



Protecting Lake Michigan & Our Waterways.

North Shore Water Reclamation District

AN ORDINANCE RELATING TO SEWERS AND SEWER SYSTEMS

JUNE 26, 2023

Table of Contents

TABLE OF CONTENTS.....	1
CHAPTER 1: GENERAL PROVISIONS	8
SECTION 1.01 - AUTHORITY.....	8
SECTION 1.02 - GENERAL PURPOSES.....	8
SECTION 1.03 - RELATION TO OTHER ORDINANCES	8
SECTION 1.04 - FEDERAL REGULATIONS	9
CHAPTER 2: DEFINITION OF TERMS	10
SECTION 2.01	10
a) Terminology	10
b) Abbreviations	10
c) Individual Definitions	10
CHAPTER 3: REGULATIONS AFFECTING OWNERS, OPERATORS AND DEVELOPERS OF SEWER SYSTEMS	20
SECTION 3.01 - RESPONSIBILITIES OF MUNICIPALITIES, SANITARY DISTRICTS AND PUBLIC UTILITIES.....	20
SECTION 3.02 - SEWER EXTENSIONS	20
SECTION 3.03 - INFILTRATION/INFLOW REQUIREMENTS.....	22
CHAPTER 4: ANNEXATION AND CONNECTION PROCEDURES	24
SECTION 4.01 - USE OF PUBLIC SEWERS REQUIRED	24
SECTION 4.02 - ANNEXATIONS, PRE-ANNEXATIONS & SEWER SERVICE AGREEMENTS	24
a) Annexations	24
b) Pre-annexation Agreements	25
c) Fair Capital Contribution.....	25
d) Non-contiguous Sewer Service	25
e) Plat Submittal.....	25
f) Contracts	25
SECTION 4.03 - GENERAL PERMIT REQUIREMENTS FOR CONNECTIONS	26
SECTION 4.04 - RESIDENTIAL SEWER CONNECTIONS	27

a) Single-Family Residential Connection.....	27
b) Multiple-Family Residential Connection	28
SECTION 4.05 - NON-RESIDENTIAL SEWER CONNECTIONS	28
a) Non-residential Connection.....	28
b) Storm Water Connection.....	29
c) Non-Residential PE.....	31
d) Transferable PE.....	31
SECTION 4.06 - SEWER CONNECTION CONSTRUCTION	33
CHAPTER 5: REGULATIONS FOR INDIVIDUAL DISCHARGERS.....	36
SECTION 5.01 - GENERAL DISCHARGE PROHIBITIONS	36
SECTION 5.02 - SPECIFIC LIMITATIONS	39
a) Pollutant Classifications.....	39
1) Non-Toxic Pollutants - Guidelines For Discharge.....	39
2) Toxic Pollutants	39
3) Other Pollutants	40
b) General Conditions	40
SECTION 5.03 – SPILL/SLUG PREVENTION PLANS.....	41
SECTION 5.04 - ACCIDENTAL DISCHARGE NOTIFICATION.....	42
SECTION 5.05 – BYPASS NOTIFICATION	43
CHAPTER 6: REQUIREMENTS FOR NON-RESIDENTIAL DISCHARGERS.....	44
SECTION 6.01 - DISTRICT WASTEWATER REPORTS	44
a) Applicability of General Reporting Requirements	44
b) Wastewater Survey Reporting Requirements	45
c) Authorized Representative Change Notification	46
d) Hazardous Waste Notification	46
e) Categorical and Non-Categorical Significant IU Semi-Annual Reports	47
f) Change Notification.....	47
SECTION 6.02 – NSSD COMPLIANCE EVALUATION AND REPORTING REQUIREMENTS	47
DISTRICT PRETREATMENT REQUIREMENT	48
a) Applicability.....	48
b) Pretreatment Requirement Initiation.....	48
c) Pretreatment Progress Report	48
d) Final Compliance Report.....	49
e) 90 Day Evaluation	49
SECTION 6.03 - CATEGORICAL COMPLIANCE EVALUATION AND REPORTING REQUIREMENTS.....	49
a) Applicability.....	49
b) Baseline Monitoring Report.....	49

c) Compliance Schedule.....	50
d) 14 Day Progress Report.....	50
e) 90 Day Final Compliance Report	50
f) Periodic Pretreatment Report.....	51
SECTION 6.04 - MONITORING FACILITIES	51
a) Applicability.....	51
b) Location and Requirements.....	51
c) Liquid Quantity Measurements.....	52
d) Other Requirements.....	52
SECTION 6.05 - INSPECTION, SAMPLING AND ANALYTICAL REQUIREMENTS.....	53
SECTION 6.06 - CONFIDENTIAL INFORMATION.....	55
SECTION 6.07 - RECORDS RETENTION.....	55
CHAPTER 7: DISCHARGE PROCEDURES	56
SECTION 7.01 - DISCHARGE CONTROL DOCUMENT.....	56
a) Applicability.....	56
b) Contents	57
c) Site Specific Non-Toxic Pollutant Limits	58
d) Appeals	59
e) Modifications and Renewals	60
f) Transfers	60
SECTION 7.02 - INTERMITTENT DISCHARGES AND CLEAN-UPS.....	61
SECTION 7.03 - TRUCKED DISCHARGES	62
a) Permits.....	62
b) Administration and Fees.....	62
c) Rules and Regulations.....	63
d) Insurance Requirements	64
e) Revocation of Permits	64
SECTION 7.04 - STORM WATER DISCHARGES	64
CHAPTER 8: ENFORCEMENT	66
SECTION 8.01 - ENFORCEMENT PROVISIONS	66
SECTION 8.02 – REVOCATION OF SERVICE.....	66
SECTION 8.03 - NOTICE OF VIOLATION.....	66
SECTION 8.04 - CONSENT ORDER.....	66
SECTION 8.05 – SHOW CAUSE ORDER, SHOW CAUSE /COMPLIANCE MEETING.....	67

SECTION 8.06 –COMPLIANCE SCHEDULES.....67

SECTION 8.07 - CEASE AND DESIST ORDERS.....67

 a) In an emergency.....67

 b) In nonemergency situations.....68

SECTION 8.08- JUDICIAL PROCEEDINGS.....68

SECTION 8.09 - APPEAL AND ARBITRATION69

SECTION 8.10 - ANNUAL PUBLICATION69

CHAPTER 9: PENALTIES.....71

SECTION 9.01 - FAILURE TO REPORT71

 a) Sewer Extension And Connection Permits.....71

 b) Reports or Notifications required by Industrial Users.....71

 1) District Reports or Notifications.....71

 2) Additional Reports and Notifications Unique to I00 and I05 Industrial Users.....72

 3) Notification Specific to Significant Industrial Users.....72

SECTION 9.02 - SURCHARGE FOR EXCEEDANCES OF ALLOWABLE DISCHARGE LIMITS.....72

SECTION 9.03 - FALSIFYING INFORMATION73

SECTION 9.04 - RECOVERY OF COSTS INCURRED.....73

SECTION 9.05 - CIVIL PENALTIES74

CHAPTER 10: ORDINANCE VALIDITY75

SECTION 10.01 - SEVERABILITY75

SECTION 10.02 - CONFLICT75

SECTION 10.03 - OFFENSES UNDER PREVIOUS ORDINANCES.....75

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO SEWERS & SEWER SYSTEMS

WHEREAS, the North Shore Sanitary District has heretofore constructed sewage works for collection and treatment of sanitary sewage and non-domestic wastes produced within the District; and

WHEREAS, from time to time the property not now in the North Shore Sanitary District seeks annexation to said District so as to enjoy the benefits of the existing sewerage treatment facilities and interceptor sewers; and

WHEREAS, it is in the best interests of the taxpayers of the North Shore Sanitary District to establish fees for the annexation of territory to said District so that the cost of the existing facilities and interceptor sewers may be equitably borne by persons annexing to said District and so that such persons do not get the benefit of existing facilities and interceptor sewers without paying their fair share of the cost thereof; and

WHEREAS, from time to time property within the boundaries of the North Shore Sanitary District becomes assessed for ad valorem taxes, where said property had not previously been assessed for ad valorem taxes, and where the owners of such property seek to enjoy the benefits of the existing sewerage treatment facilities and/or interceptor sewers of the District; and

WHEREAS, it is in the best interests of the taxpayers and existing users of the North Shore Sanitary District that owners of property not previously assessed ad valorem taxes, where said property becomes assessed ad valorem taxes, or said property obtained by another entity not required to be assessed ad valorem taxes should make a fair capital contribution for the use of existing facilities and/or interceptor sewers, such that the cost of existing facilities and/or interceptor sewers may be equitably

borne by owners of property not previously subject to ad valorem taxes, and so that such property owners do not get the benefit of existing facilities and/or interceptor sewers without paying their fair share of the costs thereof; and

WHEREAS, it is in the best interests of the taxpayers and existing users of the North Shore Sanitary District that the District establish fees for owners of such property which becomes assessed for ad valorem taxes; and

WHEREAS, the North Shore Sanitary District is now and in the future will construct additional sewage works for the collection and treatment of sanitary sewage and non-domestic wastes produced within the District; and

WHEREAS, the purposes of the sewage works constructed and operated by the North Shore Sanitary District are saving and preserving the water supplied to the inhabitants and protecting the natural waters from pollution by the sanitary sewage and non-domestic wastes produced within the District; and these purposes can be accomplished only by proper control of the design, construction and use of the sewers and sewer systems connected into the sewage works of the District; and

WHEREAS, in the interest of fulfilling these purposes it is deemed expedient to establish rules and regulations for the making and maintaining of connections to the sewage works of the District and for the design, construction and use of such connections; and

WHEREAS, the Board of Trustees of the North Shore Sanitary District passed an Ordinance on December 14, 1983 relating to sewers and sewer systems and has amended that Ordinance and other Ordinances from time to time; and

WHEREAS, the said Ordinance passed on December 14, 1983 and other Ordinances now have to be comprehensively amended to meet the requirements of the Federal Water Pollution Control Act of 1972 (P.L. 92-500) and the Clean Water Act of 1977 (P.L. 95-217) and the rules and regulations of the United States Environmental Protection Agency promulgated pursuant thereto; and

WHEREAS, Federal requirements for acceptance of a P.L. 92-500 grant for improving the quality of effluent discharges from waste treatment plants require the enactment of regulatory provisions; and

WHEREAS, the Board of Trustees of the North Shore Sanitary District has determined that the Sections of this Ordinance provide a just regulation of public waste treatment and collection facilities, including pretreatment standards, and comply with applicable Federal Regulations,

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the North Shore Sanitary District of Lake County, Illinois, as follows that an Ordinance Relating to Sewers and Sewer Systems is amended by adding the following:

CHAPTER 1: GENERAL PROVISIONS

SECTION 1.01 - AUTHORITY

This Ordinance is promulgated pursuant to statutory authority contained in the Illinois Revised Statutes, and further pursuant to the requirements of The Federal Water Pollution Control Act as amended along with any applicable regulations promulgated thereto. The Administrator of United States Environmental Protection Agency, Region V is designated as the approval authority.

