SUSPENDED SOLIDS (TSS) means solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration

device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Laboratory Determinations."

TOTAL TOXIC ORGANICS means the summation of all quantifiable values greater than 0.01 Milligrams Per Liter for the toxic organics specified in the applicable regulation.

UNAUTHORIZED PERSONS mean any person, as defined above, not possessing a valid wastewater discharge permit or water supply distribution permit from the DuPage County Department of Public Works.

UNPOLLUTED WATER means water of 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 wastewater treatment facilities provided.

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

USEPA means the United States Environmental Protection Agency.

USER means any source of indirect discharge, industrial, potentially industrial or otherwise, of the COUNTY's water supply, distribution system, and wastewater treatment system. It also includes persons or sources that are prohibited from discharging specific pollutants or waste streams to the POTW.

USER CHARGE means a charge billed to all Users of the wastewater treatment works and water system for the cost of operation, maintenance, and replacement.

WASTEWATER means the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WATER QUALITY STANDARDS are defined in the Water Pollution Regulations of Illinois, Title 35, Subtitle C, Chapter I.

WASTEWATER DISCHARGE PERMIT means the document or documents issued to a User by the COUNTY pursuant to Section 36-130.

WASTEWATER SERVICE CHARGE means a minimum charge billed to all Users from the date any User connects to the wastewater treatment works.

WASTEWATER TREATMENT WORKS means any devices and systems used in the transportation, storage, treatment, recycling, and reclamation of sewage, including outfall sewers, intercepting sewers, sewage collection systems, pumping systems, and their appurtenances, including land that is occupied by the treatment units.

WATER SERVICE CHARGE means a minimum charge billed to a landowner or developer of a new subdivision for each platted lot, from the date on which the COUNTY awards the contracts to construct COUNTY-constructed wells, treatment, or storage facilities.

WATERCOURSE means any outlet of surface water drainage into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

WORKING DAYS: A day on which work, or service is performed by an industry, typically Mondays through Fridays.

Sec. 36-3. JURISDICTION

This Ordinance shall apply to the COUNTY and to Persons outside the COUNTY who are, by contract or agreement with the COUNTY, Users of the COUNTY POTW. Contract and agreement provisions are provided in Section 36-130.J.

Sec. 36-4. FALSIFYING INFORMATION

Any applicant, or anyone acting on behalf of the applicant who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this ordinance, Sewer Service Connection Permit, or Non-Residential Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be guilty of a petty offense punishable by a fine not to exceed one thousand dollars (\$1,000.00), or other remedy available at law or in equity (pursuant to authority granted at 55 ILCS 5/5-1113 and 5/5-15001, et seq.).

In case any applicant, or anyone acting on behalf of the applicant, is in violation of this ordinance, the proper authorities of the COUNTY, may in addition to other remedies, institute any appropriate action or proceedings in equity to prevent or abate such violation and to further prevent any illegal act.

Sec. 36-5. CONFIDENTIAL INFORMATION

- A. Information and data (other than effluent data) about a User obtained from reports, questionnaires, inspections, permit applications, permits, monitoring programs, 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 or designee and COUNTY Attorney, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User under applicable State law. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the COUNTY. Effluent data shall be available to the public without restriction.
- B. When requested and demonstrated by the User furnishing a report that such information would be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available to the public, but shall be made available

immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and enforcement proceedings involving the Person furnishing the report Wastewater constituents, characteristics, and other “effluent data”, as defined by 40 CFR Part 2.302, will not be recognized as confidential information and will be available to the public without restriction.

Sec. 36-6 through 36-8. RESERVED

ARTICLE 2: USE OF WASTEWATER TREATMENT WORKS

Sec. 36-9. APPLICABILITY

- A. It shall be unlawful to Discharge or cause to be Discharged to any facility served by the COUNTY, 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.

Sec. 36-10. PROHIBITED DISCHARGE

These general prohibitions apply to all Users of the POTW regardless of whether they are subject to a Categorical Pretreatment Standard or any other National, STATE, or local Pretreatment Standards or Requirements.

- A. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, sump pump discharge, or subsurface drainage waters to any sanitary sewer. Prohibited discharges to any public wastewater treatment works shall include, but not be limited to, the following described waters, wastes, or substances:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or any other substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR Part 261.21.
 - 2. Any waters or wastes containing toxic or poisonous pollutants (solids, liquids, or gases, vapors, and fumes), in sufficient quantity, either singularly or by interaction with other wastes, so as to:
 - a. injure, interfere with, or cause a potential problem to any POTW treatment process, facility, worker, or entry into sewers for maintenance and repair;
 - b. constitute a hazard to humans or animals;
 - c. create a public nuisance; and/or
 - d. create any hazard in the receiving water of the wastewater treatment works; and/or

- e. exceed limitation as set forth in the existing Act, or the Act as it may be amended.
3. Any waters or wastes having a pH lower than 5.0 or greater than 12.0, 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. Excessive quantities of material discharged over 10.5, however, may be restricted if damage to the sewer system or treatment plant operational problems are found to result from this excessive discharge.
4. Solids, solid wastes, or viscous substances in quantities or of such size as being capable of causing obstruction to the flow in sewers or POTW, or other interference with the proper operation of the POTW such as, but not limited to: waste cooking oil, grease, grease interceptor wastes, garbage with particles greater than one-half (½-inch) in any direction, ashes, cinders, sand, spent lime, stone or marble dust, mud, straw, shavings, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, feathers, tar, plastic, wood, plastics, residues from gas, tar, asphalt, residues from refining or processing fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acid, unground garbage (*refer to paragraph below), paper, paper dishes, cups, milk containers, entrails, whole blood, feathers, paunch manure, bones, hair, hides or fleshings, animal guts or tissues, body parts, entrails, etc., either whole or ground by garbage grinders, or any material which can be disposed of as trash.

*or any garbage that has not been properly shredded, (as defined in Section 36-2 of this Ordinance) unless approved by the Superintendent or designee. (The installation and operation of any garbage grinder equipped with a motor of three-fourths (³/₄) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent or designee).
5. Substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32⁰F), (zero degrees centigrade (0⁰C)), and one hundred four degrees Fahrenheit (104⁰F), (forty degrees centigrade (40⁰C)), in such volumes that they may plug the sewer line, or in such volumes that they may cause obstructions to the flow in sewers, or may cause other interferences with the proper operation of the wastewater treatment works.
6. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable STATE or Federal regulations.
7. Materials in excess of the DuPage County Local Limits as set forth in **FIGURE A**, Wastewater Local Limits, or any other applicable STATE or Federal Regulations.
8. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in any amount(s) that will cause interference or pass-through.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the POTW treatment processes employed, or are not in compliance with Article 4, 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, or may cause interference as defined herein at Section 36-75.
10. Materials which exert or cause:
 - a. Concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that will cause a potential problem or interfere with POTW operations;
 - b. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions) which is nonbiodegradable and/or passes through the treatment facility into the receiving water;
 - c. Ammonia Nitrogen, BOD, SS, COD, or chlorine requirements in such quantities as to constitute a load on the sewage treatment works above its design capabilities, and/or which may interfere with the operation of the sewage treatment works, contributing to pass through or causing a POTW NPDES permit violation, violation of Water Quality Standards of the receiving waters of the POTW, violation of other applicable Federal and STATE standards, violation of general effluent Discharge Standards; or any pollutant that is discharged at a flow or concentration that causes interference.
11. Heat in amounts which will inhibit biological activity or cause interference in the COUNTY's POTW facilities, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Centigrade (40⁰C) (one hundred four degrees Fahrenheit (104⁰F)).
12. Any Toxic Organic Substance, especially those generally considered to be insoluble in water, except as expressly regulated by permit from the COUNTY (see Section 36-130.E).
13. Amalgam – United States Environmental Protection Agency (EPA) put into effect on July 14, 2017, Dental Rule (40 CFR 441) that requires all dental offices (including existing) to install an amalgam separator with a ninety-five percent (95%) removal efficiency and submit certification.

For more information see USEPA's Dental Effluent Guidelines website.

14. Any Unpolluted Water including, but not limited to, uncontaminated Non-contact Cooling Water, stormwater, 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 or designee.

15. Any noxious or malodorous solids, liquids, or gases, 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 a Potential Problem to any operation of POTW, including but not limited to, prevention of entry into sewers for their maintenance and repair.
16. 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 necessitate the COUNTY taking special measures to counteract and/or alleviate the impact of the Pollutant(s).
17. Any Wastewater containing substances in sufficient quantity to Interfere with the POTW.
18. 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 a Potential Problem at the POTW.
19. Any wastes containing detergents, surface active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the collection system or the treatment process that result in POTW Interference and/or Pass Through and/or is shown to inhibit the nitrification process. Wastes prohibited in this section shall not be processed or stored in such a manner that they could be Discharged to the POTW.
20. 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 or designee.
21. 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.
22. Wastewater or wastes containing iron pickling wastes, concentrated plating solutions or coating solutions whether neutralized or not.
23. Any leachate, groundwater remediation Wastewater or waste material, originating within the POTW service area, which does not meet Discharge limitations as set forth in this Ordinance or determined by this Ordinance except at Discharge points designated by the Pretreatment Coordinator or designee.
24. All trucked or Hauled Waste; except at the COUNTY designated discharge points. All such wastes are to be individually approved and permitted by the COUNTY as set forth in this Ordinance prior to Discharge.

25. Any biosolid, screenings or other residues from the pretreatment of Non-Residential wastes.
 26. Any solid, solid waste or viscous substances that have caused an obstruction to the flow in a sewer that is eliminated by a professional service or contractor.
 27. Any substances that inhibit the use of UV for disinfection purposes.
 28. Any Wastewater causing the POTW effluent to fail a toxicity test.
 29. Any substance which may cause the COUNTY's POTW effluent or Biosolids, to be unsuitable for reclamation and re-use, or Interfere with the reclamation processes. In no case shall a substance Discharged to the COUNTY's POTW cause the COUNTY to be in noncompliance with any Biosolids use or disposal regulations developed under Section 405 of the Act; or any regulations affecting Biosolids 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 Biosolids management methods either being used, or considered by the COUNTY.
 30. Any waste containing items that could clog or damage the COUNTY'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.
- B. No person shall discharge to the sewer system any other substances, materials, waters, or wastes, if it appears likely in the opinion of the Pretreatment Coordinator or designee that such wastes can harm either the sewer, sewage treatment process, or equipment, have any adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In formation of the Pretreatment Coordinator or designee's opinion as to the acceptability of other wastes, the Pretreatment Coordinator or designee will give consideration to factors including but not limited to the quantities of subject wastes in relation to flows and velocities in the sewer, materials of which the sewers are constructed, nature of the sewage treatment process, capacity of the sewage treatment units, degree of treatability of wastes in the sewage treatment units, and maximum limits established by local, State, and Federal regulatory agencies.
- C. In those sanitary sewer systems which appurtenances are owned by the COUNTY, however, which may not necessarily discharge into a COUNTY POTW, wastes which could cause damage or blockage to the COUNTY'S devices or appurtenances are prohibited from discharge (i.e. Glen Ellyn Heights Sanitary Sewer System).
- D. For discharges or proposed discharges which are prohibited as defined in Section 36-10.A and .B above, the Pretreatment Coordinator or designee shall:
1. Require pretreatment as specified in Article 4; or

2. Require control over the quantities and rates of discharge of the waste.
- E. No User shall introduce or cause to be introduced, directly or indirectly to the COUNTY's POTW, any Pollutant or Wastewater contaminant which will Pass Through, cause Interference with, inhibition of, or cause a Potential Problem to the operation of the POTW.
- F. No User shall increase the use of potable or process water in any other way, 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 Pretreatment Standard or Requirements and in a Wastewater Discharge Permit. The Superintendent or designee may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.
- G. 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 36-144 shall develop and implement a Spill Prevention/Slug Control Containment and Countermeasures Plan consistent with the requirements in Section 36-12. The Pretreatment Coordinator or designee 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 36-12 and 36-142. Spill planning applies to all Users not just classified SIU or regulated NSRU.
- H. 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 COUNTY.
 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 COUNTY, is the declared policy of the COUNTY 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 jurisdiction of the COUNTY, any sanitary Sewage, Industrial Wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the

required permits have been obtained and is in compliance with the Clean Water Act.

I. 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 Ordinance. It shall be prima facie evidence of a violation of this Ordinance if any Person or User has on their premises or under their 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 or in such manner as to cause waters to overflow onto adjacent property or to be Discharged upon any public street or public way.

Sec. 36-11. NOTICE OF UNAUTHORIZED USE.

- A. Any officer, employee, or agent of a User, Potential Industrial User, or Industrial User of the wastewater treatment works shall notify the COUNTY by telephone immediately, or as soon as possible, after the discovery of any unusual flows or prohibited wastes as defined in Section 36-10 of this Ordinance that are discharged accidentally or otherwise to the wastewater treatment system.
- B. An Industrial User shall submit to the COUNTY, a written notification of any unusual discharge within twenty-four (24) hours. An Industrial User shall have procedures to follow should a spill occur and develop remedies to prevent future recurrence of such spills.

Sec. 36-12. SPILL PREVENTION AND SLUG CONTROL PLANS

- A. All permitted Industrial Users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing, implementing, and

maintaining spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial User's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the COUNTY before construction of the facility.

- B. Industrial Users that store hazardous substances shall not contribute to the POTW after the effective date of this Ordinance if a required spill prevention plan has not been approved by the COUNTY. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- C. 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 of 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 36-10 at or on its site;
 3. Hazardous Waste as defined in Section 36-144 at or on its site; or
 4. Any use and/or discharge defined by the Pretreatment Coordinator or designee to have a need to control Slug Discharges.
- D. The COUNTY shall evaluate each Significant Industrial User at least once every two (2) years, and other Non-Residential Users as necessary, to determine whether such Non-Residential User needs a revision to their existing plan. The Pretreatment Coordinator or designee may require any User to submit at a frequency less than two (2) years such Spill Prevention and Slug Control Plan(s) or require modification of an existing 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 or designee shall evaluate whether each NSRU 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.
- E. If the COUNTY decides that a Spill Prevention and Slug Control Plan is needed, the plan shall contain, at a minimum, the following elements:
1. Minimum Contents of the Spill Prevention and Slug Control Plan:
 - a. A description of all discharge practices, including non-routine batch discharges;

- b. A description of all stored chemicals including quantity of chemicals, type, and number of storage containers;
 - c. A site diagram showing location(s) 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. If necessary, procedures to prevent adverse impact from accidental spills, including but 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 to the COUNTY, any change in the telephone numbers should be submitted to the COUNTY within five (5) working days when revised.
2. Notification Procedure. The Spill Prevention and Slug Control Plan shall contain procedures for immediately notifying the Pretreatment Coordinator or designee of accidental or slug discharges including any discharge prohibited under Section 36-10 of this ordinance, with procedures for follow-up written notification within seven (7) working days;
 3. Documentation. The Spill Prevention and Slug Control Plan shall contain a sample of the documentation maintained at the site that:
 - a. Ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency notification procedures; and
 - b. Includes logs to verify inspection and maintenance procedures to prevent adverse impacts and confirms 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.

- F. If in the opinion of the Pretreatment Coordinator or designee, a Potential Non-Residential User exhibits practices whereby non-domestic wastes may be discharged into the COUNTY'S sanitary sewer system, the Pretreatment Coordinator or designee may require the Potential Industrial User to develop and to submit to the COUNTY a Spill Prevention and Slug Control Plan.
- G. Review of such plans and operating procedures by the COUNTY shall not relieve the User from the responsibility to modify the User's facility or Spill Prevention and Slug Control Plan as necessary to meet all requirements of this Ordinance. Review by the COUNTY does not constitute an approval of a spill plan and the COUNTY 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.(Ord. OPW-001-08, 2-2008)

Sec. 36-13. GREASE, OIL, AND SAND TRAPS

Grease traps will be sized according to Illinois State Plumbing Code.

- A. Grease, oil and/or sand traps shall be provided by any person, who constructs or operates a facility connected or tributary to the COUNTY'S wastewater treatment system, which facility manufactures, processes or prepares food or food products. Auto/truck repair and service facilities, car washes, machine shops, and other facilities which use, handle, or generate wastes containing non-food oils and greases in concentrations greater than one hundred (100) mg/L, will also be required to install appropriate traps as described in paragraph B. Additional pretreatment, such as oil, water, and sludge separators, may also be required if the installed grease traps are not adequate for the waste load and type. All grease traps, installed in facilities defined in this paragraph and paragraph D. are considered regulated grease traps. The Superintendent or designee may also require, grease traps to be installed at any other type of facility or location where there is potential for oils and greases to be discharged in the COUNTY'S Wastewater Treatment System. Grease, oil or sand traps shall be installed, operated and maintained by said facility owner/operator at no expense to the COUNTY.
- B. All grease traps shall be of the type and capacity as approved by the Superintendent or designee, and shall be situated in a location which is readily and easily accessible for cleaning and inspection.
- C. No chemical or biological agents may be discharged or placed into the grease trap which will cause grease to emulsify, unless it is demonstrated that these pollutants are converted entirely into materials which are readily degraded at the treatment plant. Where these products are used to chemically or biologically alter the oil and grease, the User may be subject to extra sewer charges as set forth in this ordinance, because of the increased strength of the discharge. Such situations shall be explicitly regulated by the issuance of a Non-Residential Discharge Permit.
- D. All new facilities shall be required to install triple basin (three (3) catch basin) grease traps, or other type and capacity grease trap, as approved by the Superintendent or designee, in a location external to the facility or in a location as otherwise approved by the Superintendent

or designee, which is readily and easily accessible for cleaning and inspection. All new installations of grease traps required to be installed per paragraph A. shall be inspected and approved by the COUNTY prior to final hookup. If the owner proceeds without this prior inspection and approval, the owner is liable for all costs necessary to achieve approval of the traps, including complete removal of the newly installed trap and installation of a different trap if necessary.

- E. All new and existing standard triple basin grease traps shall be emptied at or before the grease has accumulated to a depth of one-half ($\frac{1}{2}$) full in any section within the trap.
- F. Existing facilities may be required to install triple basin grease traps, if in the opinion of the Superintendent or designee, a triple basin grease trap is needed to handle the amounts of grease generated at the facility.
- G. For all new and existing single basin grease traps, grease accumulation within the traps shall be permissible to levels of one-half ($\frac{1}{2}$) of the design capacity as specified by the COUNTY, as set forth in **FIGURE B, GREASE TRAP BASIN LIMITS**.
- H. If the facility fails to maintain its grease trap as directed and in a timely manner or fails to install a grease trap as directed and in a timely manner, the COUNTY may take actions to disconnect the facility's water and/or wastewater treatment service, in accordance with procedures outlined herein at Section 36-506 and assess penalties in accordance with Section 36-158 of this Ordinance.
- I. For all other types of grease traps the maximum permissible limits of accumulation of grease shall be determined by the Superintendent or designee.
- J. No person shall reintroduce into the COUNTY'S sanitary sewer system materials which have been removed from the sanitary sewer system by catch basins, grease traps, and other pretreatment devices. Physical, chemical, and biological agents shall not be introduced into catch basins, grease traps or other pretreatment devices for the purpose of re-suspending, dissolving, emulsifying or rendering soluble any pollutants or other materials removed from a waste stream by such pretreatment devices and reintroducing these materials into the sanitary sewer system, unless it is demonstrated that these pollutants are converted entirely into materials which are readily degraded at the treatment plant. Where these products are used to chemically or biologically alter the oil and grease, the User may be subject to extra sewer charges as set forth in this ordinance, because of the increased strength of the discharges. Such situations shall be explicitly regulated by the issuance of a Non-Residential Discharge Permit.
- K. No person owning or operating a regulated grease trap facility or business required to install and use a grease trap, or agent or employee thereof shall discharge or cause to be discharged, prohibited substances into sewers connected to the COUNTY'S Treatment Works, except as regulated above.
- L. No person shall reintroduce or deposit any grease trap sludge into any plumbing system, building drain or building sewer or private sewer which is connected or tributary to the COUNTY'S Treatment Works, except as regulated above.

- M. No person shall deposit or discharge into a public sewer which is connected or tributary to the COUNTY'S Treatment Works any grease trap sludge which has been removed from a grease trap or sewer system outside of the COUNTY, except as regulated above.
- N. Each person who owns or operates a regulated grease trap facility and each person who owns or operates a business regulated hereunder, where the plumbing system, building drain or building sewer contains a grease trap required by this Ordinance shall:
1. Engage a licensed grease trap sludge hauler to remove, haul away and dispose of the collected grease trap sludge and to deliver such sludge to a licensed grease trap sludge disposal site;
 2. Provide that each load of grease trap sludge removed from the regulated grease trap facility be accompanied by a shipping manifest.
 3. Retain a copy of the described shipping manifests for a minimum of two (2) years, and produce the documents upon request of the Superintendent or designee, or authorized representative.
 4. After the removal of the grease trap sludge, clean the residue of sludge from the grease trap.
- O. Each person who owns or operates a regulated grease trap facility must make the grease trap available for inspection. If the grease trap is not maintained as per Paragraph 36-13.E., a notice of non-compliance will be issued.

Two (2) follow-up inspections shall be done. The cost for these inspections is set forth in **FIGURE D** and the owner of the non-compliant grease trap will be responsible for this cost. If non-compliance is determined on either of the two (2) follow-up inspections, a second notice of non-compliance will be issued.

The owner of the non-compliant discharge will then be required to enter a COUNTY-sponsored pumping program to maintain compliance for a one (1) year period. The cost for this program is set forth in **FIGURE D**.

After one (1) year, the owner of the non-compliant grease trap may appeal to the COUNTY for removal from the pumping program. If this facility is found to be non-compliant after ending the one (1) year pumping program, the owner will be required to participate in a three (3) year pumping program before a second appeal for removal can be made.

P Grease Interceptor Requirements:

1. Plumbing systems for institutions or commercial establishments in which grease, fats, culinary oils or similar waste products from kitchens or food processing areas are wasted, or in which grease, fats or culinary oils are wasted in connection with utensil, vat, dish or floor cleaning processes shall include grease interceptors. All waste lines and drains carrying grease, fats or culinary oil in these establishments shall be directed to one or more interceptors.

2. Refer to the Technical Guidance Manual for details and specifications.

Sec. 36-14 through 36-21. RESERVED

ARTICLE 3: WASTEWATER/SEWER CONNECTION PERMIT AND FEES

Sec. 36-22. REQUIRED PERMITS-UNAUTHORIZED USE

- A. No unauthorized person shall uncover, make any extensions to, connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof, tributary to a COUNTY owned POTW without first obtaining a written permit from the Pretreatment Coordinator or designee.

- B. Service connection into a COUNTY owned manhole is prohibited unless permitted by the COUNTY. In the event a contractor/owner is permitted a service connection to the COUNTY manhole, the COUNTY, and its officers, agents, employees, and elected officials, shall not be responsible for any loss, damage, demand, liability, cause of action, fine, judgment, or settlement, together with all costs and expenses related thereto, (including attorney fees) , that may be incurred as a result of bodily injury, death, property damage, or as a result of any other claim or suit of any nature whatsoever arising from or in any manner connected with the construction or maintenance of interceptor lines or other appurtenances within or around the manhole, as undertaken by the contractor/owner or its agent.

Sec. 36-23. PERMIT ISSUANCE

Permits shall be issued in accordance with requirements set forth in this Ordinance.

Sec. 36-24. REMODELING AND RECONSTRUCTION

No person shall remodel or reconstruct any dwelling unit, commercial or industrial building, or mixed-use building which is connected to the DuPage County Wastewater Treatment System without first obtaining a permit or a letter of compliance from the COUNTY. Residential and commercial connections to COUNTY sewer and/or potable water shall require submittal of a site development plan with utilities marked. Additional fees shall be assessed by the COUNTY for increased sewage flow based upon the estimated sewage flow in gallons per day as set forth herein **FIGURE C, SEWAGE FLOW GUIDE.**

Sec. 36-25. CONNECTION PERMIT

A connection permit will only be issued if all downstream sewage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity, as such capacity is determined by the IEPA, to adequately handle the additional anticipated wastewater load produced by the proposed connection.

Sec. 36-26. SEPARATE SERVICE

A separate and independent service sewer shall be provided for every connected premises.

Sec. 36-27. INSTALLATION COSTS

All costs and expenses incident to the installation, connection, and maintenance of the service sewer shall be borne by the owners. The owner or applicant shall indemnify and defend the COUNTY from and against any loss for damage to any third party that may directly or indirectly result from the installation of the service sewer. Further, the owner or applicant shall be liable to the COUNTY for any loss or damage to the wastewater treatment works that may directly or indirectly result from the installation of the service sewer.

Sec. 36-28. OLD SERVICE SEWERS

- A. New service lines will be required from the dwelling and/or business to the main line sanitary sewer for all new structures, tear downs and for additions eight hundred (800) square feet or more in size. Old service sewers shall not be used in connection with these activities unless specific prior written approval is obtained from the Superintendent or designee. Such connections must meet all the requirements of this Ordinance. The COUNTY assumes no liability for maintenance of old service sewers, as approval does not warrant serviceability on behalf of the COUNTY.
- B. The size, slope, alignment, materials of a service sewer, and the methods to be used in excavating, placing of the pipe, jointing, connecting, testing, and backfilling the trench, shall conform to the requirements of the current "Standard Specifications for Water and Sewer Main Construction in Illinois". All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or designee before installation.
- C. To disconnect a service from the Sanitary Sewer Main, the customer must pay an inspection fee as set forth in **FIGURE D** and call twenty-four (24) hours in advance to schedule an appointment. The contractor shall excavate the service sewer at the property line. If it is determined that the service line material is at minimum SDR-26 PVC, the service may be capped following Illinois State Construction Standards. If the material is found not to be a minimum of SDR-26 PVC the entire service line must be capped off at the sewer systems main line. The contractor must use a SDR-26 PVC manufactured cap, a mechanical plug or material approved by the department. All completed work must be witnessed by the COUNTY inspector before it is backfilled.

Sec. 36-29. MINIMUM REQUIREMENTS FOR SERVICE SEWERS

Refer to the Technical Guidance Manual for additional details and specifications.

The service sewer shall be a minimum of six (6) inch diameter and shall not be installed at a slope of less than one (1) foot per one hundred (100) feet, unless prior approval has been obtained by the Superintendent or designee.

All service connections to sanitary sewer mains must have an overhead sewer system within the building, with the only exception being slab on grade construction.

Service line for private connection must be a minimum of six (6) inches in diameter.

- SDR-26 ASTM D3034, push type joints with rubber gasket
- Ductile Iron Pipe ASA A21.51 Class 52, push on bell-tite joints. No Cast Iron Pipe.
- Clean-outs will be required on all repairs, tear downs/reconnection or any new dwellings within five (5) feet but not more than ten (10) feet of foundation unless approved by the COUNTY.
- Clean-outs will be required at an interval of no more than one hundred (100) foot intervals.
- All clean-outs shall be a minimum of six (6) inches in size.
- No solvent welded pipe is permitted outside building.

Non-shear mission couplings shall be required at connection points of the same as well as dissimilar materials.

Sec. 36-30. PROHIBITED CONNECTIONS

No connection of roof downspouts, foundation sump pumps or drains, areaway drains, or other sources of surface water or groundwater shall be made to a service sewer or building drain which is connected directly or indirectly to a public sanitary sewer. The discharge from downspouts, foundation sump pumps, drains, areaway drains, or other sources of surface water or ground water shall be directed to an area sufficient to filter such discharge, as required in applicable COUNTY ordinances.

Sec. 36-31. CONNECTION, DISCONNECTION, RECONNECTION AND REPAIR.

All services for water lines and sanitary sewers which are to be connected, disconnected, reconnected, or repaired shall be required to have a permit on file and be inspected and approved by a COUNTY inspector. Specifically, disconnections need to be verified prior to obtaining a demolition permit. The applicant for the service sewer and water permit shall notify the COUNTY by telephone, to schedule an inspection, not less than forty-eight (48) hours in advance of when the service sewer is to be connected, disconnected, or repaired. Non-metered fees shall be charged as of the date that the COUNTY has approved the connection.

- A. All applications for connection, disconnection, reconnection and repairs shall be submitted with a non-refundable department processing fee as listed in **FIGURE D**.
- B. All applications require a site plan showing proposed service line with approved materials and elevations.
- C. Sanitary sewers disconnect. If a building is going to be constructed on said property within one year a temporary sewer disconnection may be allowed as follows:

1. The sewer service if PVC (sdr-26 or 2241) may be disconnected at the property line and capped with a push on cap with a gasket or a watertight plug after line had been televised from the property line to the main sewer line and reviewed by the COUNTY. Upon review, the COUNTY shall approve or deny the proposed re-use of said sanitary sewer service line. If sanitary sewer is of any other material besides PVC (sdr-26 or 2241) the service line will need to be replaced or lined (CIPP) to the main line including the tee or wye. If no building is going to be constructed within one year then the service line is required to be disconnected from the main line and tee or wye will be removed from the main unless prior approval is received from the COUNTY.

D. New sanitary connections where no tap exists.

E. COUNTY inspection of the sanitary service line begins at the cleanout and continues to the sewer main.

Refer to the Technical Guidance Manual for details and specifications.

Sec. 36-32. SEWER LINE MAINTENANCE

A. The COUNTY is responsible for maintaining all sanitary sewer mainlines running from the User's property line to the wastewater treatment plant. The COUNTY will be responsible for the structural integrity of the service line from the mainline connection to the User's property line. No private property shall be located in the public right-of-way, such as but not limited to, sprinklers, dog fences, etc. as it will not be the responsibility of the COUNTY to repair or replace such items. The Users shall maintain the sanitary sewer service line from the User's property line into the connected premises.

B. If a User has a plumbing problem, the User shall call the COUNTY'S Marionbrook Maintenance Facility at (630) 964-7503 to notify the COUNTY of the problem. If the COUNTY determines that the mainline is open and flowing then the User shall, at the User's expense, hire a plumbing contractor to check the private service line to determine the problem. If the private line is blocked, the User shall be responsible for all costs incurred in locating the problem and clearing the line. If the plumbing contractor determines that the service line has structurally failed between the sanitary sewer mainline and the User's property line, the User must call the COUNTY'S Marionbrook Maintenance Facility at (630) 964-7503 to notify the COUNTY of the failed line. The COUNTY will assume the responsibility for repairing the line and restoring the area.

1. If the Superintendent or designee determines that the plumbing problem is not located on private property, it will only be the COUNTY'S responsibility, to reimburse the User for investigative charges, including the plumber's expense, if reviewed and approved by the Operations Manager and the Financial Services Manager with consent of the Superintendent or designee. Such reimbursement expenses shall not total more than five thousand dollars (\$5,000.00) per occurrence; any reimbursement over five thousand dollars (\$5,000.00) must be approved by the Public Works Committee.

2. The COUNTY will reimburse any costs associated with hiring a private contractor to either televise or clean the COUNTY owned portion of the sewer. This work must be pre-approved to be eligible for re-imbusement.
 3. Private damages caused by COUNTY owned sanitary sewers or water mains are to be denied unless they are due to a negligent act by the COUNTY.
- C. In the event, the User's service line has structurally failed between the property line and the connected premises, the User shall be responsible for all costs incurred in locating and repairing the problem. The User's service line shall be repaired according to COUNTY specifications. The User shall have sixty (60) days to make repairs and have the line inspected by a COUNTY Inspector before backfilling. If the User does not make the proper repairs within sixty (60) days, the User may file for an extension, in writing, with the COUNTY, subject to approval by the Superintendent or designee. If, after sixty (60) days, repairs have not been made, or no request for an extension, granted, the COUNTY may terminate the User's sewer service. If the User backfills the service line without first having the line inspected by COUNTY'S Inspector before backfilling, the COUNTY may terminate service. The User shall pay all costs incurred in this process.

Sec. 36-33. EXCAVATION FOR SERVICE SEWERS

All excavation for service sewer installation shall be adequately guarded with barricades and lights 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 authority exercising jurisdiction over the public right-of-way.

Sec. 36-34. APPLICATION AND FEE

No permit for connection or sewer extension shall be issued and no plats or documents shall be signed or executed until the appropriate application has been filed and the service sewer connection fee has been paid. The **STATEMENT OF RELEASE**, which, upon completion of the construction of the extension, releases property interest in the extension, must be signed by the applicant before a service sewer connection permit is issued. Said Statement of Release is set forth within the **SEWER CONNECTION PERMIT APPLICATION FORM** available from the Department of Public Works, at 421 North County Farm Road, Wheaton, Illinois 60187, (630) 407-6800. For further information, see Article 7 of this Ordinance.

Sec. 36-35. APPLICATION FORM

- A. All applications for permits for connection or sewer extension shall be submitted to the COUNTY along with a site development plan with utilities marked and a department processing fee as listed in **FIGURE D**. Application for a permit shall be made on a Sewer Connection Permit Application Form furnished by the COUNTY. The permit application shall be supplemented by any plans, specifications, and/or other information considered pertinent in the judgment of the Superintendent or designee. Only the properly executed Sewer Connection Permit Application Form will be accepted for review.

- B. If anything, other than domestic waste (as defined herein) will be discharged from this location, then the Non-Residential Wastewater Discharge Permit Application Questionnaire and Baseline Monitoring Report shall be completed. See Article 4, Part 2 of this Ordinance for further information.

Sec. 36-36. WASTEWATER CONNECTION FEE

- A. The wastewater connection fee shall be the cost per residential equivalent multiplied by the number of residential equivalents estimated for the proposed connection. The Wastewater Connection Fee is listed on **FIGURE D**, the **DUPAGE COUNTY WATER/WASTEWATER USE CHARGES**.
- B. *Non-Residential Wastewater Discharge Permit Application and Baseline Monitoring Report and Application Fees.*
 - 1. When an applicant is required to file a Non-Residential Wastewater Discharge Permit Application and Baseline Monitoring Report, the COUNTY shall assess a non-refundable administrative review and processing fee, set forth in **FIGURE D**. This fee shall be paid during such time the Sewer Connection Permit Fee is paid.
 - 2. If it is determined that a Non-Residential Wastewater Discharge Permit will be issued, the Permittee shall pay an additional monitoring and processing fee for issuance of the Non-Residential Wastewater Discharge Permit. This fee shall be paid to the COUNTY at the time the Non-Residential Wastewater Discharge Permit is issued.
 - 3. Current permit holders will be charged the monitoring and processing fee at the time permit renewal is necessary. The fee will be payable with the next applicable sewer bill.
- C. The Superintendent or designee may refund all or part of a wastewater connection fee. All refunds shall be calculated based on the original value of the permit. The User shall be solely responsible to supply all documentation declaring proof of the actual permit and ownership of the property associated with the permit. In the event of a dispute as to a party's eligibility for a refund or the amount thereof, the party may appeal the Superintendent's or designee's determination in accord with Article 18, herein. If the Public Works Committee of the DuPage County Board, acting pursuant to the provisions of Article 18, determines that an applicant is entitled to a refund of a wastewater connection fee, such fee shall be refunded, minus an amount equal to the COUNTY'S Department Processing Fee as listed in **FIGURE D**.

Sec. 36-37. SPECIAL CONNECTION FEE

A special connection fee may be charged by the Department of Public Works if COUNTY funds were utilized to finance the construction of a sanitary sewer or water main extension. The special connection fee shall be subject to annual interest charges until such time as it is paid in full by the property owner. A list of special connection fee areas for the COUNTY are contained within **FIGURE D** of this Ordinance.

The Superintendent or designee may, at their discretion, impose a special connection fee to any proposed sanitary sewer or water main extension that is determined to create additional maintenance, inspection, and or liability costs to the Department that are in excess of standard extensions. The Superintendent or designee is required to provide a detailed accounting of the required special connection fees to the applicant. All special connection fees of this nature must be paid in full, or the applicant must enter into a payment plan, with signed agreement, based on current Department policies or at the discretion of the Superintendent, prior to the issuance of a permit by the Department of Public Works.

Sec. 36-38. COST PER RESIDENTIAL EQUIVALENT

The cost per residential equivalent shall be the department's sewer connection fee as found in **FIGURE D**. Rates and connection fees will be reviewed annually by the Superintendent or designee based upon the input of an outside consultant.

Sec. 36-39. METHODS FOR COMPUTING RESIDENTIAL EQUIVALENTS

A. The number of residential equivalents per connection is computed by one (1) of the two (2) following methods:

1. The first method consists of dividing the total estimated daily potential flow of the proposed connection, by three hundred fifty (350) gallons per day, using information contained in **FIGURE C**, the **SEWAGE FLOW GUIDE**, to determine the total flow applied for in the connection permit application.

[Calculated Potential Flow/350 Gallons Per Day = Residential Equivalents]

In the event that the **SEWAGE FLOW GUIDE** is not applicable, the estimated daily potential flow for the proposed connection shall be determined by the Superintendent or designee.

2. The second method consists of dividing the total potential daily pounds of BOD discharged into the wastewater treatment system from the connection by 0.64 pounds per day per residential equivalent, or dividing the total potential daily pounds of suspended solids discharged into the wastewater treatment system from the connection by 0.70 pounds per day per residential equivalent, whichever achieves the higher number of residential equivalents.

B. The method used in the computation of the number of residential equivalents shall be the one which reflects the highest number of residential equivalents. In no case shall the number of residential equivalents be less than one (1).

Sec. 36-40. PROJECT CONNECTION FEE

A connection fee will be assessed to all projects which have residential equivalents charged against the COUNTY wastewater treatment system as determined by the IEPA.

Sec. 36-41. PAYMENT OF CONNECTION FEE

The total connection fee is due within ninety (90) days of the notification that the application has been approved by DuPage County Department of Public Works. Failure to make payment within ninety (90) days shall void the application. A resubmittal of the application fee, as listed in **FIGURE D**, shall be necessary, in order to keep the project listed for available capacity at the COUNTY'S Wastewater Treatment Facility. This resubmittal fee is non-refundable.

Sec. 36-42. DISPUTES AND PROTESTS

Any dispute, protest, and/or refund of connection fees may be made through the procedure set forth in Article 18 Appeals Procedure. No connection refunds will be allowed if the residential equivalents of the connection are being charged against the wastewater treatment system, as determined by the IEPA.

Sec. 36-43. REFUNDING CONNECTION FEES

If the Superintendent or designee, acting pursuant to the provisions of Article 18, determines that an applicant is entitled to a refund of a connection fee, such fee shall be refunded, minus an amount equal to the Department Processing Fee (see **FIGURE D**).

Sec. 36-44. COUNTY RIGHT TO INSPECT AND READ METERS

The County has the authority to inspect and, or, read the water meter(s) of any water service customer tributary to the COUNTY'S Wastewater Collection Systems and, or, Wastewater Treatment Facilities whenever regular meter readings are used to determine that customer's sanitary sewer usage for billing purposes. In the event the County is denied access to any water meter, or is not timely provided meter reading data by the entity which conducts such meter readings, the County may, at its discretion: (i) disconnect sewer service; or (ii) bill the customer a special usage charge. The special usage charge shall be assessed at one hundred fifteen percent (115%) of the total amount of the then current sewer usage rate times the highest historical recorded water usage volume for that metered property.

Sec. 36-45 through 36-69. RESERVED

ARTICLE 4: INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM

PART 1. GENERAL INFORMATION FOR INDUSTRIAL DISCHARGES

Sec. 36-70. INFORMATION REQUIRED OF NON-RESIDENTIAL USERS

A. Initial Survey (Questionnaire)

1. The Initial Survey shall be completed in order to ensure that said Non-Residential Users of the POTW of the COUNTY adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the COUNTY set forth in Sections 36-10, 36-74 and 36-75, spill control of raw materials, intermediates and waste as set forth in Section 36-12, and to facilitate the COUNTY's investigation of apparent or suspected violations thereof. The requirements are as follows:
 - a. All existing or new Non-Residential Users, or in areas receiving sewer service from the COUNTY, shall complete and submit an Initial Survey on a form provided by the COUNTY when requested by the COUNTY.
 - b. All Users defined in Section 36-70.A.1.a seeking to establish a new account for Sanitary Sewer service from the COUNTY or to establish a new connection to the POTW of the COUNTY shall file a completed Initial Survey with the COUNTY as a condition to the establishment of such new Sanitary Sewer service account or connection to the POTW of the COUNTY.
 - c. All Users defined above that fail to complete and submit to the COUNTY an Initial Survey shall be in violation of the provisions of this division (Section 36-70.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 commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the COUNTY.

B. Affirmation to Initial Survey

1. The COUNTY will determine the frequency an affirmation to the Industrial User needs to be submitted.
2. Any User defined in Section 36-70.A, having previously filed an Initial Survey and where the previously submitted information remains true, complete, and correct in all respects, may be allowed to submit a statement that the information remains current in lieu of submitting a new survey. The statement is required to be signed by an Authorized Representative of the firm.

3. All Users defined above that fail to file an Affirmation with the COUNTY shall be in violation of the provisions of this division (Section 36-70.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 commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the COUNTY.

C. Reports of Changed Conditions

Any User, defined in Section 36-70.A, that makes any changes determined to be substantial as defined in Section 36-141 shall report said changes as required in Section 36-141. 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.

D. Additional Survey Information

1. After review of the Initial Survey completed per Section 36-70.A, all Non-Residential Users that the COUNTY 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 COUNTY. 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 COUNTY for determination of the requirement to issue an Individual Wastewater Discharge Permit per Section 36-129 and Section 36-130 or a General Wastewater Discharge Permit.
2. Periodic Updates of Wastewater Survey Information. The information provided in the Wastewater Survey may be required to be revised and/or updated for the following conditions:
 - a. A Report of Changed Conditions is filed as required in Section 36-141;
 - b. An application for a Wastewater Discharge Permit is required to be filed per Section 36-129 and 36-130; or
 - c. A re-issuance of a Wastewater Discharge Permit occurs per Section 36-130.I.
3. In addition to the Wastewater Survey defined in Section 36-70.D, 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.

Sec. 36-71. AUTOMOBILE SERVICE, REPAIR, AND FUEL DISPENSING PROPERTIES

- A. When any property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all Dischargers shall have installed a sampling manhole consistent with the requirements of Section 36-119.A. All sampling manholes of this type shall be monitored throughout the year in a manner secured and coordinated by the Pretreatment Coordinator or designee. 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 to meet the requirements of the 25% Rule, Section 36-75.B, by the owner at their expense.
- B. When any 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 COUNTY, regardless of whether or not such property lies within the corporate limits of the COUNTY.
2. The requirements of this Section 36-71 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 blockage of the sewer service line shall be required.

Sec. 36-72. 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 36-2.
2. Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR Part 403, and are not Categorical Industrial Users or industrial Users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR Part 403, as a result of applicability of 40 CFR Part 441.
3. This part does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
4. This part does not apply to wastewater discharges from Mobile Units as defined in Section 36-2 operated by a Dental Discharger.
5. This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Section 36-2 to a POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.
6. Dental Dischargers that do not place Dental Amalgam as defined in Section 36-2, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR Section 441.50 are exempt from any further requirements of this part.

- B. Existing Dental Discharger Compliance. Existing Dental Discharger as defined in Section 36-2 were required to comply with the requirements of 40 CFR Section 441.30(a) that defines removal of amalgam solids and (b) implementation of two (2) Best Management Practices by July 14, 2020 and submit a One-Time Compliance Report per 40 CFR Section 441.50(a) by October 12, 2020 to the COUNTY and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of an Existing Source occurs after July 14, 2020, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- C. New Dental Discharger Compliance. As of July 14, 2017, any New Dental Discharger Source as defined in Section 36-2 subject to this section must comply with the requirements of 40 CFR Section 441.40 that states discharges must comply with the requirements of 441.30(a) that defines removal of amalgam solids and (b) implementation of two (2) Best Management Practices. Dental Dischargers must file a One-Time Compliance Report per 40 CFR Section 441.50(a) no later than ninety (90) calendar days following the introduction of wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of a New Source occurs after July 14, 2017, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- D. Limited Dental Dischargers. Limited Dental Dischargers were required to file a One-Time Compliance Report with certification that they do not remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020 to the COUNTY.
1. New Source Limited Dental Dischargers are required to submit this One-Time Compliance Report to the COUNTY within ninety (90) calendar days following the introduction of wastewater for New Sources.
- E. Signatory Requirements. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR Section 403.12(j) and Section 36-2 under Authorized Representative definition Sections E and F.

Sec. 36-73. 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 COUNTY. The National Categorical Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471 are hereby incorporated into this Ordinance.

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

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

The COUNTY 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 COUNTY 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 or designee shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR Section 403.6(e) provided that the regulation allows the Wastewaters to be mixed and the User can supply the information necessary to allow issuance of an alternative limit.
- D. A User may request and obtain a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR Section 403.13.
- E. A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR Section 403.15.

F. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the COUNTY convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment Coordinator or designee. The COUNTY 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 waste streams, 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 or designee whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraph 1(c) of this section. Upon notification of a revised production rate, the Pretreatment Coordinator or designee 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 or designee:
 - 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 36-10.F. The User must be in compliance with Section 36-154.E regarding the prohibition of Bypass.
- G. The Pretreatment Coordinator or designee 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 or designee.
 - 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 Section 403.6(c)(7).
 - I. Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily Discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitations. Note: see 40 CFR Section 403.6(c)(8).
 - J. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Pretreatment Coordinator or designee within two (2) working 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 or designee of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the

original estimate of the long-term average production rate. Note: see 40 CFR Section 403.6(c)(9).

All 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 36-137.B and 36-138. These reports shall include all information that the COUNTY deems necessary to make compliance determinations.

Sec. 36-74. 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):

<u>CONSTITUENT</u>	<u>STORET NUMBER</u>	<u>CONCENTRATION (mg/L)</u>
Mercury	71900	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:
 - i.) 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,
 - ii.) 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,
 - iii.) 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,

iv.) 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:

i.) The total Discharge is less than 227 g (one half pound) as mercury (Hg) in any year;

ii.) This Discharge is to a Public Sewer system; and

iii.) The Discharge does not, alone or in conjunction with other sources, causes the effluent from the sewer system or POTW 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.

2. MERCURY MANAGEMENT PLAN. Any Industrial User exceeding the local limit of 0.0005 mg/L for mercury in FIGURE A is in violation of this Ordinance, unless the Industrial User meets the exceptions set forth in title 35, subtitle C, chapter I, subpart B, Section 307.1102 of the Illinois Regulations and submits the Mercury Management Plan which sets forth how the Industrial User complies with the conditions set forth in the above referenced section, in order to qualify for permission to have a higher level of mercury discharge. If a mercury management plan is submitted and approved, the enforceable local limit for the Industrial User would be 0.003 mg/L.Sec. 36-75. LOCAL LIMITS

FIGURE A includes the Pollutant limits which are established to protect against Pass Through and Interference.

- A. No User shall Discharge any Wastewater containing concentrations greater than the Daily Maximum Local Limits as set forth in **FIGURE A** into any sewers that connect either directly or indirectly to the POTW.
- B. FSE Twenty-five Percent (25%) Requirement. The COUNTY reserves the right to apply a Twenty-five Percent (25%) Requirement at the discharge side of the external Grease Interceptor prior to mixing with any other Wastewater from the contributing FSE's property in lieu of the limits listed in **FIGURE A**. 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"). The COUNTY 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.
- C. The COUNTY will apply the Local Limits found in **FIGURE A** normally at the end-of-pipe point where the Non-Residential waste is Discharged to the municipal sewer system.
- D. The COUNTY 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.
- E. The COUNTY reserves the right to establish, by ordinance or in a Wastewater Discharge Permit or general 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.
- F. The COUNTY reserves the right to set specific limits for those Pollutants not identified in **FIGURE A** on a case-by-case basis for impacts caused to the POTW including but not limited to Interference, Potential Problem, Pass Through and prevention of beneficial Biosolids re-use. Those limits shall be set forth in a Wastewater Discharge Permit per Section 36-130.
 - 1. Local limits for additional Pollutants not identified in **FIGURE A** will be noticed to the permit holder a minimum of thirty (30) calendar days prior to the effective date of the Wastewater Discharge Permit. In the event that the COUNTY receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by the COUNTY.
- G. The COUNTY 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 Section 36-10.

- H. Any User Discharging Pollutants such as but not limited to: Oils and Grease, BOD or TSS to the COUNTY's facilities that cause the COUNTY to alter its method of Wastewater treatment or Biosolid 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 Superintendent.
- I. Any User, whose Discharge is pretreated by the COUNTY pursuant to the COUNTY's determination that such pretreatment is more effective and which discharges pollutants into the COUNTY's facilities so as to necessitate the COUNTY's alteration of its method of Wastewater treatment or Biosolid 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 Superintendent.

Sec. 36-76. RIGHT OF REVISION

- A. The COUNTY 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 36-75 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those Users, at the COUNTY's discretion, that contribute the regulated Pollutant and all remaining Users 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 COUNTY will maintain a reserve of the maximum allowable headworks Pollutant loading for each Pollutant for new industries or increase with existing industries. The COUNTY 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.

Sec. 36-77 through 36-118. RESERVED

ARTICLE 4: INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM

PART 2. INDUSTRIAL MONITORING AND PRETREATMENT

Sec. 36-119. MONITORING FACILITIES

A An inspection fee shall be paid to the COUNTY prior to issuance of the permit should it be determined that the User is required to install any of the following structures:

1. Control Manhole Requirements. All Users located in areas zoned industrial and/or business park and such other Users as required by the Superintendent or designee, except Residential Users, are required to install a sampling/monitoring manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the Building Director or designee. Each manhole shall be situated on the User's premises in a location approved by the COUNTY.

The control 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 within or near such control manhole to allow accurate sampling and preparation of samples for analysis. The manhole shall be installed and maintained by the owner/User at their sole expense so as to be safe and accessible to the COUNTY 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.