SECTION 1.02 - GENERAL PURPOSES

The general purposes are to provide for the making and continuing of connections into the sewage works of the North Shore Sanitary District, hereafter interchangeably referred to as the District, authorize the making and maintenance of such connections upon certain conditions, including permission thereto; providing for the making of rules and regulations in connection with the making and maintenance of such connections and enforcements thereto; regulating the use of municipal and private sewers and drains, individual wastewater disposal, the installation, connection, and disconnection of building sewers, the discharge of water and waste in the public sewer system; providing for penalties for violation therefore; and providing for termination of permits issued by the District pursuant to the provisions hereof.

This Ordinance provides for the regulation of discharge into the District's wastewater disposal system and for the enforcement of general requirements for dischargers, authorizes monitoring and enforcement activities, requires discharger reporting and provides the authority for establishing fees for the equitable distribution of costs resulting from programs established herein.

The intent of this ordinance is to prevent the introduction of pollutants to the wastewater disposal system which will interfere with the operation of the system or the use or the disposal of sludge; to prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into the receiving waters or the atmosphere or otherwise being incompatible with the system; and to improve the opportunity to recycle and reclaim wastewater and sludge from the system.

SECTION 1.03 - RELATION TO OTHER ORDINANCES

This Ordinance supplants the existing AN ORDINANCE RELATING TO SEWERS AND SEWER SYSTEMS adopted in 1983. This Ordinance supplements ORDINANCE ESTABLISHING A USER CHARGE SYSTEM and shall be applied in addition to AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

SECTION 1.04 - FEDERAL REGULATIONS

It is hereby declared to be the policy of the District to adhere to the requirements of The Federal Water Pollution Control Act as amended along with any applicable regulations promulgated thereto.

CHAPTER 2: DEFINITION OF TERMS

SECTION 2.01

The words and terms used in this Ordinance shall have the meanings or intent in this chapter unless the context indicates a different meaning.

a) Terminology

Technical terms used in this Ordinance but not included in Section 2.01 b) under Definition of Terms are used in accordance with the Third Edition of "Glossary, Water and Wastewater Control Engineering," copyright 1981.

b) Abbreviations

The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand.
CFR	-	Code of Federal Regulations.
CIU	-	Categorical Industrial User.
COD	-	Chemical Oxygen Demand.
EPA	-	Environmental Protection Agency.
IU	-	Industrial User.
l	-	Liter.
mg	-	Milligrams.
mg/l	-	Milligrams per liter.
NPDES	-	National Pollutant Discharge Elimination System.
PE	-	Population Equivalent.
POTW	-	Publicly Owned Treatment Works.
RCRA	-	Resource Conservation and Recovery Act.
SIC	-	Standard Industrial Classification.
SIU	-	Significant Industrial User.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
TSS	-	Total Suspended Solids.
USC	-	United States Code.

c) Individual Definitions

- 1) Accidental Discharges - unplanned release of substances either directly or indirectly in such magnitude that substantial effects on receiving systems may be noted. Release is the result of accident, acts of nature or operational malfunctions.

- 2) Act or The Act - refers to the Federal Water Pollution Control Act, Public Law 92-500 including all subsequent amendments and applicable regulations promulgated thereto. Also called the Clean Water Act.
- 3) Administrator - The Administrator of the USEPA.
- 4) Approved - shall mean the item or procedure must meet the conditions of and be accepted by the District.
- 5) Authorized Representative - an authorized representative must be a responsible corporate officer:
 - . In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principle business function; or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - . In the case of a partnership or proprietorship, a general partner or proprietor; or
 - . An authorized representative of the individual designated above if (a) such representative is responsible for the overall operation of or has environmental responsibility for the facilities from which the discharge to the POTW originates; (b) the authorization is in writing; and (c) the written authorization is submitted to the POTW.
 - . If the IU is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- 6) Baseline Monitoring Report (BMR) – A report submitted by categorical industrial users (CIU's) within 180 days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the applicable categorical standard [40 CFR 403.12(b)].
- 7) Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution conveyed to the District facilities. BMPs may also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 8) Billable BOD - shall mean that BOD determined by the BOD test if the COD/BOD ratio is less than 3. In the event that the COD/BOD ratio is greater than 3, then the billable BOD shall be 1/3 of the COD value.
- 9) Board of Trustees - shall mean the Board of Trustees of the North Shore Sanitary District.

- 10) BOD - (denoting Biochemical Oxygen Demand) shall mean that amount of oxygen utilized in 5 days at 20 degrees Centigrade for biochemical oxidation of the organic matter present in wastewater, expressed in milligrams per liter and measured by the methods set forth in 40 CFR 136 as approved by the United States Environmental Protection Agency.
- 11) Building Sewer Line - shall mean the sewer which transports the wastewater from a discharger's facility to the public sanitary sewer system.
- 12) Bypass – shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment (or pretreatment) facility.
- 13) Categorical Industrial User (CIU) – shall mean a class I00 or I05 discharger as defined in Section 6.01 of this Ordinance.
- 14) Collection Works - shall mean the District collection sewers, pumping stations and force mains. Also referred to as Collection Facilities.
- 15) Combined Sewers - shall mean a pipe or conduit designed and constructed to carry both polluted water, including sanitary sewage and non-domestic waste, and unpolluted water, including storm water, surface water, ground water and cooling water.
- 16) Concentration Limitations - limits imposed upon the allowable amount of a given substance in a discrete unit volume of a solution or applied to a unit weight of solid.
- 17) Connection Permit - a permit for connection to the sewerage works of the District, either directly or indirectly, under the provisions of Chapter 4 of said Ordinance.
- 18) Construction Drainage - shall mean water accumulated in excavations, water taken from the ground through a well-point, underdrain or other dewatering system, water accumulated as a result of grading and all other drainage associated with construction operation.
- 19) Control Authority - refers to the District as the local POTW with an approved pretreatment program.
- 20) Daily Maximum Limitations – The maximum allowable discharge of pollutants during a 24 hour composite sampling period or other such timeframe as to be representative of the facility discharge for the operating day. Daily maximum limitations may also be the arithmetic average measurement of the pollutant derived from all measurements taken during the discharge day.
- 21) Discharge Control Document (DCD) - a document for control of wastewater discharge issued to non-domestic dischargers under the provisions of Section 7.01 of this Ordinance.
- 22) Discharger - any person, firm, establishment, or institution which discharges wastewater, excluding inflow and infiltration, to a sanitary sewer which eventually leads into a District-owned sanitary sewer or treatment plant. Each single connection is a separate discharge by a discharger. "User" is used interchangeably with "Discharger."

- 23) District - for the purposes of this Ordinance, District shall mean the North Shore Sanitary District.
- 24) End of Pipe - a sampling point located downstream from a discharger that uniquely represents the discharge prior to any form of dilution.
- 25) Excessive Infiltration/Inflow - shall mean the quantities of infiltration/inflow which can be economically eliminated from a sewer system by rehabilitation as determined by a cost-effectiveness analysis that compares the cost for correcting the infiltration/inflow conditions with the total cost for transportation and treatment of the infiltration/inflow.
- 26) Existing Source - any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- 27) Facilities Planning Area - that area serviced by the North Shore Sanitary District as defined in the Northeastern Illinois Planning Commission's (NIPC) 208 Planning Study, as amended from time to time.
- 28) Ground Water - shall mean water in the soil which may drain through the ground into any basement, ground water drain, excavated place or natural depression or into sewers through the walls or joints thereof.
- 29) Illinois Act - refers to Ill. Adm. Code, Title 35: the Illinois Environmental Protection Act, Illinois Revised Statutes, Chapter 111 1/2 including all subsequent amendments and applicable regulations promulgated thereto.
- 30) Industrial Discharger - shall mean any firm, corporation, sole proprietorship, or governmental entity engaged in processes including but not limited to, packaging, assembling, fabricating, testing, warehousing and/or manufacturing of a product or engaged in the development, recovery or processing (except for agricultural crop raising) of natural resources and which releases or has the potential to release any solid, liquid or gaseous waste either indirectly or directly to the collection system including domestic wastes, pretreatment wastes, process wastes, contact cooling water, cooling tower blowdown and nondomestic source of pollutants regulated under Section 307(b), (c) or (d) of the Act.
- 31) Infiltration - shall mean water other than wastewater that enters a sewerage system from the ground through such means as defective pipes, pipe joints, connections or manholes.
- 32) Inflow - shall mean water other than wastewater that enters a sewerage system from sources such as roof leaders, drains, manhole covers, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.
- 33) Inhibition - shall mean any discharge which has a negative impact upon the biological activity within the District facilities.
- 34) Interference - shall mean any discharge which alone or in conjunction with a discharge from other sources:

- inhibits or disrupts the POTW, its processes or operations, or its sludge processes, use or disposal; and
 - therefore is a cause of a violation of any requirement of the District's NPDES permits (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance 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 sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxics Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- 35) Mass Limitation - limits imposed upon a discharger based upon volumes or concentrations that are converted to weight units.
- 36) Medical Waste - shall mean any isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- 37) Multiple Family Sewer Connection - shall mean a sanitary sewer connecting a dwelling structure containing two or more dwelling units or apartments, consisting of any combination of the following:
- One bedroom or efficiency or single room dwelling units.
 - Two bedroom dwelling units.
 - Three or more bedroom dwelling units.
- 38) Municipal Sewers - shall mean sewers owned, operated and maintained by a municipality which are used to convey untreated wastewater.
- 39) Municipality - any municipal corporation organized under the laws of the State of Illinois lying wholly or partially within the District or connected to the District by means of an authorized sewer service agreement.
- 40) National Pretreatment Standard - shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5. Local limits developed in accordance with 40 CFR 403.5(c), once approved, become Federally enforceable National Pretreatment Standards.
- 41) Natural Waters - shall mean Lake Michigan and other continuously or intermittently flowing surface waters such as ravines, creeks, rivers, lakes, ponds, lagoons, swamps, drainage courses or channels.

42) New Source

- a) any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i) the building, structure, facility or installation is constructed at a site at which no other source is located; or
 - ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- 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 a) ii) or iii) 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:
 - i) Begun, or caused to begin as part of a continuous onsite construction program:
 - . Any placement, assembly or installation of facilities or equipment; or
 - . 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
 - ii) 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.