In the event a User is permitted a service connection to the COUNTY manhole, the User or its contractor shall indemnify DuPage County, its officers, agents, and employees from any responsibility for injury, loss, or damage, both personal and property, in the construction or maintenance of interceptor lines or other appurtenances within or around the manhole as undertaken by the Industrial User or its contractor.

- a. Where such a manhole location would be impractical or cause extreme hardship on the User, the Superintendent or designee may concur with the manhole being constructed in the public street or sidewalk area provided that the manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a control 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. For any construction or maintenance of the control manhole undertaken within the public right-of-way, the User shall indemnify DuPage County, its officers, agents, and employees from any responsibility for

injury, loss, or damage, both personal and property, in any way related to the use of the public right-of-way.

- b. The Superintendent and Building Director or their designee may postpone the installation of the control manhole when specific circumstances prevent the installation of a manhole.
- c. A postponement for a control manhole will be handled on a case-by-case basis by the Superintendent and Building Director or their designee 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 control manhole installation is granted by the COUNTY, 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 Superintendent or designee may determine sub-classes of business that need not install monitoring manholes and will advise the Building Director or designee of such sub-classes. Monitoring manholes will always be required in zoned business or industrial parks.

Alternatively, the User may be required or allowed to provide suitable internal sampling points within the facility where composite and grab samples can be taken from the designated sampling points and the industry purchases, installs, and maintains flow monitoring equipment compatible for use with the COUNTY'S sampling equipment, as determined necessary by the COUNTY for monitoring the process flow(s). At facilities where the flow monitoring equipment is installed, the User shall also have metering available to determine the total flow from the facility.

There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

- 2. Liquid Quantity Measurements. All Significant Industrial Users may be required to install an open channel Flow measuring device in said control 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 COUNTY.

The COUNTY 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 COUNTY for reading. This equipment shall be installed and maintained by the User at their 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 COUNTY.

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 COUNTY. The User shall further document O & M in a log which shall be available for inspection by COUNTY 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 or designee monthly.

3. **Sampling Equipment.** The COUNTY 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 flow proportional sampling equipment. This equipment shall be installed and maintained by the User at their sole expense.

Users shall submit the procedure for operation and maintenance to the COUNTY. The User shall further document O & M in a log which shall be available for inspection by COUNTY 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.

B. Control Manhole Applicability

1. All Non-Residential Users are required to install a control manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the COUNTY and Section 36-119.A.
 - a. When required by the COUNTY, a SIU or NSRU that does not have a unique sampling chamber at end-of-pipe shall install a control 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 COUNTY.
 - b. When required by the COUNTY, a Categorical Industrial User shall install a control 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 COUNTY. 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 COUNTY reserves the right to apply said Local Limits in **FIGURE A** at an end-of process Discharge location that connects to the POTW sewer system in the event that:

- a. A unique control 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 waste streams; or
 - d. An end-of process location is used because the User is unable to provide adequate flow documentation to use a combined waste stream formula.
3. In the event that a suitable control manhole does not exist as per Sections 36-119.A and 36-119.B and no end-of-process discharge sampling location exists, the “sampling facility” shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

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

1. Wastewater Monitoring and/or Flow Measurement facilities shall 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 36-119.A.
2. The manhole or chamber located on a Building Sewer Discharge located in dedicated Easements shall be easily accessible to representatives of the COUNTY 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 COUNTY during normal User operating hours.
4. Metered water supply may be used to determine Wastewater Flow if it is substantiated to the COUNTY that the metered water supply and Wastewater quantities are approximately the same, or where an adjustment agreed to by the COUNTY 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 36-119.A.
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 COUNTY.

Sec. 36-120. INDUSTRIAL MONITORING & INSPECTIONS

A. Right of Entry: Inspection and Sampling

The Pretreatment Coordinator and designee(s), Duly Authorized Agents of the COUNTY, 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 at reasonable times, with or without notice, 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.

1. 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.
2. The COUNTY 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.
3. The Pretreatment Coordinator or designee 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 COUNTY with the Periodic Compliance Reports required in Section 36-138.
4. 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 or designee and shall not be replaced. The costs of clearing such access shall be borne by the User.
5. Unreasonable delays in allowing the Pretreatment Coordinator or designee and their designee access to the User's premises shall be a violation of this Ordinance.

B. Monitoring Requirements

1. **Applicability.** At minimum, all SIU including CIU as well as Non-Significant Regulated Users (NSRU) are required to sample in compliance with the COUNTY monitoring frequency as stated in the Wastewater Discharge Permit. Other Users are required to sample upon the request of the COUNTY. 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.

2. The COUNTY shall conduct measurements, tests, and analyses of the characteristics of waters and wastes in accordance with procedures set forth in USEPA and IEPA Guidelines. A continuous history of the collections and transportation of samples will be maintained by the COUNTY using the COUNTY'S **CHAIN OF CUSTODY REPORT FORM**. Tests of waters and wastes will be made by analysis of suitable samples taken from the control manhole or other approved location. Under certain circumstances, the COUNTY may find it necessary to require the Industrial User to conduct self-monitoring in addition to or in-lieu-of the COUNTY'S monitoring, which self-monitoring information shall be set forth on an **INDUSTRIAL USER'S SEMI-ANNUAL SELF-MONITORING REPORT FORM**.
3. If flow metering equipment is deemed necessary for use in the upstream and downstream manholes, Section 36-119.A.1, so that accurate discharge concentrations can be calculated, the Industrial User shall provide such flow monitoring to the COUNTY'S specifications, or the COUNTY shall purchase the equipment and bill the Industrial User. In certain cases, where several industrial discharges enter a common manhole, where a dedicated control manhole does not exist, the Superintendent or designee may require the installation of a dedicated control manhole(s) or approve alternate internal sampling sites as referenced in Section 36-119J.
4. **Sampling Frequency**
 - a. 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 COUNTY may require more frequent reporting independent of the frequency for those parameters specified in the User's Permit and/or the COUNTY Monitoring Frequency defined in the COUNTY's Enforcement Response Plan. Sampling visits of this type will normally be unannounced.
 - b. 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 COUNTY Monitoring Frequency.
 - c. Hauled Waste or batch Discharges that have been approved by the Pretreatment Coordinator or designee will have sampling and analyses defined in an individual Wastewater Discharge permit.
 - d. The COUNTY shall have the right to perform its own sampling at any time at any location at its sole discretion. COUNTY data will be used for all surcharge evaluations.

- e. The COUNTY may initiate sampling and analyses at a greater frequency as a result of a violation of any Discharge Permit limit, including cases where Hot Spot maintenance issues or blockage to the Sanitary Sewer System has occurred.

5. Sample Collection

- a. Samples collected to satisfy reporting requirements must be based on data obtained through scientifically appropriate sampling and analyses performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the Wastewater Discharge Permit.
- b. Except as indicated in Subsections 5.c and 5.e below, the User must collect Wastewater samples using Flow proportional composite collection techniques.
- c. In the event Flow proportional sampling is infeasible, the Pretreatment Coordinator or designee may authorize the use of time proportional sampling at minimum collecting samples every 15 minutes during a 24-hour workday; a minimum of four (4) Grab Samples; or as designated by the COUNTY 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 lasting less than 24 hours.
- d. Single Grab Samples may be required in the event of an infrequent batch Discharge or to show compliance with instantaneous Discharge limits.
- e. 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 that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:
 - i.) For, cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
 - ii.) For volatile organics and fats, oil and grease: multiple Grab Samples may only be composited in the laboratory.
- f. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the COUNTY, as appropriate.

6. Cost

The applicable User shall be responsible for payment of all costs and/or invoices for COUNTY monitoring, sampling, and analyses.

C. Analytical Requirements.

All analyses, including sampling results and techniques submitted in support of any application, report, evidence, or as required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, 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 generally accepted, scientifically validated analytical methods or other applicable sampling and analytical procedures, including but not limited to procedures suggested by the Pretreatment Coordinator or designee or other parties approved by the USEPA.

D. Industrial Inspections

The COUNTY shall conduct, at least once per year, complete inspections of facilities of Categorical and Significant Industrial Users pursuant to 40 CFR Part 403 or any revision thereto. The COUNTY reserves the right to perform at least annual inspections of other industrial facilities not so classified. The COUNTY may use an Industrial User's inspection checklist form. It shall be the responsibility of the COUNTY to arrange for the inspection of the facility, to obtain information on the process(es) conducted on the premises, the handling and storage of any hazardous chemicals, and the flow diagrams of all process flows, to assure that the records of the COUNTY are up to date and accurate. The COUNTY reserves the right to take photographs at said facilities as part of the inspection process. Photographs shall remain confidential upon request of the User.

E. Protection of COUNTY Sampling and Flow Metering Equipment from Damage

No unauthorized Person shall maliciously, willfully, recklessly, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is owned or contracted by the COUNTY. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall also be responsible for paying all costs of repair and/or replacement.

Sec. 36-121. PRETREATMENT REQUIREMENTS

- A. Industrial Users who discharge Non-Residential Source waste shall provide necessary wastewater treatment and Best Management Practices as necessary to comply with the most stringent requirements of this Ordinance, as well as permit conditions, Local Limits, prohibitions set out in Section 36-10, and STATE and Federal Pretreatment Standards within the time limitations as specified by the USEPA, the STATE, or the Pretreatment Coordinator or their designee, whichever is more stringent.
- B. Any facilities required to pretreat wastewater or to provide for flow equalization, shall be provided, operated, and maintained continuously and in satisfactory and effective operation, at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the COUNTY for review and shall be approved by the Pretreatment Coordinator or designee before construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from the responsibility of modifying such facilities as necessary to comply with the provisions of this Ordinance and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the COUNTY and IEPA prior to the Industrial User's initiation of the changes.
- C. All Users are required to comply with IEPA permitting requirements. Users shall obtain all necessary construction-operating permits from the IEPA prior to the COUNTY 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 COUNTY will track and parallel this IEPA permitting process. No sources of Non-Residential Wastewater will be allowed to Discharge to the COUNTY POTW until all permitting requirements have been satisfied. Such Pretreatment facilities shall be and remain under the control and direction of an IEPA-certified Wastewater operator. Users shall obtain all additional construction-operating permits from IEPA and the COUNTY for the changes prior to discharge.
- D. **Additional Pretreatment Measures**

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

- 1. Whenever deemed necessary, the Pretreatment Coordinator or designee may require Users to restrict their Discharge during peak Flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial Waste streams, and may impose such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

2. The Pretreatment Coordinator or designee 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 COUNTY may issue an individual or general Wastewater Discharge Permit solely for Flow equalization.
3. Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 36-122. CLOSURE PLAN

- A. Where a Closure Plan is required, any Non-Residential User meeting the requirements of Section 36-12, including but not limited to those with Wastewater Discharge permits, shall file a written Closure Plan with the COUNTY which will provide for:
 1. Ceasing all operations permanently, or
 2. Ceasing operations until the User is re-classified (and meets all requirements) as a Significant Industrial User.
- B. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:
 1. A description of each Wastewater generating process that will be closed;
 2. A description of how the facility will be closed and the extent of operations during the closure period;
 3. An inventory and estimate of the volume of all process Wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used;
 4. A schedule of 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.

Sec. 36-123 through Sec. 36-128. RESERVED

ARTICLE 4: INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM

PART 3. WASTEWATER DISCHARGE PERMITS

Sec. 36-129. WASTEWATER DISCHARGE PERMIT REQUIREMENTS AND APPLICATION

A. Wastewater Information and Analysis

When requested by the Pretreatment Coordinator or designee, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The Pretreatment Coordinator or designee is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Pretreatment Coordinator or designee may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Section 36-70 and 36-129.E. Hauled waste is permitted under the provisions of Sections 36-129.B and 36-170.

B. Wastewater Discharge Permit Authority and Requirements

1. Individual Wastewater Discharge Permit issued to Significant Industrial Users (SIUs) which includes Categorical Industrial Users (CIUs). No SIU, including any CIU, shall Discharge Wastewater to the POTW without first obtaining an individual Wastewater Discharge Permit from the Pretreatment Coordinator or designee 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.
2. General Wastewater Discharge Permit issued to SIU and CIU. At the discretion of the Pretreatment Coordinator or designee, the COUNTY may use general Wastewater Discharge Permits to control SIU or CIU Discharges to the POTW if the following conditions are met:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of waste;
 - c. Require the same effluent limitations or BMPs;
 - d. Require the same or similar monitoring and/or reporting requirements; and
 - e. In the opinion of the Pretreatment Coordinator or designee, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
3. Other Wastewater Discharge Permits. The Pretreatment Coordinator or designee 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 SIUs. Non-Residential Users with Wastewater Discharge Permits in this class may include, but are not limited to:

- a. Any User that has been determined to be a Non-Significant CIU as defined in Section 36-2;
- b. Any User that has been determined not to be a SIU as defined in Section 36-2 that the Pretreatment Coordinator or designee requires to be regulated by Wastewater Discharge Permit;
- c. Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;
- d. Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator or designee determines shall be permitted;
- e. Non-Significant Regulated Users (NSRU) as defined below. The percentage shall be determined based on the plant to which the User Discharges rather than the total capacity of all of the COUNTY plants:
 - i.) NSRU that Discharge a process Wastewater Flow greater than or equal to one half percent (0.5%) of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller;
 - ii.) NSRU that Discharge more than or equal to one half percent (0.5%) of the design dry-weather organic treatment capacity of the POTW;
 - iii.) NSRU that Discharge one half percent (0.5%) of the maximum allowable headworks loading for any Pollutant regulated by a Local Limit developed in accordance with Section 36-75; or
 - iv.) NSRU that intermittently Discharge any individual batch or batches that would meet the criteria in a, b, or c above when Discharged or otherwise has the potential to Discharge a Slug Load to the POTW.
- f. Non-Residential Users that have devices installed to remove oils, grease and sand;
- g. Trucked waste; and
- h. Non-Residential Users required to eliminate, or control specified Pollutants from their waste stream through the development and implementation of a BMP Plan.

4. Any violation of the terms and conditions of an individual or general Wastewater Discharge Permit shall be deemed a violation of this Ordinance and will subject the Wastewater Discharge permittee to the sanctions set out in Article 4, Part 5. 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.
5. All Non-Residential permittees are responsible for the costs associated with permitting set forth in **FIGURE D** including permit application processing fees, permit issuance fees, and consultant fees associated with the permitting, classification, and additional follow-up.
 - a. Permittees are required to cover all third party consultant fees related to permit review. The third party consultant fees will be included with the permit fees.

C. Individual and General Wastewater Discharge Permitting: Existing Connections

1. 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 the effective date of this Ordinance, apply to the Pretreatment Coordinator or designee for the appropriate Wastewater Discharge Permit in accordance with Section 36-129.E, and shall not cause or allow Discharges to the POTW to continue after one hundred eighty (180) calendar days of the effective date of this Ordinance except in accordance with a Wastewater Discharge Permit issued by the Pretreatment Coordinator or designee.
2. Any non-SIU or non-CIU that is required to obtain individual or general Wastewater Discharge Permits shall file an application not less than ninety (90) calendar days or within the time frame required in a notification sent by the Pretreatment Coordinator or designee.

D. Individual and General Wastewater Discharge Permitting: New Connections

1. Any SIU or CIU, who proposes to begin or recommence Discharging into the POTW must obtain an individual or general wastewater discharge permit prior to the beginning or recommencing of such Discharge. An application for this individual or general Wastewater Discharge Permit, in accordance with Section 36-129.E, 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 or designee.
2. Any non-SIU or non-CIU who proposes 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 36-129.E. 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 or designee.

E. Individual and General Wastewater Discharge Permit Application Contents

1. 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.
2. Individual Application Contents. The Pretreatment Coordinator or designee may require all Users to submit as part of an application all or some of the following information:
 - a. All information required by Sections 36-70.A, 36-70.C, and 36-70.D;
 - b. Identifying and contact information for the site including name and address of the facility, the name of the operator and owner as well as contact information for the Authorized Representative and daily on-site contact.
 - c. Description of Operations.
 - i.) 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.
 - ii.) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iii.) 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;
 - d. Time and duration of Discharges with an estimate of the average daily and maximum Flow;
 - e. Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to applicable Pretreatment Standards and Local Limits;
 - f. Requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge

based on 40 CFR Section 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;

g. Plans and Diagrams

- i.) Site plans / floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;
- ii.) 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; and
- iii.) A diagram showing the location for monitoring the Discharge of all wastes covered by the permit.

h. Environmental Permits. A list of any environmental control permits held by or for the facility.

i. Any other information as may be deemed necessary by the Pretreatment Coordinator or designee to evaluate the Wastewater Discharge Permit application.

3. General Application Requirement. The Pretreatment Coordinator or designee may require all Users that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the COUNTY 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 or designee.

4. General Application for Waste Haulers. The Pretreatment Coordinator or designee may require waste haulers that are required to obtain a Wastewater Discharge Permit to submit an application on a form provided by the COUNTY. The form may require information including but 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.

5. Categorical Monitoring Waivers

a. Authority. Pursuant to 40 CFR Section 403.12(e)(2)(v) and (vi), the COUNTY 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:

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

b. Application Requirements

- i.) 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.
- ii.) The request for a monitoring waiver must be signed in accordance with Section 36-129.F, and include the certification statement in Section 36-129.F.
- iii.) 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.

c. Documentation and Record Retention for CIU Monitoring Waivers

Any grant of the monitoring waiver by the Pretreatment Coordinator or designee 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 or designee for 3 years after expiration of the waiver.

F. Individual and General Application Signatories and Certification

1. 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".

2. 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 or designee prior to or together with any reports to be signed by an Authorized Representative.

G. Individual and General Wastewater Discharge Permit Decisions

The Pretreatment Coordinator or designee 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 or designee will determine whether or not to issue a Wastewater Discharge Permit. The Pretreatment Coordinator or designee may deny any application for a Wastewater Discharge Permit. If the Pretreatment Coordinator or designee fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied.

H. Intermittent Discharges and Clean-ups

1. No person, firm or corporation shall discharge atypical waste, contaminated waters from any non-domestic source or special waste or leachate on an intermittent or one-time basis without first obtaining a connection permit and Wastewater Discharge Permit as provided in Sections 36-22 and 36-129.B, respectively. The request to Discharge and project description shall be submitted on a form provided by the COUNTY. In the event that such waste will be hauled to a discharge point designated by the COUNTY, the Discharger shall also comply with the provisions of Section 36-129.G.
2. An evaluation by the COUNTY shall be made to determine provisions necessary to prevent the introduction of Pollutants to the POTW which could:

- a. Cause injury, Interference or otherwise be incompatible with the system or the use or disposal of Biosolids;
- b. Constitute a hazard to humans, animals or the environment; and/or
- c. Cause Pass-Through of Pollutants into the receiving waters or the atmosphere.

Provisions may include site specific Discharge rates, unique standards – either concentration or mass based or both, special monitoring and/or Pretreatment requirements. The Discharge water from these special projects may be subject to one or more surcharge fees as defined in Section 36-201.A.

Sec. 36-130. NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT CONTENTS

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

A. Individual and general permits shall contain, as appropriate, the following:

1. Statement of duration (not greater than five (5) years) including issuance, effective dates, and expiration dates;
2. Effluent limitations, including Best Management Practices, based on the more stringent of categorical pretreatment standards, Local Limits as established by this Ordinance, and State and local law;
3. General and specific discharge prohibitions as established by Section 36-10 of this Ordinance;
4. Requirements to pay fees for the wastewater to be discharged to the POTW;
5. Any limitations on the average, maximum rate, or time of discharge, or requirements for flow regulation and equalization;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. Requirements and specifications for monitoring programs including sampling locations, frequency of sampling and analyses for all regulated parameters, and any applicable reporting schedule;
8. Compliance schedules - such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;

9. 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;
10. Requirements for submission of:
 - a. **Self-Monitoring Reports** at the frequency specified in the permit and which contain all required analyses specified in the permit.
 - b. **Periodic Compliance Reports** by the due dates specified in the permits and which contain all analyses on local limit parameters and other regulated parameters not listed in the local limits but which are regulated in the permit. This report shall also contain a certification statement whereby the Industrial User attests to the fact that all the permit required procedures for analysis, sampling, and chain of custody are followed; See Section 36-129.F for details on the content and applicability of this report.
 - c. **Analytical and Chain of Custody Reports** associated with any required self-monitoring;
 - d. **Compliance Schedule Status Reports:** for use when compliance schedules have been incorporated into permits. This report is to be filed for each increment of progress in the schedule, including the final completion of the project;
 - e. **Non-Compliance Report:** for use when the Industrial User violates any permit or Ordinance condition. See Section 36-138.A.1 for the information to be included in these reports and sections for the applicability of this report.
 - f. **Final Status Report:** for reporting final compliance with categorical pretreatment standards for new and existing sources. See Section 36-137.B.3 for the details on the content and use of this report; and
 - g. **Change of Discharge Notice:** for use by the Industrial User to file notice with the COUNTY of the Industrial User's intention to change the nature of its discharge by the introduction of any new chemicals or substantial changes in flow.
11. Requirements for collecting, retaining, and providing access to plant records relating to the Industrial User's discharge, the removal of hazardous wastes, and for providing entry for sampling and inspection;
12. Requirements for notification of any introduction of new wastewater constituents or any substantial change in the volume or character of any wastewater pretreatment system;

13. Requirements to control Accidental Spills and Slug Discharges, if determined by the Pretreatment Coordinator or designee to be necessary;
 14. Requirements for notification of spills or other problems which may have an adverse impact on the POTW, including slug loadings, upsets, or violations;
 15. Requirements for installation, operation, and maintenance of pollution control equipment;
 16. Requirements to develop and implement spill and slug control plans;
 17. Other conditions, as deemed appropriate by the COUNTY, to ensure compliance with this Ordinance, STATE and Federal pretreatment standards and requirements;
 18. Statement by reference to main Ordinance in permit of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
 19. Statement of non-transferability without prior notification to the COUNTY in accordance with Section 36-130.H, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit; and
 20. Conditions for modification or revocation of permit.
- 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 36-129.E.5. Any grant of the monitoring waiver by the Pretreatment Coordinator or designee 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. 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;
 2. Requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR Section 403.17 and Section 36-154.E;
 3. Requirements for the development and implementation of Accidental Discharge & Slug Control Plan or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

5. Development and implementation of BMP Plans to reduce the amount of Pollutants Discharged to the POTW if the categorical standards do not already require the implementation of a BMP Plan;
 6. The unit charge and/or schedule of Surcharge fees for the management of the Wastewater Discharged to the POTW;
 7. Requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local Standard;
 8. Documentation of any monitoring waiver approved by the Pretreatment Coordinator or designee 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 operations;
 9. 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
 10. Other conditions as deemed appropriate by the Pretreatment Coordinator or designee to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.
- D. Non-Residential Wastewater Discharge Permit Duration Permits shall be issued for a specified time period, not to exceed five (5) years. An individual or general Wastewater Discharge Permit may be issued for a period less than five (5) years at the discretion of the Pretreatment Coordinator or designee. Each individual or general Wastewater Discharge Permit will indicate a specific date upon which it will expire. The Industrial User shall apply for permit re-issuance at least thirty (30) days prior to the expiration of the Industrial User's existing permit.
- The Pretreatment Coordinator or designee may extend a permit with a duration of less than five (5) years to a maximum duration of five (5) years upon written notification.
- E. Individual and General Wastewater Discharge Permit Modifications Due to Amendments to the Federal, State, or Local Regulations.
- Subsequent to any amendments to the applicable Federal standards, the individual or general Non-Residential Wastewater Discharge Permit (NWDP) of Industrial Users shall be modified as soon as practical thereafter, however, no later than ninety (90) days from the date the Standards were amended. Such permit modifications shall be made to require compliance with said Standards within the time frame prescribed.
- F. **Individual and General Wastewater Discharge Permit Appeals**

The Pretreatment Coordinator or designee 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 or designee 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:

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. 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.
3. The requirements of the Wastewater Discharge Permit shall remain effective pending the appeal.
4. If the Pretreatment Coordinator or designee fails to act to issue, rescind, or modify the appealed Wastewater Discharge Permit within thirty (30) calendar days, the request for reconsideration shall be deemed to have been 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.
5. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint in the 18th Judicial Circuit Court for DuPage County within sixty (60) calendar days.

G. Individual and General Wastewater Discharge Permit Modification

1. The Pretreatment Coordinator or designee may modify an individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, STATE or local Pretreatment Standards or Requirements;
 - b. To address substantial alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;
 - c. To address introduction of a Pollutant for which a monitoring waiver had been obtained;
 - d. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
 - e. Information indicating that the permitted Discharge poses a threat to the COUNTY's POTW, COUNTY Personnel, or the receiving waters;

- f. Violation of any terms or condition of the Wastewater Discharge Permit;
 - g. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
 - h. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR Section 403.13;
 - i. To correct typographical or other errors in the Wastewater Discharge Permit;
 - j. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 36-130.H; or
 - k. To reflect the issuance of a monitoring waiver.
2. The Pretreatment Coordinator or designee may modify a general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised Federal, STATE, or local Pretreatment Standards or Requirements;
 - b. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
 - c. To correct typographical or other errors in the Wastewater Discharge Permit; or
 - d. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 36-130.H.