43) Noncompatible Pollutants - shall mean those pollutants prohibited from entering into or being discharged into the collection works of the District which will interfere with the

operation of the system, the use or disposal of its sludges, or which will pass through the system collection and sewage works inadequately treated into the receiving waters or the atmosphere.

- 44) Non-Contact Cooling Water - water used for cooling or condensing industrial products, for air conditioning, or refrigeration, that is prevented from mixing or contacting the product or gas mixtures.
- 45) Non-Domestic Source - any wastewater source from which there is the discharge of pollutants including zero dischargers with the potential to discharge, but excluding residential dischargers.
- 46) NPDES - The National Pollutant Discharge Elimination System for issuing, establishing conditions for, and denying permits under Section 402 of the Clean Water Act.
- 47) POTW - Publicly Owned Treatment Works - shall mean a treatment works as defined by Section 212 of the Act including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act which has jurisdiction over the direct and indirect discharges to and the discharges from such a treatment works.
- 48) Pass-Through - shall mean a discharge which exits the POTW into the waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- 49) Person - shall mean any individual, partnership, company, association, corporation, firm, enterprise, joint stock company, estate, governmental entity, trust or other legal entity, 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.
- 50) Pollutant - shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.
- 51) Population Equivalent (PE) - the contribution of sewage at a rate of 100 gallons or 0.17 pounds billable BOD or 0.20 pounds TSS per day.
- 52) Pretreatment - shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the District sewage works. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or other means except as prohibited by 5.01 a).
- 53) Pretreatment Requirement - shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a Non-Residential User.

- 54) Process Wastewater – Any water which, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.
- 55) Private Sewer - a sewer privately owned and used by one or more properties.
- 56) Public Sewer - a common sewer controlled by a governmental agency or public utility.
- 57) Public Utility - means a utility franchised under the Illinois Commerce Commission and possessing a certificate of convenience and necessity.
- 58) RCRA - Resource Conservation and Recovery Act, Public Law 94-482 including all subsequent amendments and applicable regulations promulgated thereto.
- 59) Regulated Wastestream – A wastestream from an industrial process that is regulated by a categorical standard.
- 60) Required - shall mean that the task stated must be done.
- 61) Residential – shall mean any single-family or multiple-family dwelling unit designed primarily as a place of human habitation which discharges to the District's system domestic wastewater only.
- 62) Sanitary Sewage - shall mean the wastewater from toilets or other household plumbing fixtures, wash water, dishwater, interior basement drainage and polluted water from places of human residence, business buildings or institutions.
- 63) Sanitary Sewer - shall mean a pipe or conduit designed and/or intended to carry sanitary sewage, industrial waste and other polluted waters but excluding storm water, surface water, groundwater and unpolluted non-contact cooling water.
- 64) Septic Tank Waste - shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- 65) Sewage - shall mean the spent water of a community. It thus may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions both governmental and private, together with any inflow and infiltration.
- 66) Sewage Works / Facilities - shall include sewers, force mains, pumping stations, sewage treatment plants, outfall sewers, pumping, power, and other equipment and appurtenances of such facilities, and any other works, including land, which are a part of the treatment process, ultimate disposal of the residues, or administrative support systems necessary for the effective prevention, abatement, reduction, storing, treating, separating, or disposing of municipal or industrial waste. This term is synonymous with "Wastewater Facilities," "Wastewater Treatment Works" and "Works of the System."
- 67) Sewer Connection - shall mean a sanitary sewer connecting a building with a public sewer or point of disposal.

- 68) Sewer Extension - a sanitary sewer greater than six inches in diameter and which is designed to serve more than one building as set forth under the provisions of Chapter 3 of this Ordinance.
- 69) Shall and May - shall is required; may is permissive.
- 70) Significant Industrial User (SIU) - shall mean a Class I04 or I05 discharger as defined in Section 6.01 of this Ordinance.
- 71) Single Family Sewer Connection - shall mean a sanitary sewer connecting a single family residence to a public sewer point of disposal.
- 72) Slug Load - shall mean any pollutant, including oxygen-demanding pollutants (BOD, COD, etc.), which is released in a single discharge episode including but not limited to an accidental spill or a non-customary batch discharge. The discharge is not required to cause or have the potential to cause pass-through or interference with the District's treatment processes to be considered as a slug load.
- 73) Solid Wastes - shall mean and include trash, ashes, rags, bottles, tin cans, tree limbs, manure of domestic animals, offal, dead animals or portions thereof, foodstuffs and wastes thereof other than normally contained in sanitary sewage and any and all other solid objects, materials, refuse or debris. The term ashes shall include the residual resulting from the combustion of coal, coke, wood or any other material or substance and shall include soot, cinders, slag and charcoal.
- 74) Solid Waste Disposal Act - also referred to as "SWDA" (including Title II more commonly referred to as the Resource Conservation and Recovery Act).
- 75) Special Wastes - shall mean nonhazardous solid wastes defined in 40 CFR Section 240.101 requiring handling other than that normally used for municipal solid waste.
- 76) Storm Sewer - shall mean a pipe or conduit designed or intended to carry storm water, surface water and groundwater drainage and which may carry unpolluted non-contact cooling and other unpolluted waters but which excludes sanitary sewage and industrial wastes.
- 77) Storm Water - shall mean that portion of rain, snow or sleet which runs off over the surface of the ground, streets, structures and roofs into sewers, storm sewers or natural waters.
- 78) Surface Water - shall mean water flowing in natural or artificial channels or confined in lakes, ponds, swamps or similar depressions.
- 79) Suspended Solids - shall mean nonfilterable solids expressed in milligrams per liter, contained in wastewater and measured by the methods set forth in 40 CFR 136 as approved by the United States Environmental Protection Agency.
- 80) Substantial Change – Substantial change includes, but is not limited to, a change in spill or slug potential, the addition of a new process or storage capacity regardless of waste discharge or lack of discharge, shutdown of a process, addition or deletion of a product, an increase of production waste for an existing process, any change in the volume or characteristics of wastewater pollutants or any process change that could result in a reclassification of the discharger.

- 81) Toxic Pollutants - shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provision of The Act or in regulations promulgated by the State under State law.
- 82) Toxic Substance Control Act - refers to Public Law 94-469 including all subsequent amendments and applicable regulations promulgated thereto.
- 83) Upset - any discharge which alone or in combination with discharges from other sources inhibits or disrupts the POTW or any of its processes or operations including plant emissions or any conditions which create a public nuisance, causing the POTW to expend additional resources or manpower or take additional steps to protect the plant processes or receiving stream.
- 84) User - any person, firm, establishment, or institution which discharges wastewater, excluding inflow and infiltration, to a sanitary sewer which eventually leads into a District-owned sanitary sewer or treatment plant or any waste hauler as defined in Section 7.03. "Customer and Discharger" is used interchangeably with "User".
- 85) Wastewater - shall mean the liquid and water carried domestic or nondomestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated.

CHAPTER 3: REGULATIONS AFFECTING OWNERS, OPERATORS AND DEVELOPERS OF SEWER SYSTEMS

SECTION 3.01 - RESPONSIBILITIES OF MUNICIPALITIES, SANITARY DISTRICTS AND PUBLIC UTILITIES

The cities and villages, sanitary districts and public utilities located within the boundaries of the District shall be responsible for the operation, maintenance, repair, inspection and replacement of all sanitary sewers and appurtenances located within their jurisdiction, and for providing adequate funds to ensure proper operation, maintenance and repair, excepting for the interceptor sewers and facilities owned by the District.

SECTION 3.02 - SEWER EXTENSIONS

The extension of a sanitary sewer by any municipality or other entity which will serve or in the future may serve more than one building and which will connect either directly or indirectly to the sewage works of the District shall be made only after an application for a District permit has been made in writing, on forms prescribed and furnished by the District, and a permit issued by the District in accordance with the following:

- a) A permit has been issued by the Illinois Environmental Protection Agency. The District permit shall expire on the expiration date of the Illinois Environmental Protection Agency permit. Those portions of the work, for which a District permit has been issued and the work has been approved by the District shall be completed within the permit time. Future construction on the project for which the original permit was issued shall require a new permit which will be issued in compliance with the ordinances of the District at the time of application for the new permit. All fees and charges assessed under the conditions of the District permit are forfeited by the applicant/owner upon the expiration of the permit.
- b) It can be demonstrated that the downstream sewerage works, including municipal sewers and pump stations, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- c) The rules, regulations, ordinances and policies listed hereafter and issued by the authorities indicated are incorporated herein by reference and shall govern the work so far as they apply to said work.
 - 1) The District's rules, regulations, resolutions, policies, directives and instructions that may be adopted or issued from time to time by the District's Board of Trustees.
 - 2) "Standard Specifications for Water and Sewer Main Construction in Illinois" latest Edition.
 - 3) The Illinois Environmental Protection Agency's rules, regulations, technical releases and requirements.

- 4) "The Illinois Recommended Standards for Sewage Works," IEPA, latest Edition.
- d) The municipality and/or private entity agrees that they shall provide adequate inspection during the entire construction period which, at the option of the District, may require a full-time resident engineer. The District reserves the right to inspect the construction.
- e) Changes in the work to be done or materials to be used from those shown on the plans or set forth in the specifications, as submitted to the District, shall be approved by the District prior to the changed work being done or the changed materials being installed.
- f) The Contractor or the Contractor's representative, constructing the sewer extension shall notify the District 24 hours prior to commencing construction. Failure to do so will require payment of the No Notification Fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- g) At the time a sewer extension is connected to an existing sewer, the connection shall be made at an existing manhole or in a manhole constructed over the existing sewer. If an existing manhole is the point of connection and a suitable stub is not provided for the extension, the existing manhole shall be core drilled and a suitable connection stub installed. The sewer extension shall be plugged with a water tight concrete plug by the Contractor at the time the connection to the existing sewer is made. The plug shall be maintained in place at all times until the sewer extension is approved in writing by the District. If the plug is not maintained in place, the District shall install a concrete plug and charge a fee to the Contractor for each time a plug is installed by the District. The charge for the District to install a plug shall be as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- h) Upon completion of construction, the Contractor shall notify the District requesting final inspection of the work. The Contractor shall televise the completed extension in the presence of a District Inspector who will take immediate possession of the videotape or DVD prior to leaving the site. The District shall inspect the work for conformance with the District's requirements and adherence to the approved plans and specifications for which the District's sewer extension permit was issued. If deficiencies are found in the work, the District shall furnish the Contractor with a listing of such deficiencies. When the Contractor believes that the deficiencies have been corrected, the Contractor shall request a reinspection of the work. Should the reinspection of the work show that the deficiencies as set forth have not been corrected, the Contractor shall make the necessary corrections, and subsequent to that, shall notify the District and request another inspection. The District shall charge a fee for each additional inspection after the first inspection following the issuance of the list of the deficiencies. The fee for each additional inspection shall be as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF NORTH SHORE SANITARY DISTRICT.
- i) No connection permits shall be issued or building permits released until such time that final approval of the improvement has been made in writing by the District. Final approval is contingent upon the following:
- 1) All punchlist work has been completed.
 - 2) As-built plans prepared by a Registered Illinois Professional Engineer are furnished to the District.
 - 3) The sewer has been televised by the contractor or by the public entity (Owner) in the presence of District personnel.

- 4) A record of the television inspection has been provided to the District.
- j) No connection shall be made to the sanitary sewer until sewer connection permits have been issued by the District under Chapter 4 of this Ordinance.

SECTION 3.03 - INFILTRATION/INFLOW REQUIREMENTS

- a) All sewers or sewer systems constructed after December 13, 1955, for which a permit to connect to the sewerage works is required by the District shall be constructed to be reasonably impervious to ground water infiltration and shall be subject to an infiltration test under the supervision of and/or witnessed by the District. Infiltration as determined by such test shall not exceed 200 gallons per inch diameter, per day, per mile, for all sewers up to and including 24 inches in diameter and 5,000 gallons per day, per mile, for any sewer or sewers over 24 inches in diameter or any portion thereof.
- b) Effective June 8, 1974, all municipalities within the District, including the United States of America at its facilities at the Great Lakes Naval Training Station and Fort Sheridan, shall have entered into a Contract with a registered professional engineer licensed to practice his profession in the State of Illinois to provide a sewer system analysis to determine whether excessive infiltration/inflow exists within that municipality's collecting sewer system.
- c) The sewer system analysis hereinbefore required shall have been completed by September 8, 1974 and the results sent to the District.
- d) If the sewer system analysis indicates to the satisfaction of the District that there is no excessive infiltration/inflow present in the municipality's collecting sewer system, the District shall so advise the Administrator of the United States Environmental Protection Agency and no further studies shall be required by the municipality unless and until required by either the Administrator of the United States Environmental Protection Agency or the District.
- e) If the sewer system analysis as required herein indicates that there is or may be excessive infiltration/inflow, the District shall indicate that fact to the municipality and by December 8, 1974 the municipality shall have entered into a Contract with a Registered Professional Engineer licensed to do business in the State of Illinois for a complete evaluation of that municipality's collecting sewer system.
- f) A complete evaluation required herein shall be furnished to the District by the municipality within six months after the District orders that municipality to contract for the evaluation.
- g) Upon receipt of the complete evaluation study, including cost estimates for sewer rehabilitation, from the municipality, the District shall compare the cost of rehabilitation of the municipality's collecting sewer system with the total cost for transportation and treatment of the infiltration/inflow from that system. All cost estimates shall be on a present worth and current cost basis. If the cost of rehabilitation of the municipality's collecting sewer system is less than the cost of transportation and treatment, then the municipality shall undertake rehabilitation of its collecting sewer system within a time schedule to be submitted by the municipality to the District and approved by the District.

- h)** Each analysis and evaluation study required herein and filed with the District shall include a certificate sealed and executed under oath and penalties of perjury by the Registered Professional Engineer making such analysis or evaluation study. Such certificate shall be on forms supplied by the District and shall include a statement that all facts found by the Registered Professional Engineer are included in the analysis or evaluation study.
- i)** Each municipality shall have the responsibility to initiate and pursue Federal Grants and submit them to the District for submission to appropriate Federal authorities. Any funds received upon said grants shall be received by the District and forwarded to the municipality. The municipality shall have the obligation to enter into all Contracts to make payment for the same.
- j)** In the event a municipality fails or refuses to comply with any provisions of this Ordinance, the District may apply to the Illinois Pollution Control Board for an Order requiring the municipality to comply, to sell such general obligation bonds without referendum which may be necessary for compliance, and for a sewer ban prohibiting all further connections to that municipality's collecting sewer system until such time as compliance has occurred.

CHAPTER 4: ANNEXATION AND CONNECTION PROCEDURES

SECTION 4.01 - USE OF PUBLIC SEWERS REQUIRED

It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any wastewater or other wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- a) Except as allowed in (b) below, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- b) The owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, situated within the District and within three hundred (300) feet of a public sewer, is hereby required to connect directly with the public sewer in accordance with the provisions of this Ordinance within one year after the date of official notice to do so.
- c) Where it has been determined by the District that there is a violation of the provisions of this Ordinance and such violation may have a deleterious effect upon the receiving waters or create a hazard to life or constitute a public nuisance, the District may require the owner of the house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the District, to comply with the provisions of this Ordinance in less than one year but in no case any sooner than 30 days.

SECTION 4.02 - ANNEXATIONS, PRE-ANNEXATIONS & SEWER SERVICE AGREEMENTS

No sanitary sewers or sewer connections serving properties outside of the District's boundaries shall be allowed unless said properties are subject to a properly executed annexation, pre-annexation agreement or sewer service agreement.

a) Annexations

- 1) The annexation fees are set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE WATER RECLAMATION DISTRICT. Owners or the interested parties therein of all properties annexed to the District after July 13, 1977 will be required to pay an annexation fee.
- 2) The annexation fees so established or hereinafter established shall be in addition to all connection fees, inspection fees and any and all other fees and charges levied by the District.

b) Pre-annexation Agreements

If the property is contiguous to the District, the owner may make a pre-annexation agreement wherein he obligates himself, his heirs and assigns to pay to the District the annexation fee together with the connection fee, as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE DISTRICT, at the time of application for a sewer connection permit.

c) Fair Capital Contribution

Property not previously subject to ad valorem real estate taxes which becomes subject to such taxes or property obtained from another entity not required to be assessed ad valorem real estate taxes shall pay their fair capital contribution fees in accordance with AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE WATER RECLAMATION DISTRICT.

d) Non-contiguous Sewer Service

The owners of property not contiguous with the District's boundaries, but located within the District's Facility Planning Area may make a sewer service agreement with the District. The agreement must provide that the owner obligates himself, his heirs and assigns to pay the District's annexation fee together with the connection fee, as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE WATER RECLAMATION DISTRICT, at the time of the application for sewer connection permit. The agreement must provide that the property shall be annexed to the District as soon as it becomes contiguous. It shall further provide that sewer service fees shall be paid in accordance with AN ORDINANCE ESTABLISHING A USER CHARGE SYSTEM. An additional fee shall be paid annually which is equal to the property taxes which the District would derive from said property if it were in the District's boundaries.

e) Plat Submittal

The property owner requesting annexation, a pre-annexation or a sewer service agreement shall furnish to the District, at the time of the request, a plat of the property. The plat shall include the legal description of the property and a certificate, signature and seal of the Illinois Registered Land Surveyor or Professional Engineer who prepared the plat.

f) Contracts

The District may establish contracts for sewer service in areas not directly annexed to the District which cannot be annexed to the District. These contracts shall authorize the District to carry out the terms of said agreement and the provisions of this Ordinance.

SECTION 4.03 - GENERAL PERMIT REQUIREMENTS FOR CONNECTIONS

A connection permit shall be obtained from the District to uncover, make any connection with, or opening into, alter or disturb any sanitary sewer or appurtenances tributary to the facilities of the District except for the municipalities, sanitary districts and public utilities for the purposes of operation, maintenance and repair. A District connection includes but is not limited to the addition or replacement of buildings and equipment with the potential to discharge.

- a)** A permit from the Illinois Environmental Protection Agency shall be obtained for any sanitary sewer connection which will serve one building, or building addition with fifteen (15) or more residents or will contribute a flow to the sewers of 1,500 gallons a day or more (fifteen PE). All dischargers of non-domestic waste shall obtain an IEPA permit regardless of flow and loadings. PE will be determined on the maximum PE of the discharge based on flow, billable BOD, or TSS. All District permits requiring a permit from the Illinois Environmental Protection Agency shall expire on the date of the expiration of the Illinois Environmental Protection Agency permit. All fees and charges assessed under the conditions of the District permit are forfeited by the applicant/owner upon the expiration of the permit.
- b)** District and IEPA permit reviews are required for all new Industrial Users (IUs) and prior to an existing IU performing additions or modifications in order to determine appropriate discharge and reporting requirements as defined in Chapter 7. In the case of an existing IU, this permit application will include any change in the volume or character of pollutants in the Industrial User discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted notification under 40 CFR 403.12(p).
- c)** A permit shall also be obtained from the municipality, village, sanitary district or public utility within whose jurisdiction the work will be performed. The District permit shall not be valid until all required permits are obtained.
- d)** The permit, once issued by the District, is issued for a particular piece of property and is not transferable except as provided in Section 4.05. Connection permits shall be voided and all applicable permit fees refunded in the following instances provided that the original and all copies of the issued permit are returned to the District:
 - 1) Where the connection cannot be constructed on the property for which a connection permit has been obtained.
 - 2) Where classification of connection (i.e. single family, multiple family, commercial, or industrial) has changed from the issued permit classification. In such cases, the appropriate permit shall be obtained for the revised classification and all applicable permit fees paid prior to the connection being made.
- e)** A sewer connection permit shall only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage works, including municipal sewers and pump stations, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- f)** A sewer connection permit shall only be issued and a sewer connection allowed providing the plans and specifications and details of construction meet all the requirements of this Ordinance and all other applicable ordinances of the District.

- g) A sewer connection fee shall be assessed for each and every additional connection to any sewer tributary to the sewers of the North Shore Sanitary District or for the enlargement of existing connections of any more than 15 PE. The District reserves the right to amend the original connection fee for all non-residential permits after one year of actual operating flow and/or loadings data has been acquired.
- h) A permit shall not be required for the rearranging of facilities within a building providing that the sewage exits the building through the same sewer connection.
- i) A permit shall be required for the relocation of a sewer connection and, providing there is no change in the quantity or quality of the discharge from the relocated connection, the permit fees will be waived. The abandoned connection shall be plugged water tight at a place designated by the District to prevent any infiltration and/or inflow to the receiving sanitary sewer.

SECTION 4.04 - RESIDENTIAL SEWER CONNECTIONS

Application for a permit to connect a single-family home or multiple-family residence to any sewer or appurtenance tributary to the treatment facilities of the District shall be made only on forms prescribed and furnished by the District. A separate application and a separate permit are required for each single-family or multiple-family building to be connected to the sanitary sewers and appurtenances tributary to the District's treatment facilities.