H. 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 prior expressed written approval of the COUNTY. If the premises is sold or otherwise transferred by the permittee to a new owner who will maintain the same operation in the same premises, then, 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, the permit held by the seller and/or owner shall only be reissued by the COUNTY to the new owner and/or operator as a temporary permit, provided that:

- 1. The new owner and/or operator notified the COUNTY thirty (30) calendar days in advance of the transaction, and

2. The new owner and/or operator confirmed to the COUNTY, within five (5) working days of the transaction, of completion of the date of sale or execution of an operating contract, and
3. 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 1 and 2 above shall render 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 COUNTY shall have the same remedies for violation of temporary permits as it has for violation of other Wastewater Discharge Permits.

I. Individual and General Wastewater Discharge Permit Re-issuance

A minimum of ninety (90) calendar days prior to the expiration of the User's existing Wastewater Discharge Permit, 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 36-129.E.

J. Regulation of Waste Received from Other Jurisdictions

1. Reserved

Sec. 36-131 through Sec 36-136. RESERVED

ARTICLE 4: INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM

PART 4. REPORTING REQUIREMENTS

Sec. 36-137. GENERAL REPORTING REQUIREMENTS

Each User of the POTW and facilities of the COUNTY 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.

A. Pretreatment Requirements for Non-Residential Users

Should the COUNTY find that a Non-Residential User does not meet Pretreatment Standards and Requirements applicable to its Discharge, causes or contributes to a Potential Problem 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 POTW or that said wastes are injurious to the POTW or to the treatment processes, or that said wastes pollute the natural waters within the COUNTY, its service areas or the Waters of the State of Illinois, additional Pretreatment and/or O&M will be required by the COUNTY to meet Pretreatment Standards and Requirements. Such facilities as the COUNTY 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 COUNTY service area.

1. Pretreatment Review: The Pretreatment Coordinator or designee will require the User to initiate a Pretreatment review through a telephone call, letter, or certified letter to the Authorized Representative of the User.
2. Pretreatment Initiation Meeting. A Pretreatment Initiation Meeting will be held between the Pretreatment Coordinator or designee and the User to discuss the problem and the solution to said problem. If it is 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 reasonably agreeable to both parties to timely resolve the noncompliance. If appropriate, a Compliance Agreement defining the agreed upon schedule will be sent by the COUNTY to the User shortly after the meeting. If a schedule for compliance acceptable to the Pretreatment Coordinator or designee cannot be established, the matter will be referred for further enforcement action consistent with the provisions of Section 36-156 as appropriate.
3. Progress Reports. Progress Reports shall be filed, by the User on a schedule agreed to by the Pretreatment Coordinator or designee 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 may 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 Progress Report shall identify whether or not the User has complied with the increment(s) of progress, the reason(s) for any delay, if any, and if appropriate, the steps being taken by the User to return to the established schedule.

4. Final Report. The User shall file a Final Report with the Pretreatment Coordinator or designee within ninety (90) calendar days from the end of the schedule deadline to verify the success or failure of the schedule and objective(s) outlined by the Compliance Schedule and/or Agreement. If appropriate, the Final Report will identify the steps being taken by the User to resolve any delays and/or noncompliance.

B. Additional Pretreatment Requirements for Categorical Industrial Users

In the event that either the COUNTY, EPA or a User determines that the User is regulated as a CIU 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 COUNTY and USEPA.

1. 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 Section 403.6(a)(4), whichever is later, existing CIUs currently Discharging to or scheduled to Discharge to the POTW shall submit to the Pretreatment Coordinator or designee 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 CIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Pretreatment Coordinator or designee 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:

- a. Identifying Information. The name and address of the facility, including the name of the operator and owner.
- b. Environmental Permits. A list of any environmental control permits held by or for the facility.
- c. 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.

- d. 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 Section 403.6(e).
- e. Measurements of Pollutants.
 - i.) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
 - ii.) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator or designee, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, Daily Maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit documentation, as required by the Pretreatment Coordinator or designee or the applicable Standards, to determine compliance with the requirements and/or Standards;
 - iii.) The User shall take a minimum of one (1) representative sample to complete that 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;
 - iv.) 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 Waste stream Formula of 40 CFR Section 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- v.) Sampling must be performed in accordance with procedures set out in Section 36-120.B and shall be analyzed in accordance with procedures set out in Section 36-120.C;
 - vi.) The Pretreatment Coordinator or designee 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
 - vii.) 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 COUNTY.
- f. Compliance Certification. A statement, reviewed by the User's Authorized Representative of the User (as defined in Section 36-2), and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the User to meet the Pretreatment Standards and Requirements.
- g. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User is able to provide such additional Pretreatment and/or O&M must be provided. 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 36-137.B.2.
- h. Signature and Report Certification. All baseline monitoring reports must be signed and certified in accordance with Section 36-129.F.

2. **Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 36-130.A.10:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) calendar months;

- c. The User shall submit a progress report to the Pretreatment Coordinator or designee no later than fourteen (14) calendar days following each progress increment in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment(s) of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;
 - d. In no event shall more than nine (9) calendar months elapse between such progress reports to the Pretreatment Coordinator or designee; and
 - e. All compliance schedule progress reports must be signed and certified in accordance with Section 36-129.F.
3. 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 or designee a report containing the information described in Section 36-137.B.1. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c) and Section 36-73, 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 36-129.F.

Sec. 36-138. 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 or designee but in no case less than twice per year (on dates specified by the COUNTY) submit a report to the COUNTY with a description of 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.
2. These reports shall be based on sampling and analysis performed in the period covered by the report, which shall be 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 36-120.B and 36-120.C.

3. All sampling and analysis may be performed by the COUNTY in lieu of Significant Non-Categorical Industrial User. In such cases, the COUNTY will issue an Attachment to the Wastewater Discharge Permit that specifies the COUNTY will perform sampling and analysis semi-annually at minimum.
4. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or designee or the Pretreatment Standard necessary to determine the compliance status of the User.
5. Where the COUNTY 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 Standard (CIU) shall, at a frequency determined by the Pretreatment Coordinator or designee but in no case less than twice per year on dates specified by the COUNTY (normally in July and January), submit a report (a “periodic compliance 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 COUNTY, and in consideration of such factors as local high or low Flow rates, holidays, budget cycles, etc., the COUNTY 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 36-129.F.
2. Periodic compliance 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 36-120.B and 36-120.C.
3. Periodic compliance sampling and analysis may be performed by the COUNTY in lieu of CIU. In such cases, the COUNTY will issue an attachment to the Wastewater Discharge Permit that specifies the COUNTY 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 or designee, using the procedures prescribed in Sections 36-120.B and 36-120.C, the results of this monitoring shall be included in the report.
5. Where the COUNTY has imposed mass limitations on Users as provided for by 40 CFR Section 403.6(c), the periodic compliance report 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 COUNTY in accordance with the procedures in Section 36-73, the periodic compliance report 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 shall include the User's actual average production rate for the reporting period.
7. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or designee 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 or designee, the User must certify each periodic compliance report with a statement, pursuant to Section 36-129.F, that there has been no increase in the Pollutant in its waste stream due to activities of the User, such as 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 paragraph B.1 of this section or other more frequent monitoring requirements imposed by the Pretreatment Coordinator or designee and notify the Pretreatment Coordinator or designee.

C. Non-Significant Categorical Users

1. Non -Significant Categorical Industrial Users as defined in Section 36-2 shall, at a frequency determined by the Pretreatment Coordinator or designee, but no less frequently than annually (on dates specified by the COUNTY), submit a report which contains the certification statement contained in Section 36-138.C. 2. below, signed by an Authorized Representative of the User.
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 36-2;
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

_____.”

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 BMPs shall, at a frequency determined by the Pretreatment Coordinator or designee, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.
- 2. The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation, including BMP documentation necessary to determine the compliance status of User, as defined by the Pretreatment Coordinator or designee and identified in the Wastewater Discharge Permit.

A copy of the cleaning log may be required to be submitted to the COUNTY by a date specified in a request issued by the Pretreatment Coordinator or designee.

Sec. 36-139. REPORTS FROM NON-PERMITTED USERS

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Pretreatment Coordinator or designee 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.

Sec. 36-140. AUTHORIZED REPRESENTATIVE CHANGE NOTIFICATION

Any SIU that changes the Authorized Representative of its company as defined in Section 36-2 shall file a change notice with the COUNTY within thirty (30) calendar days.

Sec. 36-141. REPORTS OF CHANGED CONDITIONS

Each User must notify the Pretreatment Coordinator or designee 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. For changes involving immediate shutdowns or deletions of products, such changes are required to be noticed to the Superintendent or designee within five (5) working days of determination.

- A. The Pretreatment Coordinator or designee may require the User to submit such information as may be deemed necessary to evaluate the changed condition(s), including the submission of a Wastewater Discharge Permit application under Section 36-129.E.
- B. The Pretreatment Coordinator or designee may issue or modify an existing individual or general Wastewater Discharge Permit under Sections 36-130 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%) 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 36-144, 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. SIUs and CIUs are required to notify the Pretreatment Coordinator or designee immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 36-142. REPORTS OF POTENTIAL PROBLEMS

- A. Initial Notification. In the case of any Discharge or incident that may cause potential problems for the POTW, including but not limited to accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load, the User shall immediately telephone (within fifteen (15) minutes), and notify the Pretreatment Coordinator or designee of the Discharge or incident. If this notification cannot be made to the POTW staff during routine business hours, the User shall notify the COUNTY Police Department. This notification shall include the name of the caller, location of the Discharge/incident, physical state of Discharge, the chemical composition, concentration and volume, if known, and date and time of Discharge, as well as duration of the Discharge/incident, and corrective actions taken by the User. The notification shall include which Federal, State, and local entities have also been notified by the User. Nothing contained in this section shall relieve the User of its responsibility to make all such notifications, to all such entities, as User is otherwise required to by law.

- 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 but is not limited to where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- C. Written Notification: Within fifteen (15) calendar days following such Discharge or incident, the User shall, unless expressly waived by the Pretreatment Coordinator or designee, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences.
- 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 or incident described in paragraph A, above. Employers shall ensure, through specific documentation, that all employees who may cause such a Discharge or incident to occur are advised of the emergency notification procedure.

Sec. 36-143. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

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

Sec. 36-144. EMERGENCY NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE PROCEDURE

- A. Pursuant to 40 CFR Section 403.12 (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 information identifying 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 eighty (180) calendar days after the Discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 36-141. 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 Section 36-137.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 Sections 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 Sections 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 or designee, 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 additional regulations.
- D. In the case of any notification made under this section, the User shall certify that, to the extent economically practical, it has a program in place to reduce the volume and toxicity of hazardous wastes generated.
- 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.

Sec. 36-145. 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 COUNTY. The original of the Fax or email is required to be mailed to the COUNTY postmarked within one (1) working day of the transmission.

Sec. 36-146. IDENTIFICATION OF DISCHARGE

In accordance with **Article 17** of this Ordinance, **The Powers and Authority of Inspectors**, the Industrial User shall assist the COUNTY in its efforts to locate and identify all discharges into the wastewater treatment system which are in violation of this Ordinance.

The COUNTY reserves the right to take photographs at the Industrial User's facility as part of the COUNTY'S inspection process to document non-compliance. All such photographs shall remain confidential upon request of the User.

Sec. 36-147. RECORD KEEPING PROCEDURES

The COUNTY, and all Industrial 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, as well as documentation associated with BMPs established under Section 36-130. Record keeping requirements shall include:

- A. Records for all samples including:
 - 1. Date, time, exact place, method, and time of sampling;
 - 2. Name(s) of person(s) taking samples;
 - 3. Dates analyses were performed;
 - 4. Name(s) of person(s) performing the analyses;
 - 5. The analytical techniques, procedures, and methods used; and
 - 6. The results of such analyses.
- B. The COUNTY and Industrial User shall keep records for a minimum of three (3) years.
- C. All records shall be made available for inspection and copying by the Pretreatment Coordinator or designee, the IEPA, or the Regional Administrator. The period during which records must be retained shall be extended during the course of any unresolved litigation regarding the Industrial User or COUNTY or when requested by the Pretreatment Coordinator or designee, the IEPA, or the Regional Administrator, and as otherwise required by applicable law.
- D. The COUNTY will maintain documentation of any monitoring waiver issued per Section 36-129.E.5 for a period of three (3) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

Sec. 36-148 through Sec. 36-153. RESERVED

ARTICLE 4: INDUSTRIAL MONITORING AND PRETREATMENT PROGRAM

PART 5. ENFORCEMENT

Specific enforcement response actions are outlined in the DuPage County Enforcement Response Plan (Guidance Document) available from the DuPage County Department of Public Works, 7900 South Route 53, Woodridge, Illinois 60517, phone (630) 985-7400.

Sec. 36-154. VIOLATION OF PRETREATMENT STANDARDS

- A. Violations of any Pretreatment Standards or the requirements and provisions of the DuPage County Water/Wastewater Use Ordinance are expressly prohibited. Any such violations shall be subject to enforcement actions, fines, and penalties as specified in this section.
- B. The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, parts 405-471, are hereby incorporated into this Ordinance by reference, and all Industrial Users as defined herein, shall be subject to said Standards. See Section 36-130.E for permit modification.
- C. The COUNTY shall notify all known affected Industrial Users of the applicable reporting requirements under 40 CFR part 403.12 or any revision thereto.
- D. An Industrial User found to be in significant non-compliance or non-compliance shall be deemed "in compliance" subsequent to the determination of non-compliance, when three (3) or more samples taken over a ninety (90) day period (or as otherwise determined by the COUNTY) demonstrate that the Industrial User is in compliance with the applicable Federal, STATE and local pretreatment standards.
- E. ***Bypass***
 - 1. For the purposes of this section,
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment facility.
 - b. "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.
 - 2. Bypass not violating applicable pretreatment standards or requirements. An Industrial User may allow any bypass to occur which does not violate Pretreatment Standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraphs 3. and 4. below.
 - 3. ***Notice***

- a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the COUNTY, if possible, at least seven (7) working days before the date of the bypass.
- b. An Industrial User shall verbally notify the COUNTY of an unanticipated bypass that exceeds applicable Pretreatment Standards or requirements, within twenty-four (24) hours of becoming aware of the bypass. A written submission shall also be provided within five (5) working days of becoming aware of the bypass. The written submission shall contain:
 - i.) a description of the bypass and its cause;
 - ii.) the duration of the bypass;
 - iii.) the exact times and dates of bypass;
 - iv.) if the bypass has not been corrected, the anticipated time it is expected to continue; and
 - v.) the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

4. ***Prohibition of bypass***

- a. Bypass is prohibited, and the COUNTY may take enforcement action against an Industrial User for a bypass. A User may be excused from enforcement where:
 - i.) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii.) There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii.) The Industrial User submitted notices as required by paragraph E.3. of this section.
- b. The COUNTY may approve an anticipated bypass, after considering its adverse effects, if the COUNTY determines that it will meet the three (3) conditions listed in paragraph 4.a. of this section.

F. ***Upset Provisions.***

- 1. ***Definition.*** The definition of “upset” is provided in Section 36-2.

2. ***Effect of an Upset.*** An Upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pretreatment Standards if the requirements of paragraph 3. are met.
3. ***Conditions necessary for demonstrating an affirmative defense of an Upset.*** An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - b. 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
 - c. The Industrial User has submitted the following information to the COUNTY within twenty-four (24) hours of becoming aware of the Upset (if this information is provided verbally, a written submission must be provided within five (5) working days)
 - i.) A description of the indirect Discharge and cause of non-compliance;
 - ii.) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - iii.) Steps being taken and/or planned to reduce eliminate, and prevent recurrence of the non-compliance.
4. ***Burden of proof.*** In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
5. ***Reviewability of Agency consideration of claims of Upset.*** In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determination made in the course of the review constitutes final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.
6. ***Industrial User responsibility in case of Upset.*** The Industrial User shall control production or 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.

G. Prohibited Discharge Standards

A User may assert an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Sections 36-10.E and 36-10.F, or the specific prohibitions in Sections 36-10.A.1-30 (excluding paragraphs A.1, A.18, and A.24), if it can prove by a preponderance of the evidence 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:

1. 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
2. No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the COUNTY was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable Biosolids use or disposal requirements.

Sec. 36-155. ANNUAL PUBLICATION OF INDUSTRIAL USERS WHO HAVE BEEN IN OR WHO ARE IN SIGNIFICANT NONCOMPLIANCE

The COUNTY may publish, at least annually, in the largest daily newspaper circulated in the service area, a description of those Industrial Users which have been or are found to be in Significant Noncompliance with any provision of this Ordinance, applicable Pretreatment Standards and requirements, a Sewer Service Connection Permit, or a Non-Residential Wastewater Discharge Permit, during the previous twelve (12) months. The term Significant Noncompliance shall be applicable to all Significant Industrial Users, Categorical Industrial Users, and any other User that violates paragraphs (C), (D) or (H) of this section. And shall mean:

- A. Chronic (repeated) violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) 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 Sections 36-10, 36-74, and 36-75;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Sections 36-10, 36-74, and 36-75 multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Sections 36-10, 36-74, and 36-75 (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator or designee 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 Pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator or designee exercise of its emergency authority to halt or prevent such a Discharge;
- E. Failure to meet, within ninety (90) calendar 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 or designee determines will adversely affect the operation or implementation of the local Pretreatment program.

Sec. 36-156. ADMINISTRATIVE ENFORCEMENT REMEDIES

A. *NOTIFICATION OF VIOLATIONS.*

- 1. When the Pretreatment Coordinator or designee finds that an Industrial 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, instantaneous limit, or requirement, the Pretreatment Coordinator or designee may serve upon that Industrial User a written Notice of Violation (NOV). Within fourteen (14) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Pretreatment Coordinator or designee. Submission of this Plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the Pretreatment Coordinator or designee to take any action, including but not limited to emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- 2. The Pretreatment Coordinator or designee may initiate a Pretreatment Review meeting for any Violation of any parameter issued under Section 36-154. The COUNTY shall schedule a Pretreatment Review meeting, normally within thirty (30) calendar days of the determination that a meeting is required.

As a result of a Pretreatment Review meeting, the COUNTY 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 COUNTY 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 permitted limits at all times. The plan for correction, compliance schedule, and revised permit does not relieve the User of meeting the permitted limits and/or Ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.

3. As a result of a violation, the COUNTY may continue as needed to sample the User and inspect the User’s progress towards meeting milestones and to determine if the User is complying with the conditions of the plan of action, compliance schedule and/or permit. In the event the COUNTY detects and documents any violation, a NOV will be issued to the User.
4. When the User has met the conditions of the plan of action, compliance schedule, and permit, the COUNTY 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.
5. Nothing in this section shall limit the authority of the Pretreatment Coordinator or designee to take any action, including but not limited to emergency actions or any other enforcement action, without first issuing a NOV.

B. FORMAL ORDERS AVAILABLE TO THE COUNTY FOR ENFORCEMENT PURPOSES.

1. Consent Orders.

- a. The Pretreatment Coordinator or designee is hereby empowered to enter into Consent Orders, Compliance Agreements, assurances of voluntary compliance, or any other similar document(s) establishing an agreement with the Industrial User responsible for the noncompliance.
- b. Agreements between the COUNTY and the Industrial User. A completed agreement must be signed by an Authorized Representative of the Industrial User and the Pretreatment Coordinator or designee. Such orders shall include compliance schedules and remedial actions to correct the noncompliance. Consent Orders shall have the same force and effect as compliance orders issued pursuant to paragraph 3 and 4 below and shall be judicially enforceable.

2. Show Cause Order.

The Pretreatment Coordinator or designee may order a User which has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear at a meeting on a specified date and time to show cause why enforcement action should not be taken. Notice shall be given to 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 upon the Authorized Representative of the User, or by registered or certified mail (return receipt requested) to the User's address, at least ten (10) working days prior to the meeting. Nothing in this section shall limit the authority of the Pretreatment Coordinator or designee to take any action, including but not limited to emergency actions or any other enforcement action, without first issuing a Show Cause Order.

3. ***Compliance Directive.***

- a. The COUNTY (or the Pretreatment Coordinator or designee) during a compliance meeting with the Industrial User may issue a Compliance Directive, i.e. Compliance Order, directing and requiring the Industrial User responsible for noncompliance to take any actions necessary to come into compliance within a specified time.
- b. Failure to comply with the Compliance Directive of the COUNTY or Pretreatment Coordinator or designee shall be deemed a violation of this Ordinance and may be grounds for revocation of the Industrial User's Non-Residential Wastewater Discharge Permit, termination of sewer service, and/or such other actions as may be authorized for violation of this Ordinance.
- c. Compliance Directives may contain specific, continuing 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 directive 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. Nothing in this section shall limit the authority of the Pretreatment Coordinator or designee to take any action, including but not limited to emergency actions or any other enforcement action, without first issuing a Compliance Directive.

4. ***Cease and Desist Directive.***

When the Pretreatment Coordinator or designee finds that an Industrial User has violated or continues to violate this Ordinance or any 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 or designee may

issue a directive to cease and desist all illegal or unauthorized discharges immediately 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.

Nothing in this section shall limit the authority of the Pretreatment Coordinator or designee to take any action, including but not limited to emergency actions or any other enforcement action, without first issuing a Cease and Desist Directive.

5. Emergency Suspension.

The Pretreatment Coordinator or designee may immediately suspend a User's Discharge, without formal 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 or designee may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to Interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- 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 with the suspension order, the Pretreatment Coordinator or designee may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Pretreatment Coordinator or designee may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Pretreatment Coordinator or designee that the period of endangerment has passed, unless the termination proceedings in Section 36-156.B.6 are initiated against the User.
- b. A User that is responsible, in whole or in part, for any Discharge presenting imminent or substantial 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 or designee prior to the date of any show cause or termination hearing under Sections 36-156.B.2 or 36-156.B.6.

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

6. Termination of Discharge.

In addition to the provisions in Section 36-157.A, any User who violates the following conditions shall be 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 Sections 36-73 – 36-75.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 36-156.B.2 why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator or designee shall not be a bar to, or a prerequisite for, taking any other authorized action against the User.

Sec. 36-157. REVOCATION OR SUSPENSION OF PERMIT

A. ***CONDITIONS FOR REVOCATION OR SUSPENSION.*** Any Industrial User who violates this Ordinance, or any Order issued pursuant to this Ordinance, the Illinois Environmental Protection Act, the Federal Act, or regulations promulgated under either act, or does any of the following, is subject to having its Non-Residential Wastewater Discharge Permit and/or Sewer Service Connection Permit revoked or suspended, in accordance with the procedures set forth herein.

1. Failure to notify the Pretreatment Coordinator or designee of significant changes to the Wastewater prior to the changed Discharge;
2. Failure to provide prior notification to the Pretreatment Coordinator or designee of changed conditions pursuant to Sections 36-140 and 36-141;
3. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the Pretreatment Coordinator or designee and designee(s) timely access to the facility premises and records;
7. Failure to meet effluent limitations;

8. Failure to pay fines;
 9. Failure to pay sewer charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
 12. Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or
 13. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.
- B. Following a revocation or suspension of its Non-Residential Wastewater Discharge Permit, the Industrial User shall cease discharging to the COUNTY POTW in accordance with the stated terms. Failure to do so shall result in the COUNTY POTW seeking injunctive relief or other court orders in accordance with Article 16 of this Ordinance.
- C. 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.

Sec. 36-158: REMEDIES

- A. Judicial Remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system, contrary to the provisions of this Ordinance or any Directive or permit issued hereunder, the COUNTY, through the State's Attorney, may commence an action for appropriate legal and/or equitable relief in the 18th Judicial Circuit Court of DuPage County.
1. ***Injunctive Relief.*** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance, or Pretreatment Standards or Requirements, or the COUNTY's permit(s), or order(s) issued hereunder, the Pretreatment Coordinator or designee through counsel, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate), that restrains or compels certain activities on the part of the Industrial User. The Pretreatment Coordinator or designee may also seek such other authorized 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 authorized action against a User.
 2. ***Civil Penalties.*** Any Industrial User who has violated or continues to violate this Ordinance or any Directive or permit issued hereunder, or any other Pretreatment Standard or Requirement, shall be subject to a civil penalty (as authorized at 40

CFR 403.8(f)(1)(vi)(A)), of not more than the maximum allowable under State law, plus actual damages incurred by the COUNTY per violation, per day, for as long as the violation continues.

Any person violating Section 36-13 of this Ordinance shall be subject to civil penalties specified in subsection (a) of Section 42 of the Illinois Environmental Protection Act (415 ILCS 5/42), as now enacted or hereafter amended. If an action to enforce Section 36-13 of this Ordinance is brought by or on behalf of the COUNTY, the COUNTY shall be entitled to recover seventy-five percent (75%) of any penalty assessed.

3. **Fines.** Any User which connects to a COUNTY POTW without first obtaining a Sewer Service Connection Permit from the COUNTY, shall be in violation of this Ordinance and shall be guilty of a petty offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, with each day the violation persists constituting a separate offense, as well as any other remedy available at law or in equity (pursuant to authority granted at 55 ILCS 5/5-1113 and 5/5-15001, et seq.).