Each dwelling unit in a duplex, triplex or quadriplex building, townhouse or rowhouse shall be considered a single - family dwelling and as such shall require a sewer connection permit for each dwelling unit. Apartment buildings shall require a multiple family sewer connection permit.

A permit shall not be required when a single family home is demolished, and a new single family home constructed which utilizes the existing sewer connection from the home to the receiving sanitary sewer.

a) Single-Family Residential Connection

The application for a permit to connect a single-family residence shall consist of the following:

- 1) Completed application form.
- 2) A sketch or plot plan showing the street and street name on which the residence faces, the nearest cross street and name, location of the house, sanitary sewer and proposed sewer service. The sketch may be made on a page provided in the application or on a separate page attached to the application.
- 3) The connection fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- 4) The annexation fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.
- 5) The fair capital contribution fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.

b) Multiple-Family Residential Connection

The application for permit to connect a multiple-family residence shall consist of the following:

- 1) Completed application form.
- 2) One copy of plot plan to scale, showing the property lines and dimensions, the street name on which the building faces, the nearest cross street and name; the location of the building, the sanitary sewer and the proposed sewer service; and an arrow indicating the North direction of the drawing.
- 3) One set of floor plans and the plumbing plans.
- 4) The connection fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- 5) The annexation fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.
- 6) The fair capital contribution fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.
- 7) If the building for which the application is being made is a part of a development involving several buildings, the applicant shall furnish two copies of the total development to scale showing property lines, streets and names, proposed buildings, sanitary sewers and sewer services, both proposed and existing.
- 8) The Illinois Environmental Protection Agency permit, if required.

SECTION 4.05 - NON-RESIDENTIAL SEWER CONNECTIONS

The application for a permit to connect a non-residential building or storm water as defined in paragraph b) to any sewer or appurtenance tributary to the treatment facilities of the District shall be made only on the forms prescribed and furnished by the District. A separate application and a separate permit are required for each non-residential or storm water connection to the sanitary sewers and appurtenances to the District's treatment facilities. The requirements are as follows:

a) Non-residential Connection

The application shall consist of the following:

- 1) Completed application form.

- 2) Two copies of the plot plan, to scale, showing the property lines and dimensions, the street and street name on which the building faces, the nearest cross street and name; the location of the building, the sanitary sewer, the proposed sewer service, the sampling manhole (if required), the water main, the proposed water service, storms sewers, inlets, catch basins, proposed storm drains and appurtenances; and an arrow indicating the North direction of the drawing. If the building, for which application is being made, is part of a development involving several buildings, the applicant shall furnish two copies of the total development plan showing the information required above.
- 3) One set of the floor plans and the plumbing plans.
- 4) The connection fee as set forth in AN ORDINANCE ESTABLISHING FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- 5) The annexation fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.
- 6) The fair capital contribution fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, if required.
- 7) The Illinois Environmental Protection Agency permit, if required.
- 8) The completed District Industrial Waste Survey, when required, and any additional information as required.

b) Storm Water Connection

Non-residential users in the Lake Michigan watershed, having an Illinois Environmental Protection Agency permitted industrial waste pretreatment facility and a North Shore Sanitary District Discharge Control Document (DCD) prior to November 27, 1995, may request the District to modify the DCD to allow the discharge of storm water to the pretreatment facility and thence to the District facilities. The connection permit and DCD modification request shall contain the following:

- 1) The capacity of the pretreatment facility in gallons per day at average daily flow and at maximum daily flow.
- 2) A description of the storm water source.
- 3) The area of the storm water source.
- 4) The reason for the contamination.
- 5) A list of all possible contaminants.
- 6) Demonstration that the pretreatment is adequate to treat contaminants within the storm water.
- 7) A narrative describing why the contamination cannot be eliminated from the storm water source and why the storm water can not be eliminated.

A connection permit and modification to the DCD will be considered by the District only if the pretreatment facility has a District approved totalizing-indicating-recording flow meter on the discharge of the pretreatment facility.

The storm water connection permit and DCD modification shall be for quantity of flow only. All other parameters as to quantity and quality of the discharge shall be in compliance with the District Ordinances or as set forth in the DCD.

The original stormwater connection permit and DCD modification shall establish a baseline flow calculated by totaling the previous three years flow divided by the number of days in the previous three years that the non-residential user's facility discharged plus any flow from a District issued permit not on-line. The baseline flow shall be considered as flow permitted and paid for.

All future connections to the pretreatment facility shall be applied for following the District's permitting procedure in paragraph a) above. The connection fee will be deferred until the annual baseline adjustment:

Annually, following the establishment of the baseline average daily flow, the current average daily flow will be calculated by taking the total flow for the previous year divided by the number of days in the year that the non-residential user's facility discharged. The non-residential user will be billed for a connection fee, at the rate in effect at that time by AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT, for any increase in the average daily flow. On payment of the fee, the baseline shall be adjusted to the newly established average daily flow.

The baseline will not be adjusted above the State permitted average daily capacity flow for the Pretreatment system stated in the modification request. In the event the actual average daily flow decreases for the year, the baseline shall remain as previously established and there shall be no connection fee refund.

Ten days following the end of a calendar month, the non-residential user shall submit to the District the meter flow charts from the recording meter for the previous month. Each chart shall have on the face of the chart the date, time and totalizer reading when the chart started and when the chart ended. The non-residential user shall be billed for the flow at the rate set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

The maximum allowable storm water quantity discharged shall be:

- . The difference between the above calculated baseline average daily flow and the State permitted average daily flow; and/or
- . the pretreatment facility maximum daily flow.

Flows exceeding the state permitted maximum daily flow or the pretreatment facility average daily flow shall result in the non-residential user being billed at the Environmental Remediation rate as set forth in the above referred to Ordinance.

Should the facility demonstrate Significant Non-Compliance with its permitted maximum daily or average daily flow discharges, the District shall initiate enforcement actions in accordance with the Enforcement Response Plan.

c) Non-Residential PE

Non-Residential PE shall not be transferable from one physical location ("Property") to another Property or assigned to a successor permittee unless the PE has been issued pursuant to a transferable PE permit as provided under Section 4.05 d) of this Ordinance.

d) Transferable PE

A permittee may purchase non-residential PE that may be transferred by the permittee with District approval from one physical location ("Property") to another Property, where both Properties are located within the service area of the District, or that may be transferred with District approval to a successor permittee, pursuant to the following requirements.

- 1) Application for a permit to transfer non-residential PE from one Property to another Property or to a successor permittee shall be made only on the "Permit Application for Non-Residential Transferable Population Equivalent" form prescribed and furnished by the District. PE that has been or is permitted by any other means shall not be subject to transfer to another Property or successor permittee and shall be limited to the Property for which it was originally permitted.
- 2) 15 PE is the minimum non-residential PE which may be permitted as transferable PE.
- 3) A transferable PE permit shall be required and shall be obtained by permittee for each and every transfer of PE from one Property to another or to a successor permittee. The previously-issued transferable PE permit shall be considered void upon the issuance of a transferable PE permit transferring the previously-permitted non-residential PE from the source Property to another Property or to a successor permittee.
- 4) In addition to obtaining a permit from the District, the permittee is required to obtain a permit or such other approval from the Illinois Environmental Protection Agency as is required by the IEPA prior to the District's issuance of a transferable PE permit allowing the transfer of PE from one Property to another or to a successor permittee and any other approval as may be required from any other governing authority.
- 5) The Property at which transferable PE was initially permitted and any Property to which PE is subsequently transferred shall be located within the service area of the District.
- 6) Sewage conveyance systems downstream of any facility discharging transferable PE shall have adequate capacity. The District shall have no obligation to construct, operate, expand or modify District's facilities to accommodate transfer of PE.
- 7) The applicant must satisfy all applicable requirements and conditions for non-residential sewer connections. The transferred PE is subject to all terms, conditions and requirements of this Ordinance, including but not limited to the right of the District to require the installation of a sampling manhole in conjunction with the issuance of a transferable PE permit.

8) PE Transfer to Successor Permittee

A transferable PE permit is issued to the person named as applicant (PE permittee) in the Permit Application for Non-Residential Transferable Population Equivalent and shall not be transferable to another person, except that the District may reassign a transferable PE permit when the named permittee has been acquired by another person (successor permittee). Application for a permit to transfer non-residential PE to a successor permittee shall be made only on the "Permit Application for Non-Residential Transferable Population Equivalent" form prescribed and furnished by the District. No connection-related fees shall be charged with issuance of the new transferable PE permit if the discharge originally permitted by the issued transferable PE permit remains unchanged. If the nature of discharge originally permitted by the transferable PE permit has changed, the application for transfer of the PE and the calculation of any connection-related fees shall be based upon the proposed discharge by the successor permittee as further specified in Subparagraph 9). All subsequent discharges shall be in accordance with the new transferable PE permit. The successor permittee to whom a transferable PE permit is reassigned assumes all obligations of original permittee and shall be responsible for compliance with all terms and conditions of the transferable PE permit.

- 9) In the event the Property to which PE is being transferred has higher connection-related fees than the source Property from which PE is being transferred, the transferable PE permittee shall be responsible to pay the net additional connection-related fees. In no case shall a refund of transferable PE permit fees paid for the source Property from which PE is being transferred be granted if the connection-related fees associated with the Property to which PE is being transferred are less than those of the source Property. Nor shall there be a refund of any connection-related fees for previously issued transferable PE if the PE discharged is less than the amount of transferable PE that had been permitted. Permittee is responsible for payment of any local jurisdiction's fees associated with Property to which PE is being transferred.
- 10) The PE permitted by a transferable PE permit is solely for use by permittee to whom the transferable PE permit is issued or reassigned to by the District. The transfer of the transferable PE shall be as provided in Section 4.05 d) of this Ordinance and any claim or right or any benefit or obligation thereunder or resulting therefrom, may not be otherwise assigned or transferred from or by the person to whom the permit was issued, except as provided herein, and any assignment or transfer or attempt thereof shall be deemed void. The marketing, resale, discounting or auction of PE, and any similar or related action, is prohibited.
- 11) If permittee ceases operation and permittee's interest in the Property is terminated or otherwise extinguished voluntarily or involuntarily, all transferable PE permits shall terminate and shall be deemed void and the permittee shall not be entitled to a refund of any fees paid in relation to the transferable PE permit.
- 12) By issuance of a transferable PE permit, the District in no way makes any guarantee or representation regarding the approval and issuance of a transferable PE permit to any future Property to which PE is requested to be transferred to by permittee, or regarding the reassignment of a transferable PE permit.
- 13) For new construction and the addition or replacement of existing buildings, a non-residential sewer connection permit shall be required in addition to a transferable PE permit. The non-residential sewer connection permit is non-transferable and shall

remain with the property for which it is permitted. The District shall utilize its standard procedures and discharge coefficients to calculate the permitted PE of the non-residential sewer connection taking into account the amount of transferable PE being permitted separately. In the case where all flow originating from the operation of the facility is being permitted separately as transferable PE, the District shall calculate the PE associated with the non-residential sewer connection permit utilizing its minimum discharge coefficients applicable to the facility. All connection-related fees required by the District shall be paid for both the transferable PE permit and the non-residential sewer connection permit prior to issuance of the permits.

SECTION 4.06 - SEWER CONNECTION CONSTRUCTION

Upon receiving a connection permit from the District together with a permit, where applicable, from the public entity within whose bounds the connection is to be made and/or to whose sewers the connection is to be made, the applicant may proceed to make the connection to the sanitary sewer after giving proper notification to the public entity and to the District.

- a) The public entity within whose boundaries the work is being done and/or to whose sewer the connection is being made shall be responsible for the inspection and approval of the work. Any sewer connection made directly to the facilities owned and operated by the District shall be done under the requirements of Section 4.06, subsection b) and be inspected and approved by the District. The District reserves the right to inspect all work connected indirectly to the District facilities. If deficiencies are found in the work, the District shall furnish the Contractor with a listing of such deficiencies. When the Contractor believes that the deficiencies have been corrected, the Contractor shall request a reinspection of the work. Should the reinspection of the work show that the deficiencies as set forth have not been corrected, the Contractor shall make the necessary corrections, and subsequent to that, shall notify the District and request another inspection. The District shall charge a fee for each additional inspection after the first inspection following the issuance of the list of the deficiencies. The fee for each additional inspection shall be as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF NORTH SHORE SANITARY DISTRICT.

- b) When the proposed work does not fall within the boundaries of a municipality, sanitary district or public utility, the District shall inspect and, when the work is satisfactorily completed, approve the said work. If deficiencies are found in the work, the District shall furnish the Contractor with a listing of such deficiencies. When the Contractor believes that the deficiencies have been corrected, the Contractor shall request a reinspection of the work. Should the reinspection of the work show that the deficiencies as set forth have not been corrected, the Contractor shall make the necessary corrections, and subsequent to that, shall notify the District and request another inspection. The District shall charge a fee for each additional inspection after the first inspection following the issuance of the list of the deficiencies. The fee for each additional inspection shall be as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF NORTH SHORE SANITARY DISTRICT. Where the District has sole responsibility, the Contractor or other entity performing the work shall post a \$25,000.00 performance bond with the District, on the District's bond form, when connecting to a sewer of eighteen (18) inches or more in diameter and a \$1,500.00 permit bond when connecting to a sewer of less than eighteen (18) inches in diameter. Each contractor shall carry such insurance as is deemed necessary by the District to protect it against claims, causes of actions, or any act of any permittee.

- 1) A Certificate of Insurance shall be filed with the District. After approval of the Certificate and upon issuance of a permit, the Contractor shall be allowed to proceed. The District 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 District.
- c)** The applicant shall notify the District and the municipality, sanitary district or public utility responsible for the inspection at least twenty-four hours prior to the commencement of the work to be done. Failure to do so will require payment of the No Notification Fee as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- d)** The rules, regulations, ordinances and policies listed hereafter and issued by the authorities indicated are incorporated herein by reference and shall govern the work so far as they apply to said work.
- 1) The District's rules, regulations, resolutions, policies, directives and instructions that may be adopted or issued from time to time by the District's Board of Trustees.
 - 2) "Standard Specifications for Water and Sewer Main Construction in Illinois," latest Edition.
 - 3) "Illinois Plumbing Code," latest Edition.
 - 4) The ordinances, rules and regulations of the municipalities, sanitary districts and public utilities within whose jurisdiction the work is being performed.
 - 5) In case of conflict between the municipalities, sanitary districts and public utilities and the requirements of the District, the more stringent requirement shall govern.
- e)** Sewer connections shall be made through an existing wye or tee. When a wye or tee is not available the connection shall be made in one of the following methods:
- 1) Installation of manhole.
 - 2) Core or hole saw cut the sewer and install a hub saddle wye or tee.
 - 3) Remove an entire section of pipe and replace with wye or tee branch section.
 - 4) Cut out desired length of pipe with a pipe cutter and insert wye or tee branch section.
- f)** The sewer connection shall be plugged with a water tight concrete plug by the Contractor at the time the connection to the existing sewer is made. The plug shall be maintained in place at all times until the sewer connection is approved in writing by the District. If the plug is not maintained in place, the District shall install a concrete plug and charge a fee to the Contractor for each time a plug is installed by the District. The charge for the District to install a plug shall be as set forth in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- g)** All excavations shall remain open until the work has been inspected and approved at which time the excavations shall be backfilled and the site of the work restored to a condition equal to or better than that which existed prior to the commencement of said work.

h) Sewer connections from buildings having holding tanks such as septic tanks, cesspools and grease traps in residential buildings shall be made in such a manner that these devices are isolated from the line of waste flow and upon completion of construction shall be pumped out by a septic hauler, and filled with compacted granular material.

i) Sampling manholes shall be provided by non-residential dischargers to facilitate, by the District, observation, sampling and measurement of wastes based on the following criteria:

- 1) A sampling manhole shall be constructed on each sanitary sewer connection located in an industrial area or designated industrial park
- 2) In locations other than industrial parks or designated industrial parks, a non-residential discharger, whose waste is classified under one or more industrial waste categories set forth in Section 6.01 a) of this Ordinance may be required to construct a separate sanitary sewer connection and sampling manhole if determined necessary by the District.

Sampling manholes shall be constructed in accordance with the provisions set forth in Section 6.04 of this Ordinance. All sampling manholes and non-residential sanitary sewer connections shall be inspected and approved by the District prior to being used.

j) Grease, oil and/or sand interceptors shall be provided at all appropriate locations within the District's service area when, in the opinion of the District, they are necessary for the proper handling of the wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the General Manager or his designee and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense.

CHAPTER 5: REGULATIONS FOR INDIVIDUAL DISCHARGERS

SECTION 5.01 - GENERAL DISCHARGE PROHIBITIONS

It shall be unlawful to discharge or intend to discharge to any facility served by the District, without having first complied with the terms of this Ordinance. All non-residential dischargers are required to connect to the District based on the requirements set forth in Chapters 3 and 4. All non-residential dischargers may be required to obtain a Discharge Control Document (DCD) based on the requirements set forth in Chapter 7. Discharge Control Documents shall be required for Class I00, I04 and I05 dischargers which includes categorical industries with or without discharge of regulated process waste.

Requirements and limitations of Federal pretreatment standards as established by 40 CFR, Chapter I, Subchapter N, Parts 405 – 471, State standards, Ordinance requirements and limitations and Discharge Control Document standards must be met by all dischargers at all times. In the event multiple limitations exist for the same parameter, the discharger shall be required to meet the most restrictive requirement. Said users shall provide the necessary wastewater treatment to achieve compliance with all National Categorical Pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations, and with any other pretreatment standards including local limits, by applicable deadlines.

No discharger shall contribute or cause to be contributed, directly or indirectly to the District sewage works, any pollutant or wastewater contaminant which will pass through, cause interference with, inhibition of, or upset to the operation of the POTW.

No discharger shall contribute, or cause to be discharged, either directly or indirectly, any of the following described substances into the wastewater collection and treatment system, or otherwise to the facilities of the District:

- a) No discharger shall increase the use of potable or process water in any way, nor mix separate wastestreams for the sole purpose of diluting a discharge as a partial or complete substitute for adequate treatment, in order to achieve compliance with standards as set forth in this Ordinance.
- b) Any unpolluted water including, but not limited to, uncontaminated non-contact cooling water, storm water, surface and groundwaters, roof run-off, spill containment area run-off, footing drains or construction drainage except as permitted in Section 7.04.
- c) Any solids, solid wastes, liquids or gases which by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, fire or explosion or be injurious in any other way to the facilities or personnel of the District, or to the operation of District facilities, including any wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- d) Any solid, solid waste or viscous substance which shall or may cause obstruction to the flow in a sewer, or other interference to the operation of the wastewater system. Prohibited materials include but are not limited to: grease, grease trap wastes, garbage with particles greater than one-half (1/2") in any dimension, materials which may obstruct flow, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders,

sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, paper, wood, plastics, residues from gas, tar or asphalt, residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acids, or any material which can be disposed of as trash or special wastes.

- e) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- f) Any wastewater containing 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 are in sufficient quantities to interfere with, inhibit or upset any operation of District facilities, including but not limited to, prevention of entry into the sewers for their maintenance and repair.
- g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the District facilities in a quantity that may cause acute worker health and safety problems or which necessitate the District taking special measures to counteract and/or alleviate the impact of the pollutant(s).
- h) Any wastewater having a temperature which shall inhibit biological activity in the District's facilities, but in no case heat in such a quantity that the influent temperature at the sewage treatment plant to which the user discharges will exceed 40° C (104° F).
- i) Any substance or combination of substances which shall cause the District facilities to be in violation of its NPDES and/or other disposal systems permits, or to cause the District's facilities to violate receiving stream water quality and/or general effluent discharge standards.
- j) Any substance with objectionable color which is not removed in the treatment processes, such as, but not limited to: dye waste, ink waste and vegetable tanning solutions.
- k) Any wastewater having a pH less than 5.0 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel in the system. The pH limits shall be met at all times, and are not subject to averaging.
- l) Any wastewater containing pollutants in sufficient quantity, either singly or by interaction, to injure, interfere with or upset any wastewater treatment processes or facilities, constitute a hazard to humans or animals, or to exceed limitations as set forth in the existing Act, or the Act as it may be amended.
- m) Any substance which may cause the District's treatment facilities' effluents or sludges, to be unsuitable for reclamation and re-use, or interfere with the reclamation processes. In no case shall a substance discharged to the District's facilities cause the District to be in noncompliance with any sludge use or disposal regulations developed under Section 4.05 of the Act; or any regulations affecting sludge 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 sludge management methods either being used, or considered by the District.
- n) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or concentration (including any slug load), which may interfere with, inhibit, or upset District operations.

- o)** Any wastewater containing any radioactive wastes or isotopes, except in accordance with District, State and Federal rules governing such discharges.
- p)** Any wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to process organisms other than by direct excrement and any other wastes defined as medical waste.
- q)** Any leachate, groundwater remediation or waste material, originating within the District service area, which does not meet discharge limitations as set forth in this Ordinance or determined by this Ordinance. Such waste shall be evaluated by the District and limits determined if the pollutant contained in the waste does not have discharge limits specified in this Ordinance.
- r)** All trucked or hauled wastes except at the District's designated discharge points. All such wastes are to be individually approved and permitted by the District prior to discharge as set forth in Section 7.03 of this Ordinance.
- s)** Any sludges, screenings or other residues from the pretreatment of non-residential wastes.
- t)** Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- u)** Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the POTW.