Any User violating a Directive of the COUNTY or failing to comply with any provision of this Ordinance and the Directives, rules, and regulations and permits issued hereunder, or any other Pretreatment Standard or Requirement, shall be guilty of a petty offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, with each day the violation persists constituting a separate offense, as well as any other remedy available at law or in equity. 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.

In case any User, or anyone acting on behalf of the User, is in violation of this Ordinance, the proper authorities of the COUNTY, may, in addition to other remedies, institute any appropriate action or proceedings in equity to prevent or abate such violation. Should any section, clause, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

For the purpose of this Ordinance, each day, in which any such violation shall occur, may be deemed a separate violation, and a separate violation may be deemed to have occurred for each constituent, which has limitations listed in **FIGURE A** of this Ordinance, found to exceed the Limits established in this Ordinance or which is specifically limited in the Non-Residential Wastewater Discharge Permit issued to the Industrial User during any such day.

The Pretreatment Coordinator or designee 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 COUNTY.

In determining an amount of 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 actually taken by the User, the compliance history of the User, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, the Pretreatment Coordinator or designee taking any other authorized action against a User.

4. **Damages and Recovery of Costs Incurred.**

a. Any entity or User violating any of the provisions of this Ordinance, or who causes damage to or impairs the COUNTY's POTW shall be liable to the COUNTY for any expense, loss or damage caused by such violation or Discharge. The COUNTY 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 COUNTY shall bill the User for the costs incurred by the COUNTY 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 Section 36-154.

5. In addition to the penalties provided herein, the COUNTY may seek, to the fullest extent allowable by law, to recover reasonable attorney's fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

B. **SUPPLEMENTAL ENFORCEMENT REMEDIES.**

1. **Performance Bonds.** The Pretreatment Coordinator or designee may decline to issue or re-issue an individual or general wastewater discharge permit to any Industrial User, which has failed to comply with the provisions of this Ordinance or any order or previous individual or general wastewater discharge permit issued hereunder, or by any Pretreatment Standard or Requirement, unless such Industrial User first files with the COUNTY a satisfactory bond, payable to the COUNTY, in a sum not to exceed a value determined by the Pretreatment Coordinator or designee to be necessary to achieve consistent compliance.

2. **Liability Insurance.** The Pretreatment Coordinator or designee may decline to issue or re-issue an individual or general wastewater discharge permit to any Industrial User which has failed to comply with the provisions of this Ordinance or any directive or previous individual or general wastewater discharge permit issued

hereunder, or any other Pretreatment Standard or Requirement, unless the Industrial User first submits proof that it has obtained liability insurance sufficient to restore or repair POTW damage caused by its discharge.

3. ***Water Supply Severance.*** Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or a Directive or individual or general wastewater discharge permit issued hereunder, or any Pretreatment Standard or Requirement, water service to the Industrial User may be severed, and service will only recommence, at the Industrial User's expense, only after it has satisfactorily complied with any directive or requirement and paid outstanding costs, fees, and penalties.
4. ***Public Nuisances.*** Any violation of the discharge prohibitions of this Ordinance, an individual or general wastewater discharge permit or directive, 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 or designee. Any person(s) creating a public nuisance shall be subject to the provisions of the County Code (Illinois Compiled Statutes, Chapter 55, paragraph 5/5-1003, et seq.) governing such nuisance, including the reimbursement to the COUNTY of any costs incurred in removing, abating, or remedying said nuisance.
5. ***Failure to Report or Notify.*** Any violation for failure to submit a required report or notification required by this Ordinance Chapter 36 shall be subject to the late fees as outlined in FIGURE E.
6. ***Payment for Outstanding Fees and Penalties.***

The Pretreatment Coordinator or designee 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.

C. Additional Remedies.

1. In addition to remedies available to the COUNTY 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 COUNTY, 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 COUNTY may have under this Ordinance, statutes, regulations, at law or in equity.
2. If the discharge from any person or Industrial User causes a deposit, obstruction, or damage to any COUNTY POTW, the COUNTY may 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 Industrial User causing such deposit, obstruction, or damage.

D. Lien – Notice of Delinquency.

1. Whenever a bill remains unpaid for ninety (90) calendar days for quarterly service after it has been issued, the COUNTY Clerk shall file, with the Record of Deeds of the COUNTY where the premises are located, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the COUNTY claims a lien for this amount as well as for all unpaid charges subsequent to the period covered by the bill.
2. If the User whose bill is unpaid is not the owner of the premises and the COUNTY Clerk has notice of this condition, whenever such bill remains unpaid for one hundred and five (105) calendar days after it has been issued, a notice shall be mailed to the owner of the premises if known to the Clerk.
3. Unless otherwise provided by applicable law, the failure of the COUNTY Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice, shall not affect the COUNTY's right to foreclose the lien for unpaid bills.

Sec. 36-159. REMEDIES NON-EXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The Pretreatment Coordinator or designee may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the COUNTY's enforcement response plan. However, the Pretreatment Coordinator or designee may take other authorized action against any User when the circumstances warrant. Further, the Pretreatment Coordinator or designee is empowered to take more than one enforcement action against any noncompliant User.

Sec. 36-160. ADDITIONAL CHARGES AND FEES

- A. To enforce the terms of this Ordinance, the COUNTY may impose additional charges and fees upon the User, which may include:
1. Fees for reimbursement of costs of setting up and operating the COUNTY's Industrial Monitoring and Pretreatment Program;
 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 the Users;
 3. Fees for reviewing plans or construction relating to a Spill Prevention Containment and Countermeasures/Slug Load Plans as defined in Section 36-12;
 4. Fees responding to Report of Potential Problems as defined in Section 36-142;

5. Fees for reviewing accidental discharge procedures and construction;
6. Fees for permit applications, including the cost of processing such applications;
7. Fees for filing appeals;
8. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Pretreatment Coordinator or designee to address User noncompliance; and/or
9. Other fees as the COUNTY may deem necessary to carry out the requirements contained herein.

B. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the COUNTY.

Sec. 36-161 SEVERABILITY

In the event any provision of this Ordinance is held to be unenforceable or invalid for any reason, the enforceability thereof shall not affect the remainder of the Ordinance. The remainder of this Ordinance shall be construed as if not containing the particular provision and shall continue in full force, effect, and enforceability, in accordance with its terms.

Sec. 36-162. 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.

Sec. 36-163 through 36-169. RESERVED

ARTICLE 5: PERMIT PROCESS TREATMENT AND DISPOSAL OF HAULED OR TRUCKED SEPTIC WASTE AND LANDFILL LEACHATE

Sec. 36-170. PERMITS

No person, firm or corporation shall Discharge septic tank wastes or landfill leachate, or other wastes from a tanker truck into the designated discharge facilities of the COUNTY without first obtaining a written permit from the COUNTY. The COUNTY will not accept any other types of waste which are trucked or hauled to the POTW. No trucked wastes are to be Discharged by any entity except at the Discharge points designated by the COUNTY.

- A. Application for permits shall be filed with the COUNTY on the COUNTY's forms so provided. The application shall be signed as required by Section 36-129.F.
- B. Each permit shall designate the location and manner of disposing of trucked wastes.
- C. A separate permit shall be obtained for each truck and shall be in the possession of the driver of the truck at all times. Copies of said permits shall be maintained at the firm or corporation office which employs the driver(s).
- D. No permit shall be valid for a period of more than two (2) years, and each permit shall expire on January 31st of the expiration year.
- E. No permit shall be transferable. A permit becomes void under any of the following conditions:
 - 1. Change in ownership of the permittee;
 - 2. Change in vehicle for which the permit is issued; or
 - 3. Change in the name and address of the permittee.

Sec. 36-171. ADMINISTRATION AND FEES

The COUNTY, from time to time shall review said applications and fees, and issue said permits, if in compliance with this Ordinance.

- A. Fees for the initial permit and individual vehicle permits.
- B. Fees for the treatment of trucked wastes Discharged shall be recovered through the COUNTY's User charge system.

Sec. 36-172. RULES AND REGULATIONS

No person, firm or corporation shall dispose of any trucked wastes upon any property of the COUNTY other than at the designated discharge point so defined by the COUNTY. In its discretion the COUNTY may accept waste subject to the following:

- A. Septic tank disposal shall be limited to wastes from a septic toilet, chemical closet, or any other water-tight enclosure used for storage and decomposition of human excrement and/or domestic wastes. Other Non-Residential wastes shall be approved on a case-by-case basis by the COUNTY. The COUNTY will not accept hauled waste containing RCRA hazardous waste.
- B. Disposal shall be limited to Wastes generated within the wastewater service area of the COUNTY.
- C. Disposal shall be permitted at the COUNTY's POTW between the hours of 7:00 A.M. and 2:00 P.M., Monday through Friday. No disposal shall be permitted on any legal holidays that are observed by the COUNTY.
- D. All trucks which are permitted by the COUNTY shall be identified with the following:
 - 1. Owner's name, address and phone number;
 - 2. Liquid capacity; and
 - 3. Visible truck license plate number that is registered with DuPage County.
- E. For each trucked load disposed of at the COUNTY's POTW, the truck driver shall deliver to the operational office in the building designated on the permit, a signed, numbered ticket showing the truck license plate number, liquid capacity of the truck, time of arrival and departure, origin of every pickup point comprising the load, along with the telephone number of each originating source. The ticket shall contain a signed certification that all septic tank and portable toilet wastes identifying where the load has originated and that they are domestic in origin. The COUNTY may require proof of load origination by requesting the waste owner's signature, invoice from the applicable hauled waste, or signed service agreement with the waste owner. The ticket shall also contain a certification that the load does not contain RCRA hazardous waste. The driver shall not unload until obtaining approval by the Operator at the COUNTY.
 - 1. Forms:
 - a. **SEPTIC WASTE. A STATEMENT OF ACKNOWLEDGEMENT** must be completed and signed by any Septic Waste Hauler transporting septic waste to the COUNTY POTW. The original Statement of Acknowledgement shall be kept on file with the COUNTY POTW. The septic waste hauler must complete a SEPTIC WASTE HAULING FORM for each load of septic waste. A SEPTIC MANIFEST FORM must also accompany each load. The COUNTY may require proof of load origination

by requesting the waste owner's signature, invoice from the applicable hauled waste, or signed service agreement with the waste owner. All forms are available from the DuPage County Department of Public Works and are kept on file at the COUNTY POTW.

- b. **LANDFILL LEACHATE.** A SPECIAL WASTE (LANDFILL LEACHATE) CHARACTERISTIC PROFILE and SPECIAL WASTE WAIVER must be completed by the landfill leachate hauler or generator transporting special waste to the COUNTY POTW. All such forms are kept on file at the COUNTY POTW.
- F. The driver is required to take a sample of every load Discharged in accordance with COUNTY procedures. A sample may also be taken by the COUNTY of each truckload of waste delivered to the COUNTY's POTW.
- G. Persons disposing of waste at the COUNTY's POTW or facilities shall be responsible for cleaning up all the spills and replacing the manhole covers at the end of the unloading process.
- H. The permittee shall furnish a list of authorized drivers to the COUNTY covered by the permit and keep this list current.
- I. The COUNTY will implement procedures to randomly confirm the source and type of waste hauled and to analyze hauled waste samples for compliance with this Ordinance.
- J. The COUNTY reserves the right to reject any Wastes delivered to the facilities of the COUNTY, which the COUNTY believes may have an adverse effect on the POTW and/or processes.

36-173. INSURANCE REQUIREMENTS

Each permittee shall carry such insurance as is deemed necessary by the COUNTY to protect it against claims, causes of actions or any act of any permittee.

- A. Each Permittee shall file a Certificate of Insurance with the COUNTY. After approval of the Certificate and upon issuance of a permit, the septic tank waste hauler shall be permitted to Discharge at the designated location. No one shall be allowed on the site without a valid Certificate of Insurance. The COUNTY shall be a named insured on any such policies. The Certificate of Insurance shall conform to the types and amounts of insurance as listed in the insurance requirements on file with the COUNTY.

Sec. 36-174. REVOCATION OF PERMITS

Any violation of permitting conditions of this ordinance shall be justification for the COUNTY to immediately revoke any or all permits issued in addition to the reasons stated in Section 36-157.A. The COUNTY reserves the right to revoke any and all permits at any time if it determines the revocation of said permits is in the best interests of the COUNTY.

Sec. 36-175. WASTESTREAM ORIGINATION APPROVAL

The COUNTY reserves the right to approve the waste stream and the sites from which the waste stream is originated. Disposal at the COUNTY POTW of septic wastes which are not household generated wastes requires prior approval.

Sec. 36-176. LIST OF APPROVED SITES FROM WHICH WASTES MAY BE HAULED OR TRUCKED TO THE POTW

The COUNTY shall maintain a list of sites from which landfill leachate or septic waste (which is not household generated) can be collected and disposed of at the COUNTY POTW.

Sec. 36-177. CAR WASH MUD AND GREASE TRAP CLEANINGS

Under no circumstances shall car wash mud or grease trap cleanings be accepted for disposal at the POTW as either a full or partial load.

Sec. 36-178 through Sec. 36-199. RESERVED

ARTICLE 6: SERVICE CHARGES FOR WASTEWATER TREATMENT

Sec. 36-200. WASTEWATER SERVICE CHARGES

Wastewater Service Charges means an amount billed to each User of a COUNTY POTW or sanitary sewer system for the use of its equipment and for services that may be or are being supplied. Such charges include User Charges, Other Contractual Surcharges, Debt Services Charges, Sewer Maintenance Charges, which shall be determined according to the provisions of this Article.

Sec. 36-201. WASTEWATER USER CHARGE

A. ***Wastewater User Charge*** means an amount billed to each User of a COUNTY POTW and sanitary sewer system for services provided. Each User shall pay a proportionate share of the operation, maintenance, and replacement (O.M. & R.) and debt service costs of the COUNTY POTW or other system to which the User is tributary. The User Charge shall be based on the water consumption (flow) and wastewater strength characteristics. The User Charge shall consist of a flow charge and any applicable BOD and SS surcharges as defined below and listed in **FIGURE D**:

1. ***User Charge***: Means an amount billed by the COUNTY to all Users of a COUNTY POTW and/or sanitary sewer system. The COUNTY determines its unit flow charge by dividing the O.M. & R. costs not recovered by BOD and SS Surcharges by the total annual billable flow. The unit flow charge multiplied by the User's volume of flow shall constitute the User's total flow charge. For Users on the sanitary sewer system not tributary to a COUNTY POTW, the charge will be calculated by the applicable rate structure for that system.
2. ***Debt Service Charge***: Debt Service Charge means an amount billed to all Users of a COUNTY POTW. The unit charge shall be determined by dividing the annual debt service cost by the total annual billable flow. The unit debt service charge multiplied by the User's volume of flow, shall constitute the User's Total Debt Service Charge. This debt service charge is combined with overall operation expenses to determine the rates.
3. ***BOD and SS Surcharges for Users Connected to a COUNTY POTW***: Means the amount billed to those Non-Residential users known to discharge wastewaters having a strength greater than normal domestic sewage. The unit surcharge shall be calculated by dividing the total O.M. & R. costs allocated to BOD and SS by the estimated pounds of BOD and SS treated by the COUNTY POTWS. The pounds of BOD and SS discharged in excess of the pounds of BOD and/or SS estimated by the normal domestic sewage concentration multiplied by the BOD and/or SS unit surcharge shall be the User's total BOD and/or SS surcharge.

BOD and SS surcharges are listed on **FIGURE D**.

Sec. 36-202. OTHER CONTRACTUAL SURCHARGES

Other Contractual Surcharges means an amount determined by a contract between DuPage County and a second party or the User. This surcharge will be in addition to the User Charge.

Sec. 36-203. SEWER MAINTENANCE CHARGE

Sewer Maintenance Charge means an amount billed to Users of the COUNTY owned collector sewers. The Sewer Maintenance Charge is determined by dividing the sewer maintenance costs of the collection system by the specific User's total annual billable flow or by existing agreement. The unit sewer maintenance charge multiplied by the User's volume of flow shall constitute the User's total Sewer Maintenance Charge.

Sec. 36-204. BASE CHARGE

The Base Charge is an amount billed to each User that receives a sanitary and/or water bill. The base charge is designed to cover the costs of producing, mailing and collecting the utility bills and the costs incurred by the meter reading department to read the customer meters. This fee shall be adjusted from time to time as listed in **FIGURE D**.

Sec. 36-205. WATER COMMISSION BUY IN FEE

The Water Commission Buy In Fee is designed to cover the costs of the outstanding obligation to the DuPage Water Commission for the buy in fee which is a membership requirement of the commission. This fee shall be adjusted from time to time as listed in **FIGURE D**.

Sec. 36-206. MEASUREMENT OF VOLUME-METER REQUIREMENTS

For billing purposes, flow will be determined by one (1) of the following three (3) methods:

- A. By means of a special wastewater measuring device installed in a sewer or other conduit carrying the wastewater flow; or
- B. By means of the amount of water used, as determined from a water meter in the User's public or private supply system. Where such a meter is installed:
 - 1. Upon receipt of reasonable notice, all private water Users on the COUNTY'S water supply system shall provide for and permit access to the water meter by a representative of the COUNTY. The User shall be responsible for maintaining the installation and meter in operating order at the User's expense. The User's failure to maintain the meter after notice by the COUNTY shall result in the User being billed at the higher of either the historical usage or by estimating the consumption as specified in Paragraph C of this section;
 - 2. All Users of other public water utilities shall be billed on the basis of water use data provided by the utility. If the public utility fails to provide the COUNTY with water

use data prior to the completion of the COUNTY'S billing period, the User shall be billed at a flat assessment of eight thousand (8,000) gallons per Residential Equivalent for that billing period and shall be billed the remaining Wastewater Service Charges in the following billing period when the water use data is received;

3. The charge for all unmetered Users shall be obtained by multiplying the User's number of Residential Equivalents by eight thousand (8,000) gallons per month until an approved meter is installed.

- C. By estimating the amount of water being discharged to a COUNTY POTW by Users served by private wells.

Any charge shall be based on the following:

1. All unmetered residential private well sources shall be charged at eight thousand (8,000) gallons per month unless an approved meter is installed;
2. The charge for all unmetered Non-Residential well sources shall be obtained by multiplying the User's number of Residential Equivalents by eight thousand (8,000) gallons per month until an approved meter is installed.

Sec. 36-207. NON-SEWER WATER EXEMPTION

The volume of water used by any User of a COUNTY POTW, which does not enter the sanitary system, may be subtracted from the volume of water consumption used in calculating the User's Flow Charge. Measurement of the volume of water not entering the wastewater treatment system must be made by the purchase and installation of a water meter with radio transceiver to be maintained by the property owner, or by other methods which have the Superintendent's or designee's prior approval. The meter and radio transceiver are the property of the user. Repair or replacement of these devices is the responsibility of the user. The credit for non-sewer water usage shall be determined annually in July, and shall be reflected in the following billing period. The COUNTY shall give a credit for non-sewer water usage one time per calendar year to qualifying customers (also "credit program participant"). In cases where a remote register or radio transceiver are not connected to the meter, the customer seeking an annual non-sewer water usage credit shall report their non-sewer water meter's reading to DuPage County Department of Public Works between June 15th and July 15th of each calendar year. The credit amount shall be calculated using the current rate in the system. The credit amount shall be the volume of non-sewer water consumed since the last annual meter reading times the applicable User service rate. The credit shall be given in the next billing cycle following the customer's reading report date. Whenever the credit due exceeds the amount charged the Superintendent or designee may give the credit in two (2) or more successive billing cycles. Under no circumstance shall a customer receive a credit for water consumption for any reporting period greater than thirteen (13) months.

In the event a customer fails to timely report their meter's annual reading, that customer will be denied a credit for that annual reporting period. If a customer desires a credit for any subsequent reporting periods, that customer must first obtain a new meter reading by DuPage County

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Department of Public Works staff ("re-establishment reading"). A customer is not entitled to a credit for any water consumption between their last timely customer-reported reading and any DuPage County Department of Public Works conducted re-establishment reading. The COUNTY may charge a re-establishment reading fee of twenty-five dollars (\$25.00). The Superintendent or designee may remove or deny a customer's participation in the program whenever: (i) any water meter on the customer's property has been tampered, altered, modified or intentionally damaged; (ii) the customer has failed to make a timely annual report more than once or otherwise has any history of account delinquency; (iii) the customer provides false data or information to DuPage County Department of Public Works; or (iv) DuPage County Department of Public Works cannot safely access, inspect or read the customer's meter(s) after reasonable effort or has been refused access thereto.

Sec. 36-208 through 36-249. RESERVED

ARTICLE 7. EXTENSION OF COUNTY WATER DISTRIBUTION OR WASTEWATER COLLECTION SYSTEMS

Sec. 36-250. PERMITS REQUIRED FOR CONNECTION

Prior to connecting any building or premises to a COUNTY Water Distribution, POTW, or Sanitary Sewer System, or turning on the Water Supply to any such building, any owner, occupant, or User of any such COUNTY System shall apply to the COUNTY for a Sewer Connection Permit. For the purposes of this Article, such person shall be designated as the "applicant."

Sec. 36-251. APPLICATIONS, PERMITS, AND EASEMENTS FOR WATER DISTRIBUTION AND WASTEWATER SYSTEM EXTENSIONS

- A. Application for any extension of a COUNTY Water Distribution or Sanitary Sewer System shall be accompanied by:
 - 1. Plats, showing all necessary easements, dedicated for public utility purposes;
 - 2. Any legal instruments necessary to transfer property rights to such easements; and/or
 - 3. Detailed plans, profile drawings, and specifications for all proposed work.
- B. All applications and proposed plans must be approved by the Superintendent or designee before any construction work begins.
- C. Applications shall include all properly executed forms necessary to obtain any required Illinois Environmental Protection Agency Permits.
- D. All plans, profiles, applications, permits, and legal documents shall be approved by the Superintendent or designee before any construction work begins.

Sec. 36-252. CONSTRUCTION OF WASTEWATER SEWER OR WATER MAIN EXTENSIONS

- A. *All extensions to a Water Distribution or Sanitary Sewer System* shall be designed and installed in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois," latest edition. Refer to the Technical Guidance Manual for details and specifications.
- B. *Sewer* shall be:
 - 1. Constructed of a material, approved by the Superintendent or designee, having a minimum internal diameter of not less than eight (8) inches; and
 - 2. Shall be installed with not less than four (4) feet of cover over the top of the pipe.

- C. ***Prohibition of Lift Stations:*** No extension to the Sanitary Sewer System shall incorporate a lift station, unless the Superintendent or designee determines it is impractical to construct a gravity system.

- D. ***Water Mains*** shall be:
 - 1. Cement mortar lined, ductile iron pipe having a minimum internal diameter of not less than six (6) inches; and
 - 2. Alternative size and materials may be utilized in certain circumstances at the COUNTY'S sole discretion; and
 - 3. Installed with not less than five (5) feet of cover over the top of the pipe.

- E. ***Fire Hydrants:***
 - 1. All fire hydrants shall be of six (6) inch dry barrel traffic type with a bury depth of not less than five (5) feet.
 - 2. A gate valve and valve box shall be installed immediately in front of each hydrant.
 - 3. Hydrants shall be set so that the center line of the nozzle is not less than eighteen (18) inches or more than twenty-four (24) inches above finished grade.
 - 4. The COUNTY shall specify the type of hydrant to be installed in order to have consistency across each particular water system.

Sec. 36-253. GOVERNMENT REGULATIONS

Any applicant shall, at the applicant's sole cost and expense, comply with all of the requirements of all COUNTY, municipal, State, Federal, and other applicable governmental authorities, now in force, or which may hereafter be in force.

Sec. 36-254. COUNTY INSPECTION

- A. The Applicant must allow the COUNTY to inspect the construction and installation of all sewers or water mains for a proposed extension to a Water Distribution or Sanitary Sewer System. The applicant must not backfill any trenches until the construction and installation have been inspected and approved by the COUNTY.

- B. At least forty-eight (48) hours prior to a required inspection, the applicant shall contact the COUNTY to arrange for the inspection.

- C. Any applicant or applicant's contractor shall expose all pipes, manholes, valves, etc., at the applicant's own expense, if the extension to a system is covered before the installation is properly inspected.

- D. No connection to a system shall be approved without the required inspection.

Sec. 36-255. RECORD DRAWINGS

The applicant shall provide the COUNTY with a complete set of reproducible mylar record drawings, along with the associated digital files in a format approved by the Superintendent or designee, for the extension to a Water Distribution or Sanitary Sewer System within twenty (20) days after the extension is inspected and construction work is complete. No testing will be allowed until the record drawings have been approved by the COUNTY. All b-boxes and sanitary sewer stubs must be installed as part of the project. All locations must be shown on the plans, with the exact measurements verified by the design engineer. If the applicant does not have the means to generate the record drawings, the mylar, or the digital files, the applicant may pay the COUNTY for such services at a price to be determined by the Superintendent or designee.