Wastes prohibited in this section shall not be processed or stored in such a manner that they could be discharged to the District sewer system.

SECTION 5.02 - SPECIFIC LIMITATIONS

a) Pollutant Classifications

1) Non-Toxic Pollutants - Guidelines For Discharge

Any non-domestic source that discharges any wastewater containing concentrations greater than the discharge guidelines as set forth in this section into any sewers that connect either directly or indirectly with any District facilities may be subject to District discharge control document permitting requirements. Concentrations apply at the point where the non-residential waste is discharged to the public or municipal sewer as defined per Section 6.04 a) or 6.05 b) of this Ordinance.

Ammonia as N	50.0	mg/l
Barium	15.0	mg/l
Biochemical Oxygen Demand (BOD) ₅	300.	mg/l
Chemical Oxygen Demand (COD)	900.	mg/l
Fluoride	3.0	mg/l
Manganese	12.0	mg/l
Nitrate as N	45.0	mg/l
Oil/Grease (Freon Extractable or equivalent)	75.0	mg/l
Phosphorus as P	20.0	mg/l
Total Dissolved Solids	3500.	mg/l
Total Suspended Solids (TSS)	350.	mg/l

Site specific limits for the above pollutants may be defined and regulated for dischargers by issuance of a Discharge Control Document.

Site specific limits established for non-toxic pollutants within a Discharge Control Document are considered enforceable standards unless otherwise specified.

2) Toxic Pollutants

No discharger shall discharge any wastewater to the District containing any of the following toxic pollutants at concentrations greater than the specified limitations into any sewers that connect either directly or indirectly with any District facility. Concentrations apply at the point where the non-residential waste is discharged to the public or municipal sewer.

Arsenic	0.15	mg/l
Cadmium	0.6	mg/l
Chromium (Hexavalent)	0.7	mg/l
Chromium	3.0	mg/l
Copper	3.0	mg/l

Cyanide	0.12 mg/l
Lead	1.0 mg/l
Mercury	0.38 ug/l daily maximum
Nickel	3.0 mg/l
Phenols	4.0 mg/l
Selenium	0.5 mg/l
Silver	1.1 mg/l
Zinc	2.0 mg/l

All parameters are Total unless otherwise specified.

3) Other Pollutants

No discharger shall discharge any wastewater to the District containing any of the following pollutants at concentrations greater than the specified limitations into any sewers that connect either directly or indirectly with any District facility. Concentrations apply at the point where the non-residential waste is discharged to the public or municipal sewer.

pH	5-10.5 pH Units
Biological Inhibition as measured by the Erythromycin Agar-Diffusion Bio-assay	24 mg/l monthly average 44 mg/l daily maximum
Sulfide - water	0.5 mg/l

b) General Conditions

The District reserves the right to set site specific standards for any applicable pollutants on a case-by-case basis. These standards shall be set forth in a Discharge Control Document per Section 7.01.

Dischargers which are monitoring so as to provide a permanent, continuous pH record may be outside of the specified range for a total of not more than fifteen (15) minutes in any day. The above excursion must be attributable to the on-line pH meter precision and not a change in discharge pH characteristics.

It is expected that limitations on pollutants shall be met at all times by every discharger. The maximum concentration of a pollutant allowed to be discharged at any time, shall be determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

The District reserves the right to require mass limitations rather than concentration limitations for any discharger.

SECTION 5.03 – SPILL/SLUG PREVENTION PLANS

Each discharger shall provide protection from an accidental discharge of prohibited materials, regulated materials or any other substances regulated by this Ordinance. Where necessary, facilities to prevent an accidental discharge of the above mentioned materials shall be provided and maintained at the owner or discharger's cost and expense. Plans may be required to be submitted to the District before construction and operation of the facility.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review by all significant industrial users and any other non-residential entity the District may deem necessary. The detailed plans shall be completed and submitted prior to operations and shall contain, at a minimum:

- . Description of discharge practices, including non-routine batch discharges;
- . Description of stored chemicals, including quantity of chemicals and type and number of storage containers;
- . Procedure for prevention and notification of slug discharges;
- . Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, measures for containing toxic organic pollutants (including solvents), and/or details of control measures and equipment for emergency response. Building of containment structures or production equipment changes related to spill containment 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.
- . Logs to verify that inspection and maintenance procedures to prevent adverse impact are being performed on a regular basis must be maintained and incorporated into the procedures.
- . Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing 8 drums or more of raw material or final product. Identification of liquid materials is mandatory.
- . Emergency telephone number (24 hour) off-site and backup phone number.

Review of such plans and operating procedures by the District shall not relieve the discharger from the responsibility to modify the discharger's facility as necessary to meet all requirements of this Ordinance.

All SIUs shall be subject to a spill/slug prevention plan evaluation at least once every two years. Other non-residential dischargers will be subject to a spill/slug prevention plan evaluation as necessary. All changes in off-site telephone numbers shall be submitted within seven calendar days when revised.

SECTION 5.04 - ACCIDENTAL DISCHARGE NOTIFICATION

Dischargers shall immediately notify the District by telephone, upon occurrence of a "slug load," or accidental discharge of substances at the IU site with a potential to be discharged to a sanitary sewer. Spills to a pretreatment system that require special containment or handling to be adequately treated by the pretreatment system, impact or interfere with the operation of the pretreatment system or otherwise have the potential to upset or pass through the pretreatment system or negatively impact District facilities are to be immediately noticed to the District. This Immediate Notification covers substances regulated by this Ordinance including the discharge of substances to a pretreatment system or sanitary sewer tributary to the District which are required to be reported as spills or accidents by other regulating entities (local, State or Federal) applicable to the IU site. Immediate Notification shall include:

- . location of discharge,
- . physical state of discharge,
- . chemical composition of discharge,
- . corrective actions to be taken.
- . date and time thereof,
- . duration of the discharge,
- . concentration and volume,

The notification shall include what Federal, State and local entities have also been notified by the discharger.

The discharger shall be required to submit a Written Notification on a form provided by the District which explains the disposition of any "slug loads" or accidental discharges to a pretreatment system or to the sanitary sewer system as described above within five (5) working days after the first notification.

Additional to discharges requiring immediate notification, IUs with a pretreatment system shall submit a monthly Notification Summary of accidental discharges to the pretreatment system on the IU site. Accidental discharges to be reported in the monthly notification summary shall include incidents that resulted in a discharge to a pretreatment system but did not require the special handling cited above and have not been previously noticed to the District. Monthly Notifications will contain the same information submitted for the Immediate Notification and Written Notification. Both the Written and Monthly Notification reports shall define the measures that will be taken by the discharger to prevent similar future events.

Such notification shall not relieve the discharger of the responsibility to reimburse the District for any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the discharger of any fines, civil penalties or other liability which may be imposed under this Ordinance or other applicable State or Federal law. Failure to notify the District of any discharge which may pose a potential problem to District facilities shall be deemed a violation of this Ordinance and subject to enforcement action and penalties as defined in Sections 8 and 9 of this Ordinance.

Signs shall be permanently posted in conspicuous places advising employees whom to call in the event of a spill, accidental discharge of prohibited materials or a bypass of any part of the pretreatment system. In lieu of using signs, dischargers may use an alternative method for training employees in the reporting procedures. Such alternative methods must be approved by the District.

SECTION 5.05 – BYPASS NOTIFICATION

Bypass is prohibited except for essential maintenance.

If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the District, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass whether or not the bypass exceeds applicable pretreatment standards to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass; including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

CHAPTER 6: REQUIREMENTS FOR NON-RESIDENTIAL DISCHARGERS

The District shall regulate non-residential dischargers including categorical zero dischargers through the requirements set forth in this chapter. This chapter provides the requirements for non-residential discharger reporting, monitoring facilities, inspection, sampling, analytical procedures, records retention and provides for confidentiality. District Pretreatment as well as National Categorical Pretreatment Requirements are covered by this chapter. At a minimum, the discharge requirements shall be as strict as the discharge standards set forth in Chapter 5. Requirements for Discharge Control Documents are set forth in Chapter 7.

SECTION 6.01 - DISTRICT WASTEWATER REPORTS

Failure to file any report or notification as required by this Ordinance and/or facility DCD by the specified due date shall result in enforcement and/or penalties as defined in Chapters 8 and 9. All reports and notifications are required to be signed by the Authorized Representative of the discharger.

a) Applicability of General Reporting Requirements

All Non-Residential Dischargers proposing to connect and Non-Residential Dischargers with existing connections must comply with all terms of this Ordinance. There are six industrial categories of Non-Residential Dischargers who shall complete and file reports with the District.

Any owner and/or operator of a property, building, structure, facility or installation from which there is or may be the discharge of pollutants, may be defined as a responsible party and accountable for compliance with the provisions of this Ordinance.

Owners and operators of multi-tenant buildings which do not have separate water or sewer facilities will be required to file as a non-residential user. The category for the building status will be determined on the basis of the flow and characteristics of the most stringent user class in the entire facility.

The six Industrial categories are:

- I 00 Categorical Industrial Users – CIUs - Zero Discharge - Industry which has a regulated process that generates categorical wastewaters on site as defined by the Federal Code for National Categorical Pretreatment Standards and has opted to be a zero regulated process discharge facility. No reasonable potential to discharge regulated categorical process wastewaters has been identified at the site.
- I 01 Wholesale Commercial / Industrial Wet Warehouses;
- I 02 Dry industrial dischargers (sanitary waste only);

- I 03 Small industrial dischargers (has waste other than sanitary with flow less than 25,000 gpd average daily flow when in operation);
- I 04 Significant non-categorical industrial discharger generates process wastewater flow greater than or equal to 25,000 gpd average daily flow when in operation, contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving District treatment plant, or is designated Significant by the District on the basis that the industrial user has a reasonable potential for adversely affecting the District's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- I 05 Categorical Industrial Dischargers - CIUs - Industry which has a regulated process on site as defined by the Federal Code for National Categorical Pretreatment Standards. Includes CIUs that discharge regulated waste or are required by regulation to be zero discharge. This category also includes CIUs stating zero discharge but that have a reasonable potential to discharge regulated process wastewater.

For the purposes of reporting to EPA and complying with the terms of this Ordinance, I04 and I05 industries are both classified as significant industrial users (SIUs). SIUs will, at a minimum, be site inspected annually and sampled no less than semi-annually.