Sec. 36-256. DEDICATION OF AN EXTENSION TO THE WATER DISTRIBUTION OR SANITARY SEWER SYSTEM

- A. All extensions to a COUNTY Water Distribution or Sanitary Sewer System, or any new connections to said System, shall be constructed in a public right-of-way or dedicated public utility easement, which is at least twenty (20) feet wide.
- B. Copies of recorded plats of easements must be submitted to the COUNTY within thirty (30) days after construction is complete.
- C. All record drawings, recorded plats of easements, and other requested drawings shall be submitted to the COUNTY prior to connection of any services. This shall also apply to service provided to models.

D. STATEMENT OF RELEASE.

- 1. A statement of release must be signed by the Owner/Developer constructing said extension, which releases interest of all property rights to the extension (connection) of a Water Distribution or Sanitary Sewer System, upon completion, final inspection, and approval of the extension (connection).
 - 2. The Statement of Release is set forth in the COUNTY'S Sewer Connection Permit Application Form.
 - 3. The Statement of Release shall be signed, notarized, and submitted to the COUNTY, upon application for a Sewer Service Connection Permit.
 - 4. Said Release shall become effective upon the COUNTY'S approval of acceptance by final inspection.
- E. Upon inspection, if the COUNTY determines the extension to a Water Distribution or Wastewater Collection System has been constructed according to the standards specified

in Section 36-252, the COUNTY shall deliver its letter of acceptance of the extension to the Owner/Developer after the COUNTY has received copies of record drawings, copies of recorded plats of easements and the signed Statement of Release.

The Owner/Developer who conveyed the system to the COUNTY shall be responsible for the costs of necessary maintenance and repair to the extension (connection) for a period of one (1) year from the date of completion and acceptance by the COUNTY. The COUNTY shall be responsible for the maintenance and repair to said extension thereafter. The date of final acceptance shall be determined by the date of the COUNTY'S letter of acceptance to the **Owner/Developer**.

- F. Dedications to the COUNTY of any new or existing extension (connection) to a COUNTY Water Distribution or Sanitary Sewer System shall be complete subsequent to the COUNTY'S receipt of recorded plats of easements and record drawings, and upon a final inspection and approval for acceptance of the connections by the COUNTY. All records, including the Statement of Release and Letter of Acceptance, shall be placed in the COUNTY'S file as a permanent record.

Sec. 36-257. FINANCING WATER DISTRIBUTION OR SANITARY SEWER EXTENSIONS

Financing the cost of installing Water Distribution or Sanitary Sewer extensions, replacements, or improvements shall be by one (1) of the following methods:

- A. For all new subdivisions, or parts thereof, not presently connected to a COUNTY Water Distribution or Sanitary Sewer System, the subdivider shall finance the cost of installing such sewer by one (1) or more of the following methods:
 - 1. The subdivider shall, at their own expense, provide a complete Water Distribution or Sanitary Sewer System, including any water mains or sewer connecting the extension to a COUNTY Water Distribution or Sanitary Sewer System. Upon acceptance by the COUNTY, the subdivider shall transfer the ownership of such an extension to the COUNTY, yet shall remain responsible for all necessary maintenance and repair to such extension for a period of one (1) year from the date of acceptance by the COUNTY.
 - 2. The COUNTY may accept advance cash contributions for the full estimated amount of the cost of the proposed extension from the subdivider. The COUNTY shall accept bids to contract for the work with the understanding that any excess of funds advanced over final costs shall be refunded to the contributors.
- B. For extensions of any water supply or wastewater mains in streets or alleys, which are platted, but which are not a part of a new subdivision, where such water or sewer are intended solely to provide water or sewer service to one (1) or more abutting property owners, the financing of the cost of installing such sewers shall be provided by one (1) or more of the following methods:

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1. The COUNTY may follow the regular special assessment or special service area procedures as established by the Illinois General Assembly and as set forth in the Illinois Compiled Statutes.
 2. The COUNTY may accept advance cash contributions for the full estimated amount of the cost of the work from the persons to be benefitted. The COUNTY shall accept bids to contract for the work with the understanding that any excess of funds advanced over final costs shall be refunded to the contributors excluding special service areas.
 3. The property owners or proposed customer(s) may enter into a private contract with a private construction contractor. The COUNTY shall have no interest in the contract other than general supervision to see that the proposed extension complies with COUNTY specifications.
 4. The COUNTY may elect to pay all costs associated with the extension of any water supply or wastewater main and recover said costs from the benefitted property owners. The Superintendent or designee shall set the conditions of repayment with the consent of the Public Works Committee.
- C. **The COUNTY does not participate in any private recapture agreements to finance the extension of a COUNTY Water Distribution or Sanitary Sewer System. The COUNTY shall not be liable or responsible for any conditions, provisions, fees, or other terms and requirements set forth in any private agreement between a developer and any third party connecting to a COUNTY Sanitary Sewer System.**
- D. Any or all of the above methods shall first be approved by the Superintendent or designee before permits are issued or construction begins. Plans for any extension must be approved in accordance with this Article.

Sec. 36-258 through 36-299. RESERVED.

ARTICLE 8 NEW COUNTY WELLS, TREATMENT SYSTEMS, AND STORAGE FACILITIES

Sec. 36-300. NEW CONSTRUCTION

The construction of COUNTY wells, treatment systems, and storage facilities proposed to serve new subdivisions not currently connected to a COUNTY Water Distribution System, and not adjacent to either an existing municipal boundary or to an existing municipally-owned water system of a municipality located primarily and principally within DuPage County, shall be by one of the following methods:

1. The COUNTY may construct and/or finance such facilities pursuant to any of the methods authorized within the Illinois Revised Statutes;
2. The titleholder of the land may, at his expense, design and construct such facilities to supply water to a proposed subdivision, subject to the requirements of **Article 7** of this Ordinance.

Sec. 36-301. APPLICATIONS AND REQUIRED DOCUMENTS

- A. If new water wells, treatment systems, and storage facilities are proposed to be constructed by either method listed in **Section 36-300** of this Ordinance, the landowner and developer must submit a Public Works Sewer Permit Application to the Superintendent together with:
 1. Plans for the proposed subdivision, including plats showing all necessary easements dedicated for public utility purposes and required land allocations; and
 2. Proof that the applicant has complied with the requirements of the applicable Zoning Ordinance and has obtained zoning approval for the proposed subdivisions.
- B. Where the landowner or developer proposes to build new water wells, treatment systems, and storage facilities, the landowner or developer shall also submit:
 1. Designs, plans, and specifications for the proposed project which meet all Federal, STATE, and COUNTY requirements; and
 2. All applications necessary to obtain any required Illinois Environmental Protection Agency permits. Such applications must be properly executed.

Sec. 36-302. REQUIRED LAND ALLOCATIONS

Whenever it is proposed that COUNTY water wells, treatment systems, and storage facilities shall be constructed to provide water service for a new subdivision by either of the methods specified in **Section 36-300** of this Ordinance, the landowner shall:

1. Allocate a parcel of land, not to exceed 2 acres in size, suitable for the construction of a well, treatment facilities, and a water tower. Such parcel shall be adjacent to an existing or proposed public roadway and subject to the Superintendent's approval and acceptance;
2. Transfer ownership of such allocated parcel to the County of DuPage by means of a Warranty Deed; and
3. Secure a title insurance policy covering said parcel for the benefit of the COUNTY.

Sec. 36-303. OWNERSHIP OF WELLS, TREATMENT SYSTEM AND STORAGE FACILITIES

- A. The COUNTY shall own all new wells, treatment systems, and storage facilities constructed to serve a new subdivision. Prior to the COUNTY'S accepting ownership of any wells, treatment systems, or storage facilities, the Superintendent shall inspect and approve the installation of all facilities.
- B. The COUNTY, as owner, reserves the right to inspect any and all water main construction projects and to witness any and all tests performed to assure compliance with construction standards.
- C. Ownership of such improvements, if constructed by the landowner, shall be transferred to the COUNTY, together with the land upon which they are situated, by means of a deed.

Sec. 36-304. CONNECTION FEES

- A. Where the COUNTY constructs new wells, treatment systems, and storage facilities to provide a water distribution system for a new subdivision, the landowner or developer shall pay the COUNTY a Connection Fee, as determined by **Section 36-402** of this Ordinance, for each unit connected to the system.
- B. **This Connection Fee must be paid before any premises are connected to the COUNTY Water System.**

Sec. 36-305. NON-METERED USAGE

- A. Where the COUNTY constructs new wells, treatment systems, and storage systems to provide a water distribution system for a new subdivision, the landowner or developer shall pay the COUNTY a monthly charge of 8,000 gallons per Residential Equivalent proposed for connection within the Subdivision, as determined by this Ordinance as listed in **FIGURE D**.
- B. Such Non-Metered Usage Charge shall be payable to the COUNTY beginning on the date on which the COUNTY awards any contracts for the construction of new wells, treatment systems, or storage systems for the new subdivision.

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- C. Such Non-Metered Usage Charge shall be paid by the landowner or developer until such time as any building or premise is sold or leased to a residential or commercial user, who becomes a customer of a COUNTY Water Distribution System.
- D. If the landowner or developer constructs the wells, treatment system, and storage facilities, no Non-Metered Usage Charge shall be due to the COUNTY.

Sec. 36-306. PAYMENTS SUBJECT TO THE PROVISION OF THIS ORDINANCE CONCERNING BILLING AND COLLECTION OF WATER/WASTEWATER FEES

The payment of all Connection Fees, Service Charges, and Non-Metered usage Charges due to the COUNTY under the provisions of this Article shall be subject to the conditions and penalties specified by **Article 14** of this Ordinance concerning Billing and Collection of Water/Wastewater Fees.

Sec. 36-307 through 36-339. RESERVED

ARTICLE 9: WATER SERVICE LINES

Sec. 36-340. SEPARATE SERVICES

A separate and complete service line shall be installed for each distinct property and premises. In no event shall a single service line be allowed to service two (2) properties under separate ownership. Accessory buildings on a single property may be served from the service line to the main building. Separate meters for accessory buildings may be installed either at the request of the person receiving water service or on order of the Superintendent. All such meters shall be installed at the sole expense of the property owner. All water service must be connected directly to a COUNTY water main.

No connection of a domestic water service line will be allowed to a fire protection supply service line. If an existing connection to a fire protection supply service line is determined, the owner shall be required to modify this connection to meet the requirements of this Ordinance. Failure to comply with this requirement shall result in a fine of no more than one thousand dollars (\$1,000.00) per day of non-compliance.

Sec. 36-341. WATER SERVICE MATERIALS AND INSTALLATION

- A. All Water service lines shall be installed in accordance with the Illinois Plumbing Code and the Standard Specifications for Water and Sewer Main Construction in Illinois.
- B. It is illegal to use any pipe, plumbing fitting fixture, solder, or any flux, in the installation or repair of a public water system or customer's drinking water plumbing unless it meets the State of Illinois' new definition of lead-free. The new definition of lead-free means:
 - 1. Not containing more than two tenths percent (0.2%) lead when used with respect to solder and flux; and
 - 2. Not more than a **weighted average of one quarter percent (0.25%) lead** when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.
- C. Refer to the Technical Guidance Manual for details and specifications.

Sec. 36-342. LOCATION OF CURB STOP (BUFFALO BOX)

- A. A curb stop (buffalo box) shall be installed in the parkway at a point eighteen (18) inches from the outer edge of the sidewalk and within plus or minus one inch of the finished grade. If no sidewalk exists, the curb stop shall be installed six (6) feet outside the lot line and within plus or minus one inch of the existing grade.
- B. In areas where there are no parkways, curb stops (buffalo boxes) may be located at such points as are approved by the Superintendent.

- C. **All curb stops (buffalo boxes), installed subsequent to the effective date of this Ordinance, must be placed in an accessible location.** In the event the developer/builder inadvertently installs a curb stop (buffalo box) under a driveway, paved or otherwise, or locates the curb stop (buffalo box) in any other area inaccessible by the COUNTY, the developer/builder shall be required by the COUNTY to relocate said curb stop (buffalo box) at the sole expense of the developer/builder.
- D. In no event shall the issuance of a permit by the COUNTY imply acceptance of any liability by the COUNTY for any damage to such box or expense of necessary relocation.

Sec. 36-343. SERVICE PIPES

Service pipes from the distribution water main to and including the meter yoke of the connected premises shall be installed by, and at the sole cost of either the owner of the premises or the applicant for water service.

Sec. 36-344. RESPONSIBILITY FOR MAINTENANCE AND REPAIR

- A. The COUNTY shall be responsible for the maintenance of the water service lines from the water main to the center of the curb stop valve.
- B. The owner of a connected building or premises shall be responsible for maintenance of the water service line from the center of the curb stop valve to and throughout the connected property. Such maintenance shall include, but not be limited to keeping the water piping and fixtures **on the owner's property** in good repair and free from water leaks. In the event leakage or faulty plumbing results in the waste of water, the owner shall make necessary repairs promptly upon notice from the COUNTY. If the owner fails to make required repairs within the time specified in the notice, the water supply shall be discontinued until such repairs are made and the COUNTY is notified.
- C. The COUNTY reserves the right to make repairs to the line if the property owner, after proper notification by the COUNTY, and after five (5) working days, fails to repair such line. In the event the COUNTY determines it is necessary to repair the water line on the owner's property, the COUNTY reserves the right to recapture all costs, including labor, materials, and equipment, for repair of the water line.

Sec. 36-345. PERMIT FOR REPAIRS OR ALTERATIONS

- A. The owner of any connected premises, the occupant thereof, or the user of the Water System shall apply to the COUNTY for a permit before making any alterations to a water service line or connection.
- B. The Superintendent's approval shall be required before such alterations are begun.
- C. The customer must pay an inspection fee as set forth in **FIGURE D** and call 24 hours in advance to schedule an appointment. The contractor shall excavate the water at the

property line following Illinois State Construction Standards. The contractor shall use material approved by the department to cap the service line at the property line. The contractor must shut off the b-box, excavate on the private property side of the b-box, and install a brass plug in the round-way valve, or by another method approved by the Superintendent. All completed work must be witnessed by the County inspector before it is backfilled.

D. Water service disconnect

If a building is to be constructed on a vacant lot within one year, a temporary water disconnection may be allowed. Refer to the Technical Guidance Manual for additional details and specifications.

Sec. 36-346. RIGHT OF INSPECTION AND TESTING

- A. The COUNTY reserves the right to inspect the installation of water service lines between the water main and the water meter.
- B. Any contractor installing water service shall notify the COUNTY'S Department of Public Works by calling 630-407-6800 at least twenty-four (24) hours before installation begins. The contractor shall not tap the water main until a COUNTY representative has tested and approved the installation and has established service to the curb stop.
- C. The Contractor shall be required to expose all pipes and valves, at the contractor's expense, if the work is covered before an installation is properly inspected. No water service shall be permitted where an installation is not approved by the COUNTY.

Sec. 36-347. WATER CONSERVATION PRACTICES

The following water conservation practices shall be implemented in all new construction whenever applicable. Variances from these requirements shall be at the Superintendent's sole discretion:

- A. Metering of all new construction.
- B. Metering of existing non-metered services as part of any major remodeling.
- C. The installation of the following water efficient plumbing fixtures in all new construction and in all repair or replacement of fixtures or trim:

Fixtures	Maximum Flow
Water Closets, tank type	1.6 gal per flush
Water Closets, flushometer type	1.6 gal per flush
Urinals, tank type	1.0 gal per flush

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Urinals, flushometer type	1.0 gal per flush
Shower Heads	2.5 GPM
Lavatory, sink faucets	2.2 GPM

- D. The installation of closed system air conditioning in all new construction and in all remodeling.
- E. The requirement that all lavatories for public use in new construction or remodeling be equipped with metering or self-closing faucets.
- F. The requirement that all newly constructed or remodeled car wash installations be equipped with a water recycling system.
- G. Practices must be followed which will restrict non-essential outside water uses to prevent excessive, wasteful use. In addition, unrestricted lawn sprinkling will not be allowed from May 15 – September 15 of each year. Outside watering requirements and restrictions from May 15 – September 15 shall be as follows or as designated by the Superintendent.

Outside watering shall not be used on any day between the hours of 10:00 A.M. and 7:00 P.M., when evaporation is at its highest. Outside watering will be allowed before 10:00 A.M. or after 7:00 P.M., as determined by street number and day of the month (odd/even sequence). Odd street addresses may water on the odd days of the month and even street addresses may water on the even days of the month. New lawns (less than 3 months old) may be exempted from this provision upon prior approval from the COUNTY. In addition, new/replacement sprinkler systems shall be equipped with a WaterSense labeled irrigation controller and shall be in compliance with Section 2.5(g) of the Illinois Plumbing License Law [225 ILCS 320]. for the purpose of:

1. Watering or sprinkling gardens, lawns, trees, shrubs and other outdoor plants, except that such restrictions shall not prohibit the watering of newly planted gardens, lawns, trees, shrubs and plants with hand held water devices.
2. Filling swimming pools; and
3. Pursuant to 17 Ill. Adm. Code 3730.307 (c) 4) and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), all new plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense label (as designed by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

Any violations of the watering restrictions established by the Superintendent shall be punishable by a fine not less than one hundred dollars (\$100.00) nor to exceed one thousand

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dollars (\$1,000) or other remedy available at law or in equity (pursuant to authority granted at 55 ILCS 5/5-113 and 5/5-15001, et seq.).

- H. The COUNTY reserves the right to enact any measures required to accurately account for water used, leakage in system or any other purposes.

Sec. 36-348 through 36-369. RESERVED

ARTICLE 10: WATER METERS

Sec. 36-370. WATER TO BE METERED

- A. No water shall be withdrawn from a COUNTY Water Supply and Distribution System except through a COUNTY-approved water meter.
- B. All new water meters installed on service lines connected to a COUNTY Water System, are required to be equipped with radio transceivers.

Sec. 36-371. METER TYPE

- A. All meters purchased by a resident homeowner or a developer, for use on private well for metered sewer charges or for use with the COUNTY public water supply, shall be the Sensus IPERL or Sensus OMNI type water meter with a radio transceiver, or other water meter as approved by the department.
- B. Meters are to read in U.S. Gallons.

Sec. 36-372. METER FURNISHED BY COUNTY

The COUNTY shall furnish and set all meters and radio transceivers, and will charge user for same in accordance with the figures set forth in **FIGURE D**.

Sec. 36-373. METER REQUIREMENTS

- A. Prior to the installation of any meter the owner of the connected premises or the user of the water system shall install an appropriate meter span/meter yoke at the owner's expense. Meters installed require an electrical grounding strap.
- B. Prior to water being withdrawn from the COUNTY system a COUNTY approved water meter shall be installed by the user. All users shall be billed based on a non-metered user rate from the date of connection, until an installed meter has been sealed and inspected by the COUNTY.
- C. The COUNTY shall install a radio transceiver when the installed meter is sealed and inspected.
- D. A meter will be required to be installed at the time of the rough plumbing inspection.
- E. An isolation valve shall be installed on both the inlet and outlet side of the meter. If the valves are found to be non-operational, the account holder is required to replace at the owner's expense.
- F. Meters installed require an electrical grounding strap. The location of the water meter and radio transceiver (endpoints/touchpads) shall be readily accessible to the COUNTY'S

inspectors. If the water meter is located such that accessibility by the COUNTY inspectors is obstructed, (i.e. plantings, walls, bricks, appliances, hot water heater, etc.), the COUNTY shall issue a notice to the account holder requesting the removal of the obstruction within fourteen (14) days. If the obstruction is not removed within such time then the COUNTY may, at its option, terminate water supply to the property or bill for water usage at the standard rates prescribed for unmetered usage. The COUNTY shall not be responsible for any restoration or replacement costs to such obstructions.

- G. All multi-family, commercial, and residential development shall have a one-half (½) inch thin wall conduit line running from the meter span pipe to an outside wall no lower than six (6) inches above ground for remote outside reader wire.

Sec. 36-374. METER LOCATION

All meters must be set inside the connected premises which they serve, at a point free from frost danger, and readily accessible to the meter reader. The meter should be within 18” of the service line entering the home. All meter installations are subject to the Superintendent's approval concerning the location and method of installation. Where a water meter is so located that it is not readily accessible to reading by the COUNTY, or in the event any given user's water meter cannot be read, the Superintendent is hereby authorized to request in writing that the property owner, at the property owner's expense, remove any obstruction within a time limit set by the Superintendent.

Sec. 36-375. METER INSTALLATION

- A. All meters installed pursuant to this Ordinance shall be installed horizontally, unless the manufacturer's requirements specify some other method of installation.
- B. In such a case, the Superintendent shall approve any such alternative installation before the work is performed.

Sec. 36-376. SINGLE METER FOR MULTIPLE FAMILY BUILDINGS

The owner of multiple-family or multiple-occupancy buildings under single ownership may request a single meter for the entire building. Such owner shall be responsible for the payment of water charges for the whole building.

Sec. 36-377. METER AND RADIO TRANSCEIVER MAINTENANCE AND REPAIR

- A. It shall be the duty of the owner of the connected premises, the occupant thereof, and the Water System user to preserve and to protect any meter and radio transceiver installed on the premises from damage by freezing, excessive heat, mechanical injury, and from theft.
- B. The account holder shall be charged for the costs of repairing or replacing a meter or radio transceiver damaged or lost for any of the above-described reasons.

C. Meter testing alternatives.

1. If the user requests his/her meter to be inspected, the COUNTY shall, without cost to the user, provide inspections by a COUNTY employee.
 - a. The account holder may request that the meter be removed and sent to an independent testing facility. The COUNTY employee will then remove the meter and install a substitute meter. The account holder's meter shall be sent out by the COUNTY for such tests.
 - i.) If the independent test finds the meter to be accurate then the account holder shall be charged the actual cost of the independent meter testing plus a department processing fee. (See **FIGURE D**).
 - ii.) If the independent test facility finds the meter to be faulty, then the COUNTY shall, without cost to the account holder, pay the cost for such tests and install a replacement meter at the account holder's location.
2. If the meter is found to have been faulty, then the account holder may request adjustment of his/her billing to reflect the average of prior years' usage for the same period.

Sec. 36-378. METER TESTING AND REPAIR

- A. The COUNTY retains the right to inspect, repair and replace the meters and radio transceivers upon reasonable notice to the owner of the premises. If a customer fails or refuses to allow the COUNTY or its designated contractor reasonable access to premises on which the water meter is located, the COUNTY reserves the right to terminate water service to such premises.
- B. The Superintendent shall from time to time order the routine inspection and testing of water meters. Between routine tests the Superintendent shall order the inspection and testing of any water meters which the COUNTY suspects to be out of order.
- C. Any water meter which is tested and found to be faulty, shall be repaired or replaced at the COUNTY'S expense, except as otherwise provided in **Sec. 36-377**.

Sec. 36-379. METERS OWNED BY THE COUNTY

All water meters owned by the COUNTY shall remain the property of the COUNTY. The service charge to the user is for the long-term repairs and maintenance of the meter and radio transceiver and does not confer any ownership rights.

Sec. 36-380. FAULTY METERS

- A. Whenever the COUNTY has knowledge that any meter fails to properly register the amount of water passing through it, the account holder shall be charged the amount billed for a corresponding period of time during the previous year.
- B. If no record for the previous year exists, a charge shall be estimated based upon the standards shown for unmetered usage. The account holder shall pay the amount so estimated.

Sec. 36-381. LEAKAGE

The user shall be responsible for maintaining all pipes and fixtures on the connected premises. No credit for water service will be given to the account holder on excess meter charges caused by leakage and waste on the connected premises, whether or not the user has knowledge of such leaks. The account holder may request a credit for sewer service charges in cases where documentation is provided that clearly indicates a failed water line or leak within the account holders' water system has caused an increase in the sewer service charges portion of their bill and the water did not enter the sewer system; staff will readjust the sewer bill to a typical monthly charge for that time of year. In cases where the water leak does enter the sewer system, staff will credit fifty percent (50%) of the increased charges, compared to typical monthly sewer charges for that time of year for the duration of the leak as confirmed by staff.

Sec. 36-382. USE OF WATER FROM FIRE HYDRANT

- A. Prior to using water from any fire hydrant connected to a COUNTY Water System, the user shall apply to the COUNTY for a hydrant meter for such use.
- B. A hydrant meter will be issued upon completion of the appropriate form, and payment of deposit equal to one hundred fifty percent (150%) of the current market value of the hydrant meter, plus a non-refundable five-dollar (\$5.00) per day use charge. The deposit will be refunded upon payment for the water used and return, during regular business hours, of the hydrant meter in good working condition.

Sec. 36-383. UNAUTHORIZED USE OF UNMETERED WATER

- A. In any case where a building or facility is connected to a COUNTY Water System and an approved water meter has not been installed, the account holder shall be liable for payment for all such water used as estimated pursuant to the standard formula for unmetered use as well as an additional fine of one-thousand dollars (\$1,000.00) per occurrence.
- B. If the user of DuPage County water fails to arrange with the COUNTY for installation of an approved meter on the premises within fourteen (14) days after being directed to do so by the COUNTY, water services to the premises shall be terminated according to the procedures specified in **Section 36-508** of this Ordinance.

Sec 36-384. ADVANCE METER INFRASTRUCTURE (AMI) METER OPT-OUT POLICY

- A. In order to modernize meter reading and billing services available to customers, the COUNTY is installing automated water meters with technology that transmits data back to COUNTY offices. This technology uses a radio transceiver that sends usage data from the service location's meter. The radio transceiver is connected to the meter by wire and sends readings wirelessly utilizing radio frequency.

- B. Despite the many advantages of the system, the COUNTY recognizes that some customers may want to opt-out of the AMI technology. The COUNTY has developed an option of no radio transceiver – manual meter read. However, if this option is selected the existing water meter must still be replaced if the COUNTY determines replacement is required under **Sec. 36-378**. Under this option, there would be no radio transceiver installed to send the meter data. The COUNTY would utilize an outside wired touchpad connected to the meter and take a manual read of meter usage. In order to cover the cost of manually reading the meter, manually entering the meter data and travel costs, a charge established in **FIGURE D**, which shall be amended from time to time, would be assessed on utility bills as a bi-monthly charge. As a consequence of this option, the customer would not benefit from leak detection notification. Upon transfer of account, the installation of a radio transceiver will be required. The COUNTY will also install a radio transceiver if the current property owner decides to exit the opt-out of the AMI technology. Under both of these circumstances the radio transceiver will be installed by the COUNTY or its designated contractor at the COUNTY'S expense.

Sec. 36-385 through 36-399. RESERVED

ARTICLE 11: WATER CONNECTION PERMITS AND FEES

Sec. 36-400. APPLICATION AND FEE

No permit for connection to or extension of the COUNTY'S Water System shall be issued until the appropriate application has been filed and the Water System Connection Fee has been paid.

Sec. 36-401. APPLICATION FORM

All applications for permits for connection to or extension of the COUNTY'S Water System shall be submitted to the COUNTY on a form furnished by the COUNTY. The permit application shall be accompanied by plans, specifications, and/or other relevant information as determined by the Superintendent. Only properly executed application forms will be accepted for review.

Sec. 36-402. WATER CONNECTION FEES

The charge for connecting any premises, structure, or facility to the COUNTY'S Water Supply or Distribution System shall be determined by the size of the meter installed, plus the water meter fee. The Connection Fee is listed in **FIGURE D**, the **DUPAGE COUNTY WATER/WASTEWATER USE CHARGES**.

Water Connection Fees shall be paid before any premises are connected to a COUNTY Water System.

Sec. 36-403. WATER METER USER FEES

- A. Water Meter User Fees shall include the cost of the inspection, sealing, use and maintenance of the water meter and installation of the radio transceiver.
- B. The water meter user fees shall be paid at time of obtaining a water connection permit.

Sec. 36-404. RADIO TRANSCEIVER

For those water meters installed prior to the effective date of this Ordinance, the COUNTY may, without cost to the account holder, install a radio transceiver when the meter is replaced, or removed for testing.

Sec. 36-405. DISPUTES AND PROTESTS

Any dispute, or protest, regarding actions, water connections fees, water installation fees, and/or permits may be made by following the procedure set forth in **Article 18**, Appeals Procedure.

Sec. 36-406. REFUNDING CONNECTION FEES

If the Superintendent of Public Works, acting pursuant to the provisions of **Article 18**, determines that an applicant is entitled to a refund of a water connection fee, such fee shall be refunded, minus an amount equal to the Department Processing Fee (see **FIGURE D**).

Sec. 36-407 through 36-419. RESERVED

ARTICLE 12: SERVICE CHARGES FOR USE OF WATER SYSTEM

Sec. 36-420. WATER SERVICE CHARGE

- A. A Water Service Charge shall be billed bimonthly to the landowner or developer of a new subdivision for each platted lot in a new subdivision.
- B. The Water Service Charge shall be calculated by multiplying the Service Rate by the number of residential equivalents assigned to the platted lot. Such Water Service Charge shall be charged as of the date that the COUNTY has approved the connection, all applicable fees have been paid and sewer service becomes available from the COUNTY. Such charge is a minimum, which shall be due regardless of whether or not any sewage is actually being discharged during any given period.
- C. The water rates are set forth within the rate schedule in **FIGURE D** of this Ordinance.

Sec. 36-421. WATER CHARGES

- A. Water charges will be calculated on a bimonthly basis or quarterly basis as determined by the COUNTY and adjusted for any previous consumption and/or adjustments, which water charges shall be based upon the rate schedule set forth in **FIGURE D**.
- B. A minimum charge equal to or greater than the charge for 8,000 gallons per month for non-metered usage.

Sec. 36-422. BULK SOFTENED WATER RATE

- A. A bulk softened water rate is to be charged to municipalities adjacent to the DuPage County Water System which require water on an emergency basis or in instances when the COUNTY provides water to customers that are located within an incorporated area, yet are on distribution mains which are not owned by the COUNTY.
- B. The bulk-softened water rate is the actual COUNTY softened water rate, excluding costs for hydrant flushing, valve turning, and repair of main breaks. The bulk water rate is set forth in **FIGURE D**.

Sec. 36-423 through 36-449. RESERVED

ARTICLE 13: LIMITATIONS ON WATER USE

Sec. 36-450. PERIOD OF REGULATION

The Superintendent may issue a directive limiting water usage when the weather, equipment malfunction, or other conditions limit water supply availability. Under this directive, water from any COUNTY Water Supply and Distribution System, shall be curtailed as specified for non-critical usage. Non-critical usage shall include, but not be limited to:

- A. Watering or sprinkling gardens, lawns, trees, shrubs, and other outdoor plants, except that such restrictions shall not prohibit the watering of newly planted gardens, lawns, trees, shrubs, and plants with hand held watering devices; and
- B. Filling swimming pools and ponds; and
- C. Washing vehicles, houses, trailers, driveways and sidewalks.

Sec. 36-451. ADMINISTRATIVE REGULATION OF WATER USE

Whenever the water supply from any COUNTY Water Supply or Distribution System is diminished, from any cause, to the point where the public health, safety, and welfare of the area served by said system or, any part thereof, is endangered in the opinion of the Superintendent, the Superintendent may issue an administrative notice for a period not to exceed seven days (7) providing for the following:

- A. A total prohibition of the use of water from the System, or any part thereof, for the purpose set forth in **Section 36-450** above; or
- B. Regulating the amount of water used by Commercial and Industrial Users within the System or any part thereof; or
- C. Regulating the hours of use for some or all purposes.

Sec. 36-452. PUBLIC NOTIFICATION OF ADMINISTRATIVE REGULATION OF WATER USE

Any administrative notice issued, pursuant to **Section 36-452** shall not extend beyond a seven-day period commencing at 12:01 a.m. of the day following its promulgation. The Superintendent's best effort shall be used to make the contents of such notice known to the public, and to those affected thereby. Such publication may include news releases to newspapers, radio, and television stations. Upon the promulgation of such a notice, the Superintendent shall notify the Chairman of the DuPage County Board and the Chairman and members of the Committee of said Board responsible for the Public Works Department of DuPage County. The County Board may consider said administrative notice and may modify, extend, or terminate said notice. Any person, firm, or corporation violating the provisions of any administrative notice issued under this Article, shall be

deemed to be in violation of this section of the Ordinance and shall be liable for the penalties provided in **Section 36-453** hereof.

Sec. 36-453. WATER USE FINES

Any person, firm, or corporation, violating or knowingly allowing the violation of any provision of this Article, shall be guilty of a petty offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) with each day the violation persists constituting a separate offense, or other remedy available at law or in equity. Violation of this Article shall be a petty offense as defined in Chapter 730, paragraph 5/5-1-17 of the Illinois Compiled Statutes.

In case any person, firm or corporation, or anyone acting on behalf said person, firm, or corporation, is in violation of this Ordinance, the proper authorities of the COUNTY, may in addition to other remedies, institute any appropriate action or proceedings in equity to prevent or abate such violation and to further prevent any illegal act.

Sec. 36-454 through 36-469. RESERVED

ARTICLE 14: BILLING & COLLECTION OF WATER/WASTEWATER FEES

Sec. 36-470. LIABILITY FOR PAYMENT FOR SERVICES

- A. Any owner or occupant of a connected premises receiving service provided by a COUNTY Water Supply or Distribution System or Sanitary Sewer System, shall be jointly and severally liable to the DuPage County for the payment of any charges resulting from such use.
- B. The account holder shall be liable to make full payment for all charges billed by the COUNTY within the time period provided by notice on such bill. If the account holder is a tenant and fails to pay charges in a timely basis, the County may notify the owner of such delinquency in advance of any lien. If an account holder disputes any billing for water/wastewater charges by the COUNTY, such account holder may petition the COUNTY in writing for a review and demand explanation for such billing. If it is determined that an overbilling has occurred, then the COUNTY shall be liable to reimburse the account holder. Any billing not questioned within six (6) months of the date of the bill will be considered to have been accepted by the account holder or owner as correct.

Sec. 36-471. BILLING FOR SERVICES

- A. Any fees or charges for the use of a COUNTY Water Supply Distribution System, COUNTY POTW, and/or Sanitary Sewer System shall be billed and payable every two (2) months or quarterly as determined by the COUNTY, either of which shall constitute the billing period.
- B. Bills for Water Service or Wastewater Treatment Service shall be mailed to Users every other month or quarterly as determined by the COUNTY.
- C. Regardless of the number of units in a building or complex, there shall be only one (1) bill issued per meter. A connected premises which is served by a common system of water or wastewater services measured through a single meter, which connected premises contains multiple units shall receive one (1) bill per billing period. In the event that more than one (1) unit is served by a common meter, it shall be the responsibility of the owner/developer to establish an association which will be liable for the payment of the total bill for such meter. If an association has not been established, service bill(s) shall be mailed to the condominium or complex management office. Water service and/or wastewater treatment service bills will not be mailed to individual non-metered unit owners or occupants. Failure of the association or complex management to pay such total bill shall result in the same potential for liens or for termination of service to all those served by the single meter as otherwise provided in Sections 36-473 and 36-475.
- D. All User bills shall be due and payable twenty-one (21) days after the date of mailing. An eight percent (8%) penalty, per billing period, may be assessed against the current charges of the outstanding balance of any bill not paid by the twenty-first (21st) day after it has been rendered, unless otherwise regulated by State statute.

Sec. 36-472. RETURNED CHECK AND CREDIT CARD CHARGE BACK FEE

Any User, whose check or credit card payment is returned from a financial institution for any reason, will be charged a handling fee as indicated in **FIGURE D**, which will be added to the User's account. In addition, penalty charges, as required, will also be added to the account.

Sec. 36-473. TERMINATION OF SERVICE

- A. If the charges for use of COUNTY Water Supply and Distribution or Wastewater Treatment Services are not paid within forty-five (45) days after the date of the bill for such services, either wastewater treatment service, or water service, or both such services, may be discontinued. The Superintendent or designee shall give written notice of their intention to terminate service within ten (10) working days by: a) depositing said notice in the U.S. mail, sending first class mail, postage prepaid, b) in a sealed envelope, by hand delivering said notice to the owner of any connected premises, the occupant thereof, or Users of water or wastewater treatment services, or c) by posting such notice in a prominent place on the premises.
- B. Such notice shall contain information defining the termination appeal procedure under Section 36-660 of this Ordinance. However, the Superintendent and/or Public Works Committee will not consider any termination appeal which asserts facts and/or reasoning that were presented, or reasonably available to be presented, during a previously decided Section 36-660 request for variance and/or appeal.
- C. If an account holder receives notice that service will be terminated for non-payment, all past due amounts must be paid within ten (10) working days of the date on which the notice is either deposited in the U.S. mail or posted on the connected premises in order to suspend the termination action. All past due amounts must be paid to the COUNTY in cash, credit card (online only), money order, cashier's check or certified check. Any payment/method that is rejected, withdrawn by the customer, or otherwise stopped (e.g., non-sufficient funds, credit disputes, stop payments requests, etc.) shall not extend the period within which service may be terminated under this section.
- D. An account holder shall pay for re-establishment of the sewer/water service as listed in **FIGURE D**, online or in person between the hours of 8:00 am and 2:00 pm, Monday through Friday, except on holidays to have service restored the same day. All re-establishment charges must be paid at the Department of Public Works Office during regular working hours, regardless of the time reconnection shall occur. Fees must be paid before re-establishment of the sewer/water service will be scheduled.

If a physical disconnection of a service line has been conducted, a reconnection charge as listed in **FIGURE D**, shall be due to the DuPage County, prior to reconnection of sewer/water service. Fees must be paid before reconnection of sewer/water service will be scheduled.

Payment must be made to the Department of Public Works in cash, credit card (only if paying online), money order, cashier's check, or certified check.

Sec. 36-474. LIEN/NOTICE OF DELINQUENCY

- A. Whenever a bill for use of COUNTY Water Supply and Distribution or Sanitary Sewer Service remains unpaid for forty-five (45) days after it has been rendered, the Superintendent or designee, or his/her designee, may file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the COUNTY claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. A copy of this statement and a delinquency notice shall be sent to the customer who's delinquent and the owner of record at the time the lien is filed.
- B. If the COUNTY has notice that any User of water or sanitary sewer services, whose bill is unpaid, is not the owner of the connected premises, the COUNTY shall forward notice of the lien to the owner of the premises when the owner's identity and address become known.
- C. The failure to record such lien or to mail such notice, and/or the owner's failure to receive such notice, shall not affect the COUNTY'S right to undertake foreclosure action as provided for in Section 36-476.

Sec. 36-475. COLLECTION OF UNPAID CHARGES

The State's Attorney is authorized to institute any proceeding necessary to collect a bill which has remained unpaid forty-five (45) days after it was rendered, against the owner and/or occupant of property serviced by COUNTY water and sewer, and/or the account holder for such services. In any judgement for a delinquent account DuPage County shall be entitled to all court fees, charges and reasonable attorney expenses. Further, property subject to a lien for unpaid charges may be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. The State's Attorney is authorized to institute such proceedings, or any other proceeding the State's Attorney deems appropriate, in the name of DuPage County, in any court of competent jurisdiction, against any property for which the bill has remained unpaid forty-five (45) days after it has been rendered.

Sec. 36-476. REVENUE

All revenues and moneys derived from the operation and maintenance of the Water Supply and Distribution or POTW and/or sanitary sewer service, shall be deposited in accordance with the most recent DuPage County Revenue Bond Ordinance, and applicable State of Illinois Statutes.

Sec. 36-477. ACCOUNTS

The Superintendent or designee shall establish a system of accounts and shall keep proper books, records, and accounts in accordance with the most recent DuPage County Revenue Bond Ordinance.

Sec. 36-478 through 36-489. RESERVED

ARTICLE 15: REVIEW OF WATER/WASTEWATER USER CHARGES

Sec. 36-490. ANNUAL ADJUSTMENT OF WATER/WASTEWATER CHARGES

The implementation of charges hereby established for Water/Wastewater Use shall be determined by the Superintendent or designee on a yearly basis, and if adopted by the County Board, the rates shall be in effect at a date specified by the County Board. The approved schedule of rates shall be published on **FIGURE D** and available for inspection at the COUNTY.

Sec. 36-491. COUNTY REVIEW OF USER CHARGES

The COUNTY shall review its User charges at least once every two (2) years, in order to accomplish the following purposes:

- A. The proportionate distribution of operating, maintenance, and replacement costs among Users.
- B. The generation of sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the Water Supply and Distribution System, the POTW, and sanitary sewer system; and
- C. The generation of sufficient revenues to pay the principal and interest on all revenue bonds issued to construct any POTW, sanitary sewer system, or extension of the Water Supply or Distribution System.

Sec. 36-492. NOTICE OF RATES

A copy of this Ordinance, and any amendments hereto, properly certified by the DuPage County Clerk, shall be filed in the office of the Recorder of Deeds of DuPage County. A minimum of thirty (30) days prior to the effective date for any rate change for water/wastewater use services, notice of said change and the proposed rates shall be published in a newspaper of general circulation in the DuPage County. Publication shall be deemed proper notice to all owners of connected premises, occupants thereof, and Users of water/wastewater services, of the charges set forth in this Ordinance and amendments thereto.

Sec. 36-493. ACCESS

The IEPA, or its authorized representative, shall have access during normal business hours to any books, documents, papers, records of the COUNTY which are applicable to the COUNTY water/wastewater systems or User charges for the purpose of making audits, examinations, excerpts, and transcriptions thereof, to ensure compliance with the terms of the Special General conditions of any State Grant.

Sec. 36-494 through 36-499. RESERVED

ARTICLE 16: PROTECTION OF WATER/WASTEWATER FACILITIES

Sec. 36-500. NO UNAUTHORIZED ENTRY INTO WASTEWATER SYSTEMS

No unauthorized person may intentionally enter any manhole, lift station, or structure comprising any part of the COUNTY POTW, sanitary sewer system, or any appurtenances thereof.

Sec. 36-501. PENALTIES FOR USE OF UNMETERED WATER

- A. Any person who causes or allows the service line to be tapped ahead of the water meter, shall be subject to the penalties authorized by this Ordinance, and to termination of water service.
- B. No User of the COUNTY'S Water Distribution System may receive unmetered water, except in the case of a temporary emergency and with the Superintendent or designee's consent.

Sec. 36-502. NO UNAUTHORIZED OPERATION OF WATER SUPPLY OR DISTRIBUTION SYSTEM

No unauthorized person is allowed to interfere with or operate any valve or hydrant, nor enter any structure which comprises any part of the COUNTY'S water system or its appurtenances.

Sec. 36-503. NO TAMPERING WITH WATER METER

No unauthorized person is allowed to tamper with any water meter or in any way interfere with the proper recording of water passing through the meter.

Sec. 36-504. NO UNAUTHORIZED CONNECTION

No unauthorized person is allowed to make any connection to the sanitary sewer system or water distribution system.

Sec. 36-505. NO PRIVATE WATER SUPPLY CROSS CONNECTION

No private water supply system, which receives its water supply from any well, cistern, or other source, shall connect directly or indirectly with any pipe or system of pipes receiving water from the COUNTY Water System.

Sec. 36-506. TERMINATION OF WATER/WASTEWATER TREATMENT SERVICE FOR UNAUTHORIZED USE

- A. Where any water or sewer pipes or connections installed on connected premises are unauthorized, defective, or present a danger to the public health, the Superintendent or designee may, upon proper notice, terminate the water supply or sewer connection to such connected premises.

- B. Where such termination is ordered, the Superintendent or designee shall notify the owner of the connected premises, the occupant thereof, or the User of the COUNTY'S Water/Wastewater System. Such notice shall contain a list of repairs that must be made, or connection and User fees, which must be paid before water or sewer service will be restored.
- C. Water or sewer service shall not be restored to such premises until all repairs ordered by the Superintendent or designee have been completed, inspected, and approved by the Superintendent or designee, and arrangements for payment of fees due have been approved by the Superintendent or designee.

Sec. 36-507. EMERGENCY AUTHORITY-INJUNCTIVE RELIEF

In circumstances of substantial danger to the environment or ecosystem, or imminent danger to the public health, welfare, or livelihood of persons, the State's Attorney, upon the request of the COUNTY, may institute a civil action for an immediate injunction to halt any discharge or other activity, which presents or may present an endangerment to the environment or ecosystem, or which threatens to interfere with the operation of a water supply and distribution system, POTW, or sanitary sewer system. The State's Attorney may also pursue any such other action that may be necessary and permitted by applicable law.

Sec. 36-508. CRIMINAL COMPLAINT

The State's Attorney, is hereby authorized to sign a criminal complaint on behalf of the COUNTY, alleging a violation of this Ordinance or of the Criminal Code of 1961 (Illinois Compiled Statutes, Chapter 30, paragraph 5/5-1-17) or of the Illinois Environmental Protection Act (Illinois Compiled Statutes, 1992, Chapter 415, paragraphs 5/43 and 5/44.

Sec. 36-509. FINES

- A. Violation of this, a COUNTY Ordinance, except as otherwise provided, shall be subject to punishment for a petty offense with a fine not to exceed one thousand dollars (\$1,000.00), or other remedy available at law or in equity (pursuant to authority granted at 55 ILCS 5/5-1113 and 5/5-15001, et seq.). Each day the violation persists constitutes a separate violation.
- B. In case any person, firm or corporation, or anyone acting on behalf of said person, firm, or corporation, is in violation of this Ordinance, the proper authorities of the COUNTY, may in addition to other remedies, institute any appropriate action or proceedings in equity to prevent or abate such violation.

Sec. 36-510. LIABILITY

- A. Any person, firm, or corporation which releases any prohibited or harmful discharge (as defined in Article 2, Section 36-10 of this Ordinance) into the sanitary sewer system, shall be liable for all costs incurred by the COUNTY for disposing of sludge contaminated by

such prohibited wastes and for purging the POTW or sanitary sewer system of such prohibited wastes. Such person, firm, or corporation shall also be liable for any fine or civil penalty incurred by the COUNTY by reason of discharging such prohibited wastes or waste by-products into the waters of this STATE.

- B. If the Industrial User of a POTW is not in compliance with the System of Industrial User Charges required by this Ordinance, or any other regulations promulgated by the COUNTY hereunder, the system of charges and regulations may be enforced directly against the Industrial User by the COUNTY or by the State's Attorney, proceeding in a court of competent jurisdiction, to secure payment for any charges owed.

Sec. 36-511. CROSS-CONNECTION CONTROL PROGRAM

- A. All plumbing installed within the jurisdiction of the DuPage County Department of Public Works shall be installed in accordance with the Illinois Plumbing Code, 77 ILL. Adm. Code 890. In accordance with the Illinois Plumbing Code, or if in the judgment of the Superintendent or designee of the Department of Public Works, ("Superintendent or designee") an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent or designee will give notice to the water customer to install such an approved device immediately. The water customer shall, at their own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, the Illinois Environmental Protection Agency and local regulations.
- B. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this article are installed to have inspection, tests, maintenance, and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
 - 1. Backflow devices installed for irrigation hazards shall be tested upon turn-on of irrigation system, and no later than July 1, unless extension is approved and authorized by Superintendent or designee. Requests for extensions must be made in writing via mail or email, and sent to the CCCP manager for review.
 - 2. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within five (5) days.

3. Double check valve assemblies shall be inspected and tested at the time of installation and at least annually thereafter and required service performed within thirty (30) days.
 4. Reduced pressure principal backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer and required service performed within thirty (30) days.
- C. No person, firm or corporation shall establish or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the DuPage County Department of Public Works may enter the supply or distribution system, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent or designee and the Illinois Environmental Protection Agency.
- D. The Superintendent or designee is authorized to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Superintendent or designee shall deem necessary. Records of such surveys shall be maintained and available for review for a period of five (5) years.
- E. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the DuPage County Department of Public Works for the purpose of verifying the presence or absence of cross-connections, and that the Superintendent or designee or their authorized agent shall have the right to enter at any reasonable time any property served by connection to the public water supply or distribution system of DuPage County Department of Public Works for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent or designee any information which the Superintendent or designee may request regarding the piping system or systems of water used on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent or designee, be deemed evidence of the presence of improper connections as provided in this Ordinance.
- F. The Superintendent or designee is authorized to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Ordinance is known to exist, and to take such other precautionary measures as the Superintendent or designee may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Ordinance and until the water reconnection fee is paid to the DuPage County Department of Public Works. Immediate disconnection with

verbal notice can be effected when the Superintendent or designee is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party, can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or designee, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither DuPage County, the Superintendent or designee, nor their agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Ordinance, whether or not said termination was with or without notice.

- G. Violation of Section 36-511 of the Ordinance shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or other remedy available at law or in equity (pursuant to authority granted at 55 ILCS 5/5-1113 and 5/5-15001, et seq.). Each day the violation persists constitutes a separate violation.

Sec. 36-512 through 36-599. RESERVED

ARTICLE 17: POWERS AND AUTHORITY OF INSPECTORS

Sec. 36-600. INSPECTION OF USER'S PREMISES

- A. As a condition of providing water service or sewage collection and/or treatment, the Superintendent or designee and other duly authorized COUNTY employees, with proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, reinspection, observation, measurement, sampling, and testing to determine compliance with the provisions of this Ordinance. The Superintendent or designee or their representatives shall have authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industrial processes which have a direct effect on the discharge to the storm or sanitary sewers, natural outlet, or POTW.
- B. Authorized representatives of the COUNTY, STATE, and USEPA shall have the right to place on the User's property such devices as are necessary to conduct sampling and monitoring. Where a User has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the User shall make necessary arrangements, at its own expense, to enable authorized representatives of the COUNTY, STATE, and USEPA to enter and inspect the premises as guaranteed by this paragraph.
- C. Failure to allow such inspection, observation, measurement, sampling, and testing at any reasonable time may result in the termination of sewer and/or water service to such premises upon order by the Superintendent or designee. Notification of such intention to terminate sewer and/or water service to such premises shall be given in writing to the owner and/or occupier of such premises, along with notification of the owner's or occupier's right to appeal such termination to the Public Works Committee of the DuPage County Board, pursuant to the provisions of Article 18 of this Ordinance.

Sec. 36-601. OBSERVANCE OF SAFETY RULES

While inspecting or performing any necessary work on private property pursuant to this Ordinance, the Superintendent or designee or duly authorized employees of the COUNTY shall observe all safety rules applicable to the premises, which have previously been established by the User/owner/occupier of which the inspector has been properly notified. The COUNTY shall hold harmless the User/owner/occupier, its agents and employees, for injury of any person or for damage to property occasioned by such work, except as such may be caused by the acts or omissions of the User/owner/occupier, its agents or employees. Further, the COUNTY shall be liable to the User/owner/occupier for loss or damage to the User/owner/occupier's property, which is occasioned by the negligent acts of the COUNTY'S employees.

Sec. 36-602. ENTRY UPON PROPERTY-EASEMENTS

The Superintendent or designee and other duly authorized employees or agents acting on behalf of the COUNTY, with the proper credentials and identification, shall be permitted to enter all private properties through which the COUNTY has an easement for the purposes of, but not limited to,

DuPage County Water/Wastewater Use Ordinance

inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water/wastewater systems. Any work done on the easement shall be done in full accordance with terms of the easement pertaining to the private property involved.

Sec. 36-603 through 36-659. RESERVED

ARTICLE 18: APPEAL AND VARIANCE PROCEDURE

Sec. 36-660. RIGHT TO APPEAL AND VARIANCE

- A. Every request for an appeal or variance shall be made in writing to the Superintendent or designee and shall set forth with particularity each and every factual basis and/or reason for the appeal or variance sought. The person making the request shall attach all written materials upon which they intend to rely in support of the request. Any factual basis, reasoning, and/or written materials not contained within or attached to the original, written request for appeal or variance will not be considered by the Superintendent and/or Committee in ruling upon the appeal or variance. The Superintendent or designee may delegate the hearing of appeals or granting of variances to the Public Works Committee of the DuPage County Board, in the manner provided for below.
- B. ***Appeals:*** Except for appeals of Individual and General Wastewater Discharge Permits under Section 36-130.F, which shall be made in accordance with that section, any person aggrieved by any decision, ruling or determination by the Superintendent or designee, or by any interpretation or application of any provision of this chapter may appeal such matter. An appeal of any decision made by the Superintendent or designee shall be made within fourteen (14) days of the decision contested, excepting an appeal involving the assessment, charge or calculation of any fee, fine, penalty or bill, in which cases which an appeal shall be brought before said amount becomes thirty (30) days past due. ***Variances:*** Any person affected by any provision of this chapter, or who feels the intent of this chapter or any rule adopted pursuant thereto has been met or that substitute materials, equipment or construction will provide as good or better result when utilized, shall have the right to request a variance from the strict application of this chapter.
1. The appeal and, or variance procedure shall commence with the person aggrieved notifies the Superintendent or designee, in writing, of their intent to seek a variance from a provisions(s) of this chapter or appeal the decision of the Superintendent or designee. Such notice shall contain a short, clear, statement stating the following:
 - a. ***For an appeal:*** Identifying the decision of the Superintendent or designee which such person is appealing and how the chapter has been misread, misinterpreted or misapplied in this instance and, or, any mistakes of fact the aggrieved believes the Superintendent or designee to have relied upon.
 - b. ***For a variance:*** Explanation as to why the application of such chapter, provision or decision of the Superintendent or designee would work an undue hardship and, or, the person's unique circumstance or condition.
 - c. ***For both appeals and variances:*** The name and both a mailing address and a telephone number of the person making the request, which contact information shall be used for giving notices related to the appeal or variance proceeding.

2. The Superintendent or designee may, without conducting a hearing, grant the relief sought by the appeal and, or, variance, or may set the matter over for a hearing in the manner herein provided.
 3. Upon receipt of such Notice of Appeal or Variance, the Superintendent or designee shall set a date for a hearing. Such hearing shall take place at a time and place determined in the Superintendent's or Committee Chair's sole discretion, no fewer than thirty (30) days nor more than sixty (60) days from the date that the Superintendent or designee receives such Notice of Appeal unless the Superintendent or designee and party requesting the hearing agree to a different schedule. The Superintendent or designee shall notify the person making the appeal of the date of such hearing.
 4. At the hearing the person making the appeal, or requesting the variance, may appear in person or represented by counsel, or may submit their case in writing. The decision concerning the appeal, or variance request, shall be in writing, shall be communicated to the person making the appeal, and shall state a finding(s) of fact upon which the decision is based.
- C. The Public Works Committee shall have the authority to grant variances from the strict application of any provision(s) of this Ordinance and, or, to reverse, modify or affirm any decision, ruling or determination by the Superintendent or designee made pursuant to this chapter upon an appeal. The Public Works Committee shall not act in a manner that would violate or in any way conflict with any Federal or State standard or requirement. The Committee, or County Board, may adopt such additional rules and procedures, as it deems appropriate for performing such matters.
- D. The decision of the Public Works Committee may be appealed to the County Board in accord with the County Board Rules, within 14 days of the Committee's decision. The record presented to the County Board shall be limited to those facts and arguments that were included in the initial request for variance and/or appeal and presented to the Committee for decision.

Sec. 36-661 through 36-699. RESERVED

ARTICLE 19: VALIDITY

Sec. 36-700. SEVERABILITY CLAUSE

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

Sec. 36-701 through 36-719. RESERVED

ARTICLE 20: ORDINANCE IN FORCE

Sec. 36-720. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 36-721 through 36-749. RESERVED

**ARTICLE 21: ILLINOIS DEPARTMENT OF PUBLIC HEALTH AND DUPAGE
COUNTY PUBLIC HEALTH DEPARTMENT RULES INCORPORATED
BY REFERENCE**

Sec. 36-750. WATER WELL PUMP INSTALLATION CODE

Refer to Chapter 34 of the DuPage County Code.

Sec. 36-751. WATER WELL CONSTRUCTION CODE

Refer to Chapter 34 of the DuPage County Code.

Sec. 36-752. ADOPTION OF PRIVATE SEWAGE DISPOSAL ORDINANCE

Refer to Chapter 29 of the DuPage County Code.

Sec. 36-753. MORTGAGE SURVEY INSPECTION AND FEE

Refer to Chapter 29, Article XIV, Sections 29.19.1 and 29.19.2 of the DuPage County Code.

Sec. 36-754 through 36-799. RESERVED.

Enacted Resolution EXEC-106-77, June 13, 1977.

Amended Resolution CS-H-02-81, March 18, 1981.

Amended Ordinance HHS-ORD-04-85, December 17, 1985

ARTICLE 22: REPEALER

WATER ORDINANCES

Ordinance, July 19, 1977.

Ordinance PW-ORD-001-82, February 23, 1982.

WASTEWATER ORDINANCES

Resolution PW-096-80 approved June 3, 1980.

Ordinance PW-128-80 approved August 12, 1980.

Ordinance PW-210-80 approved November 12, 1980.

Ordinance PW-157-81 approved February 12, 1981.

Ordinance PW-ORD-002-84, April 24, 1984.

Ordinance PW-ORD-001-85, March 12, 1985.

Ordinance PW-ORD-004-82 approved November 23, 1982,

Amendments to: Article 13, Sections 29-227.1, 2, 3, 4.

Ordinance PW-ORD-004-86 approved February 25, 1986.

Ordinance PWO-007-86 approved June 10, 1986.

Ordinance PWO-009-86 approved June 10, 1986.

Ordinance PWO-002-87 approved June 23, 1987.

Ordinance PWO-011-87 approved January 12, 1987.

Ordinance ECO-003-88 approved May 24, 1988.

Ordinance ECO-005-88 approved June 28, 1988.

Ordinance ECO-010-88 approved October 25, 1988.

Ordinance PWO-001-89 approved February 28, 1989.

Ordinance PWO-002-89 approved May 9, 1989

Ordinance PWO-003-89 approved June 27, 1989

DuPage County Water/Wastewater Use Ordinance

Ordinance OPW-001-90 approved January 23, 1990

Ordinance OPW-002-90 approved June 26, 1990

Ordinance OPW-003-90 approved October 9, 1990

Ordinance PWO-003-91 approved July 9, 1991

Ordinance PWO-005-91 approved November 26, 1991

Ordinance OPW-004-92 approved August 25, 1992

Ordinance OPW-003-93 approved July 13, 1993

Ordinance OPW-011-93 approved December 28, 1993

Ordinance OPW-007-94 approved June 28, 1994

Ordinance OPW-001-95 approved February 28, 1995

Ordinance OPW-004-95 approved April 11, 1995

Ordinance OPW-005-95 approved June 27, 1995

Ordinance OPW-002-96 approved June 25, 1996

Ordinance OPW-004-96 approved August 13, 1996

Ordinance OPW-001-97 approved January 28, 1997

Ordinance OPW-005-97 approved June 24, 1997

Ordinance OPW-006-97 approved December 9, 1997

Ordinance OPW-001-98 approved June 9, 1998

Ordinance OPW-002-98 approved June 23, 1998

Ordinance OPW-003-98 approved August 25, 1998

Ordinance OPW-004-98 approved September 8, 1998

Ordinance OPW-002-99 approved February 23, 1999

Ordinance OPW-003-99 approved June 22, 1999

Ordinance OPW-001-00 approved May 23, 2000

DuPage County Water/Wastewater Use Ordinance

Ordinance OPW-002-00 approved June 27, 2000

Ordinance OPW-001-08 approved January 22, 2008

Ordinance OPW-007-10 approved November 23, 2010

Ordinance OPW-002-12 approved January 10, 2012

Ordinance OPW-001-13 approved February 12, 2013

Ordinance OPW-002-15 approved October 13, 2015

Ordinance PW-O-0002-18 approved December 12, 2017

Ordinance PW-O-0003-18 approved December 12, 2017

Ordinance PW-O-0008-19 approved January 15, 2019

Ordinance PW-O-0057-21 approved July 13, 2021

Ordinance PW-O-0044-22 approved August 23, 2022

Ordinance PW-O-0048-22 approved September 27, 2022

Ordinance PW-O-0001-24 approved March 12, 2024

Ordinance PW-O-0004-24 approved August 13, 2024

DUPAGE COUNTY WATER/WASTEWATER TREATMENT ORDINANCE FIGURES

FIGURE A

**DUPAGE COUNTY
DEPARTMENT OF PUBLIC WORKS
WASTEWATER LOCAL LIMITS**

<u>PARAMETER</u>	<u>LOCAL LIMITS (maximum) *</u>
Arsenic	2.9 mg/L
Cadmium	1.2 mg/L
Chromium (total)	1.7 mg/L
Copper	2.0 mg/L
Cyanide	1.7 mg/L
Fats, Oil & Grease	100 mg/L
Lead	0.4 mg/L
Mercury	0.0005 mg/L**
Nickel	2.3 mg/L
Silver	0.24 mg/L
Zinc	1.5 mg/L
pH (Standard Units)	5.0 – 12.0

based upon twenty-four (24) hour composite sample when possible, except for Mercury, Cyanide and pH.

See **Section 36-129 F.2.c.** of the Ordinance.

** except as allowed by **Section 36-129 J.** of the Ordinance.

FIGURE B
GREASE TRAPS
MAXIMUM ALLOWABLE ACCUMULATION LEVELS

STANDARD TRIPLE BASIN GREASE TRAP

One-half ($\frac{1}{2}$) of the capacity of the basin as determined by the inlet and outlet structures.

STANDARD FIVE FOOT (5 FT) DIAMETER SINGLE BASIN GREASE TRAP

One-half ($\frac{1}{2}$) of the capacity of the basin as determined by the inlet and outlet structures.

STANDARD FOUR FOOT (4 FT) DIAMETER SINGLE BASIN GREASE TRAP

One-half ($\frac{1}{2}$) of the capacity of the basin as determined by the inlet and outlet structures.

FIGURE C

**SEWAGE FLOW GUIDE
GUIDE DATE 8-13-24**

<u>PROJECT TYPE</u>	<u>CALCULATED SEWAGE FLOW IN GALLONS PER DAY (GPD)</u>
Animal Clinic/Kennel Animal Grooming w/wash stations	0.25 GPD/Sq. Ft. 100 GPD per work station 250 GPD per work station
Apartments	150 GPD for 1 Bedroom 300 GPD for 2 Bedroom 350 GPD for 3 Bedroom
Airports	25 GPD per Employee 5 GPD per Passenger
Assembly Halls/Arenas	3 GPD per Seat
Auto Maintenance Facility	350 GPD for 1 st Service Bay 100 GPD for Each Additional Service Bay
Bar/Tavern/Coffee Shop/Gaming (No Food Processing) (With Food Processing)	25 GPD per Employee 15 GPD per Customer Seating 25 GPD per Customer Seating (paper products only) 15 GPD per seat (outdoor)
Banquet Halls	10 GPD per Seat
Bowling Alley	75 GPD per Bowling Lane 100 GPD per Bowling Lane with Food Service
Camps/Resorts	100 GPD per User per Single or double occ. Room 50 GPD per User per Multi occ. Room, 3 or more Camps
Car Wash	3500 GPD per Automated Reclamation Process
Churches/Religious Institution	3 GPD per Seat (under 100 Seats) 5 GPD per Seat (over 100 Seats)
Classroom/Daycare	See schools
Condominium-Multi –Family	350 GPD per unit

FIGURE C

Page 2 of 4

CALCULATED SEWAGE FLOW
IN GALLONS PER DAY (GPD)

PROJECT TYPE

Country Clubs	50 GPD per Member
Dance Halls	5 GPD per Seat/User
Doctor, Dentist Office/Exam	0.25 GPD/Sq Ft
Eye Care/Physical Therapy/Chiropractor/Psychology/Counseling/Rehab	0.10 GPD/Sq. Ft.
Dormitory	100 GPD per user
Factories	25 GPD per Employee 35 GPD per Employee (With Shower)
Fitness/Health Club	10 GPD per user w/showers 0.10 GPD per sq. ft. w/out showers
Food Service Operations	50 GPD per Seat (24 Hr. Restaurant) 35 GPD per Seat (Not 24 Hr. Restaurant) 25 GPD per seat (no dishware, paper products only) 15 GPD per seat (outside)
Carryout/Delivery/Catering (no seating)	0.25 GPD per sq. ft. floor space
Hair Salon, Barber Shop w/ wash stations	100 GPD per work station 250 GPD per work station
Hospitals	250 GPD per Bed
Hotels/Motels	60 GPD per Room 100 GPD per Suite
Housing	350 GPD per Single Family Dwelling Unit
Institutions	125 GPD per Resident
Laundries/Laundromats Drycleaners (no washers)	300 GPD per Machine 0.10 GPD per sq. ft. floor space

FIGURE C
Page 3 of 4

<u>PROJECT TYPE</u>	<u>CALCULATED SEWAGE FLOW IN GALLONS PER DAY (GPD)</u>
Mall, Shopping Center (Enclosed)	0.25 GPD/sq. ft. retail or office use (other use as calculated by project type)
Mall Open space (common area)	0.05 GPD/sq. ft.
Nursing Homes/Rest Homes	125 GPD per Bed and 25 GPD per Staff
Office Buildings	25 GPD per Employee 0.10 GPD/Sq. Ft.
Plaza/Shopping Center (Outdoor)	0.10 GPD/Sq. Ft. retail or office use (other use as calculated by project type)
Individual Metered Plaza Units	Rated at 350 GPD/unit minimum
Residential Homes/Townhomes	350 GPD per unit
Schools	10 GPD/Sq. Ft. (Tutor learning center) 15 GPD per Student (Elm. & Child Care) 25 GPD per Student (Jr. High & High) 25 GPD per Staff (in Addition to Students) 15 GPD per Student (College)
Service Stations/Auto Maintenance	350 GPD for 1 st Service Bay
No car wash	100 GPD for Each Addt'l. Bay
Spas/Nail Shop	
Manicure	25 GPD per work station
Pedicure	50 GPD per work station
Massage/Tanning/Waxing	5 GPD per work station
Sauna	10 GPD per user
Stores, retail sales	0.10 GPD per sq. ft. floor space
Swimming Pools	5 GPD per User 10 GPD per User (With locker room shower)

FIGURE C
Page 4 of 4

<u>PROJECT TYPE</u>	<u>CALCULATED SEWAGE FLOW IN GALLONS PER DAY (GPD)</u>
Theaters, Movie House	5 GPD per Seat (Movie House)
Theaters, with restaurant service	25 GPD per seat (no dishware, paper products only)
	35 GPD per seat (with dishware)
Theaters, Drive In	5 GPD per Car Space
Trailer Parks	350 GPD per Space
Vacation Cottages	100 GPD per Cottage
Youth and Recreation Camps	100 GPD per user, single or double occ. Room
	50 GPD per User multi. Occ. Room, 3 or more
Warehouses/Storage Facility	0.05 GPD/Sq. Ft. floor space
Individual Metered Warehouse Units	Rated at 350 GPD/unit minimum

FIGURE D
DU PAGE COUNTY DEPARTMENT OF PUBLIC WORKS
WATER/WASTEWATER USE CHARGES
August 13, 2024

(Contact Department of Public Works for latest fee schedule – **FIGURE D**)

A. BASE CHARGE:

	Effective January 1, 2024	Effective January 1, 2025	Effective January 1, 2026
Per billing cycle	\$7.60	\$7.86	\$8.13
Per billing cycle (Burr Ridge Customers Only)	\$7.93	\$8.19	\$8.46

B. DEPARTMENT PROCESSING FEE (WATER & SEWER)

One hundred fifty dollars (\$150.00) per application.

All applications requiring a review, field inspections for disconnection/reconnections and repairs shall be accompanied by a check or paid by credit card for \$150.00. This is a non-refundable fee. All requests for connection fee refunds shall be charged the Department Processing Fee per R.E and may be adjusted at the discretion of the Superintendent or designee.

C. WASTEWATER CHARGES

	Effective January 1, 2024	Effective January 1, 2025	Effective January 1, 2026
User Charge (metered, per thousand gallons)	\$4.03	\$4.18	\$4.33
User Charge (non-metered, per month)	\$32.24	\$33.44	\$34.64
Sewer Maintenance (metered, per thousand gallons)	\$1.34	\$1.39	\$1.44
Sewer Maintenance (non-metered, per month)	\$10.72	\$11.12	\$11.52
BOD Surcharge (per 100 lbs. of BOD)	\$24.00	These charges will be reviewed in future years based on cost of treatment and disposition at that time.	
SS Surcharge (per 100 lbs. of SS)	\$20.00		
Septic Discharge Fee (per gallon, based upon total volume of truck)	\$0.058		
Leachate Treatment Fee (per gallon, delivered)	\$0.11		
Leachate Treatment Fee (per gallon, picked up at site)	\$0.16		

FIGURE D
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I. SEWER CONNECTION FEE:

Department Sewer Connection Fee per RE	\$2,042.00
Glen Ellyn Heights sewer connection fee per RE	\$285.00

J. SPECIAL CONNECTION FEE:

1. Brookeridge Sanitary Sewer Improvements - contact Department.
2. Timberlake Unit C Water Main Improvements - contact Department.
3. Timberlake Unit 2 Water Main Improvements - contact Department.
4. Babson Park Sanitary Sewer Improvements - contact Department.
5. Region 9 East Adams Street Sanitary Extension- contact Department.
6. Timberlake Unit A Water Main Improvements - contact Department.
7. Glen Road Sewer and Water Study - contact Department.
8. 73rd County - contact Department.
9. Tri-State Village Water Main - contact Department.
10. Villa Roosevelt, 3rd St. York Water Main - contact Department.
11. Luther Water Main Extension - contact Department.
12. Brookbank Sanitary Main Extension-contact Department
13. Timberlake Unit F Water Main Improvements – contact Department

K. NON-RESIDENTIAL DISCHARGE PERMIT APPLICATION PROCESSING FEE

\$50.00

NON-RESIDENTIAL DISCHARGE PERMIT ISSUANCE FEE

\$100.00

NON-RESIDENTIAL DISCHARGE PERMIT CONSULTANT COST

(CASE-BY-CASE BASIS)

FIGURE D
Page 4 of 5

L. WATER CONNECTION FEE:

Single Family Residential Charge (plus meter expenses)	\$1,592.00
Commercial & Multi-Family Charge	Based on Meter size (plus meter expenses)
5/8" meter	\$1,592.00
3/4" meter	\$1,592.00
1" meter	\$3,979.00
1 1/2" meter	\$7,958.00
2" meter	\$12,734.00
3" meter	\$23,876.00
Greater Than 3" meter	Determined By Department

Meter Charge:*

5/8 x 3/4" Sensus Iperl	\$243.00
3/4" (7.5" lay length) Sensus Iperl	\$247.00
3/4" (9" lay length) Sensus Iperl	\$262.00
1" Sensus Iperl	\$294.00
1 1/2" Sensus OMNI R2	\$635.00
2" Sensus OMNI R2	\$829.00
1 1/2" Sensus OMNI C2	\$1,384.00
2" Sensus OMNI C2	\$1,528.00
3" Sensus OMNI C2	\$1,919.00
4" Sensus OMNI C2	\$3,207.00
6" Sensus OMNI C2	\$5,508.00

*\$175.00 Radio Transceiver required on all meters connected.

Special Service Area Water Connection Fee

In cases where a Special Service Area was formed to construct all or part of the infrastructure required for a new water system, the Water Connection Fee may be reduced to properly account for these expenditures. This adjustment will be determined by the Superintendent or designee and shall be determined on a case-by-case basis.

Department Expenditure Reimbursement

In cases where the Department of Public Works expends money to extend sewer or water service to an area, the Department may adjust connection charges to allow for reimbursement of expenses. The adjustment will be determined by the Department and shall be determined on a case-by-case basis.

FIGURE D
Page 5 of 5

M. PENALTIES/FINES:

Disconnection of sanitary sewer (for non-payment):	\$2,000.00 minimum or actual cost
Reconnection fee for water service during business hours (8:00 am - 2:00 pm- Monday through Friday)	\$100.00
Reconnection fee for water service after business hours:	\$150.00
Reconnection fee for sewer service:	\$2,000.00 minimum or actual cost
Re-inspection fee for non-compliant grease traps:	\$150.00 per inspection
COUNTY sponsored pumping program associated with non-compliant grease traps: (actual COUNTY costs including current COUNTY multiplier)	
Return Check Fee/Credit Card Charge Back Fee:	\$20.00 payment

N. CREDIT CARD PAYMENT CONVENIENCE FEES:

Credit/debit card payment processing convenience fee determined by third party provider (pass through of costs).

O. BIOSOLIDS FEE:

The following fees are to be collected by the DuPage County for biosolids produced, when such biosolids are available, at Region 9-West Wastewater Treatment Plant. Fees may be waived by the Superintendent or designee if the biosolids are used for experimental purposes and data is provided to the County:

	Delivered*	Pick-up
Unused Compost	\$7.00/cu. yd.	\$2.00/cu. yd.
Screened Compost	\$9.00/cu. yd.	\$4.00/cu. yd.**
Class A Biosolids	\$7.00/cu. yd.	\$0.50/cu. yd.

*Delivery must be within 1.5 hours travel time from the Region 9-West Wastewater Treatment Plant.

**Screened compost may be picked up by Region 9 customers at no cost.

Unscreened compost, screened compost or Class A biosolids availability shall be based upon productivity of the material.

P. MANUAL METER READING

Manual meter reads in lieu of radio transceiver: \$12.00 per billing cycle

FIGURE E

**DU PAGE COUNTY DEPARTMENT OF PUBLIC WORKS
REPORTING LATE FEES**

Non-Residential Users not Classified as a Significant or Categorical Industrial User		Fees
First Offense (less than 30 calendar days past due)		Issuance of Warning
Recurring reporting violations:	30 or more calendar days past due	\$100.00
	NOV response noncompliance	\$250.00
	Cost per additional day past final request deadline	\$50.00
Substantial Change Notification:	At start-up or shutdown	\$500.00
	Per each additional 15 days in excess of 30 calendar days	\$100.00
Users Classified as a Significant or Categorical Industrial User		Fees
First Offense (less than 30 calendar days past due)		Issuance of Warning
Recurring reporting violations:	30 or more calendar days past due	\$100.00
	NOV response noncompliance	\$500.00
	Cost per additional day past final request deadline	\$100.00
Substantial Change Notification:	At start-up or shut down	\$1,000.00
	Per each additional 15 days in excess of 30 calendar days	\$200.00
Specific to Entities with Wastewater Discharge Permits		Fees
No written notification of change in ownership and/or operation of facility, or any portion thereof with an individual permit:		\$1,000.00
No written notification of change in ownership and/or operation of facility, or any portion thereof with a general permit:		\$500.00

DUPAGE COUNTY WATER SUPPLY, DISTRIBUTION AND WASTEWATER TREATMENT ORDINANCE



ADOPTION DATE: JANUARY 14, 1986
LATEST AMENDMENT DATE: AUGUST 13, 2024

Prepared by DuPage County
Public Works Committee
and the Department of Public Works
421 N County Farm Road
Wheaton, IL 60187