Upon finding that an industrial user meeting the criteria in this section of an I04 industry has no reasonable potential for adversely affecting the District's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from the industrial user and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

b) Wastewater Survey Reporting Requirements

- 1) Non-Residential Dischargers described in 6.01 a) as I04 or I05 shall periodically as requested by the District, complete and file a wastewater survey report. At a minimum, a description of processes and wastewater characteristics for the facility will be required to be submitted or updated with DCD application or renewal. The submittal shall include information necessary for the District to make decisions on the applicability of any regulations and requirements of the District, State of Illinois and Federal Government. Non-Residential Dischargers described as I03, I02, I01 and I00 may be required to file the wastewater survey report upon request by the District.

Proposed non-residential dischargers (both commercial and industrial) shall file a report as a part of the connection permit if applicability has been determined by the District. A new occupant of an existing building shall file a report with the District within 60 days of commencement of operation.

c) Authorized Representative Change Notification

Any discharger which changes the Authorized Representative of its facility shall file a change notice prior to or with the next required report. In accordance with 40 CFR 403 the authorized representative must meet the requirements as defined in Section 2.01 c) 5).

d) Hazardous Waste Notification

Any discharge source, except as specified in subpart 4) below, which discharges to the District any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the District in writing of such discharge as provided by 40 CFR 403.12(p).

- 1) All hazardous waste notifications shall include:
 - . The name of the hazardous waste as set forth in 40 CFR Part 261;
 - . The EPA hazardous waste number;
 - . The type of discharge (continuous, batch or other); and
 - . A certification that the industrial user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- 2) In addition to the above information and the submittals required by Section 6.01 d) 1), industrial users discharging to the District any amount of acute hazardous waste at anytime or more than 100 kg of hazardous waste during any calendar month shall include the following supplemental information to the extent such information is known and readily available to the IU:
 - . An identification of the hazardous constituents contained in the waste;
 - . An estimate of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - . An estimate of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
- 3) Industrial users commencing the discharge of listed or characteristic hazardous wastes shall provide the notification no later than 180 days from the commencement of discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notification of changed discharges or any waste components which are later classified as hazardous waste and added to the list in 40 CFR Part 261 must be submitted within 30 days of the change.
- 4) Industrial users are exempt from the hazardous waste notification requirement if they discharge no more than 15 kg of non-acute hazardous wastes during a calendar month.

e) Categorical and Non-Categorical Significant IU Semi-Annual Reports

Any I05 categorical industrial user subject to a categorical pretreatment standard or any I04 non-categorical industrial user shall submit a semi-annual report to the District to satisfy the continued compliance requirements of 40 CFR 403.12(e) and (h). If the District collects all the information required by the report, including flow data, the industrial user will not be required to submit the report.

f) Change Notification

All sources of non-domestic waste shall promptly notify the District in advance of any substantial change as defined in Section 2.01 c) 80) as required under 40 CFR 403.12 (j), including the listed or characteristic hazardous wastes for which the discharger has submitted initial notification under 40 CFR 403.12(p).

A change notice shall also be submitted to the District for an addition or deletion of any categorically regulated process at the site that may have the potential to change the classification of the discharger, including those processes that have no discharge of regulated process waste. Closure of all or any part of the facility is defined to be a substantial change and is required to be noticed to the District. Formal written notification on forms provided by the District shall be made 30 days prior to a change for an addition or increase of equipment or process. Notification for shutdowns, deletions of processes or substantial decreases in wastewater are required within 7 days following the determination of the change.

Notification will result in review of existing discharge records and possible resubmittal of a wastewater survey report, District connection and IEPA permit applications and/or discharge control document modifications.

Categorical IUs (I00, I05) shall notice additive changes no less than 90 days in advance if a BMR submittal as provided at Section 6.03 b) of this Ordinance is required by Federal regulation per 40 CFR 403.12(b). At a minimum, Categorical IUs shall submit change information 30 days in advance of a change which does not require a BMR submittal by Federal regulation.

SECTION 6.02 – NSSD COMPLIANCE EVALUATION AND REPORTING REQUIREMENTS

The District evaluates compliance status of non-residential dischargers with discharge limitations and requirements as set forth in this Ordinance based upon the source and quality of IU discharge, or expected quality, in the case of a new connection or new process. Specific and general standards applicable to the end of pipe location where wastewater enters the public sewers are defined as local limits and are detailed in Chapter 5. National Categorical Pretreatment Standards apply to pollutant limitations that must be met at the end of the specified category process. The Federal Categorical standards are required to be promulgated in accordance with Section 307 (b) and (c) of the Act. Both types of discharge requirements are equally enforceable by the District and shall be complied with by the non-residential discharger. Requirements for District local limit compliance and enforcement actions replicate procedures and timeframes as defined for Categorical dischargers. Neither type of discharger is mandated to install equipment to pretreat the wastestreams but all are required to implement controls so discharge standards are met at the regulated compliance point.

DISTRICT PRETREATMENT REQUIREMENT

a) Applicability

The pollution reduction requirement hereafter referred to as pretreatment, may be initiated whenever a non-residential discharger exceeds the standards applicable to its discharge, causes or contributes to a sewage treatment plant upset, or interference, or when analysis of wastes or observation of the effect of such wastes on the sewerage works of the District indicate that said wastes cannot be treated satisfactorily at such sewerage works, or that said wastes are injurious to the sewerage works or treatment processes or pollute the natural waters within the District service areas. Such facilities and controls as the District may deem necessary for reduction of the wastes shall be furnished by and at the expense of the non-residential discharger as a condition for the discharge of said wastes into any sewer or sewer system, or into the sewerage works of the District or to any natural water within the District service area. The District after consideration of the problem, will initiate the pretreatment requirement.

b) Pretreatment Requirement Initiation

The requirement for corrective action can be initiated informally through a telephone call, but must be formalized in a letter from the District to the IU. The first contact will require a meeting between the District and the discharger to discuss the noncompliance status.

1) Pretreatment Initiation Meeting

The meeting will be held to discuss the problem and the solution to said problem. A schedule shall be required of the discharger that establishes events and completion deadlines to return the discharger to compliance. The required schedule must define and determine completion dates and what changes in operation and maintenance, plant modifications and/or the installation of pretreatment equipment shall occur in order to establish compliance. A certified letter defining the compliance schedule will be submitted by the discharger to the District no less than 30 days after the meeting. The District will confirm by certified mail acceptance/rejection of the schedule to the discharger.

- 2) In the event that a schedule for compliance is submitted by the discharger that is not acceptable to District Industrial Waste Staff, the District General Manager shall define the required timeframe for the discharger to return to compliance.

c) Pretreatment Progress Report

The non-residential discharger shall report progress on the pollution reduction project. Such progress reports shall be submitted in writing no later than 14 days after progress milestone dates as defined in the schedule.

d) Final Compliance Report

The non-residential discharger shall submit a written report to the District detailing the success or need for further modification within 14 days from the site modification and/or start-up of the pretreatment equipment installed.

e) 90 Day Evaluation

The non-residential discharger concerned shall submit a written 90 day report evaluating the success or failure of the operation of the pretreatment alternative chosen by the discharger.

SECTION 6.03 - CATEGORICAL COMPLIANCE EVALUATION AND REPORTING REQUIREMENTS

a) Applicability

The pretreatment requirement shall apply to all non-residential dischargers 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 District. The National Categorical Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 - 471 are hereby incorporated into this Ordinance.

Compliance with National Categorical Pretreatment Standards is mandatory. However, the non-residential discharger may request a net gross adjustment to a categorical pretreatment standard in accordance with 40 CFR 403.15. Said discharger may also request a variance from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR 403.13.

The non-residential discharger shall comply with District requirements and standards in the event that such requirements or standards are more stringent than the categorical standard. All non-residential dischargers that are subject to National Categorical Pretreatment Standards are hereby classified as Categorical Industrial Users I00 or I05 per the classification in Section 6.01 a) hereafter known as CIU(s). I05-CIUs are required to file the following reports b), e) and f), signed by an Authorized Representative. These reports shall include all information that the District deems necessary to make compliance determinations.

b) Baseline Monitoring Report

Any CIU subject to National Categorical Pretreatment Standards promulgated by the USEPA in accordance with Section 307 (b) and (c) of The Act shall file a baseline monitoring report within 180 days after the effective date of the applicable categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under the Federal Pretreatment Regulations, whichever is later.

Existing CIUs subject to such National Categorical Pretreatment Standards and currently discharging or scheduled to discharge to the District shall be required to submit to the Control Authority a baseline report which contains the information cited in the Federal Pretreatment Regulations 40 C.F.R. 403.12(b). Should any of this information have been previously submitted to the District and if this information is still current and accurate, the CIU subject to National Categorical Pretreatment Standards shall not be required to resubmit this information. Non-regulated process waste information shall be submitted at the same detail level that is required for regulated process waste at a site when necessary to determine compliance with categorical standards. The District reserves the right to request any additional information on any processes at any time it deems necessary. The baseline report must be signed by the Authorized Representative of the discharger.

Existing CIUs which will change any categorical operations or process shall be required to submit a Change Notice 30 days prior to commencement of changed or new operations so that the District can determine if an addendum to the existing BMR is required. Changes which occur and are defined as new sources shall be required to submit the baseline report 90 days prior to commencement of the new source process.

c) Compliance Schedule

If applicable, the following conditions shall apply to the compliance schedule required in the 40 CFR 403.12(b)(7) regulations:

- 1) The schedule shall contain increments of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment.
- 2) No increment of progress shall exceed 9 months.

d) 14 Day Progress Report

Not later than 14 days following each date in the compliance schedule and the final date for compliance, the CIU shall submit a progress report to the District including at a minimum whether or not it complied with the increment, and if not, the date on which it expects to comply with this increment, the reason for the delay, and steps being taken by the discharger to return to the established schedule. In no event shall more than 9 months elapse between such progress reports.

e) 90 Day Final Compliance Report

Within 90 days following the date for final compliance with the applicable National Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater, all CIUs shall submit to the District a report consistent with 40 CFR 403.12(d). The report will indicate the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units. The report shall state whether the applicable standards and requirements are being met on a consistent basis and, if not, what

additional Operating & Maintenance and/or pretreatment is necessary to bring the discharger into compliance. This statement shall be signed by the Authorized Representative and certified by a qualified professional.

f) Periodic Pretreatment Report

All CIU's subject to National Categorical Pretreatment Standards, after the compliance date of such applicable pretreatment standards or, in the case of a new source, after discharge of wastewater to the District begins, shall submit to the District on or before the 20th day of the months of August and February, unless required more frequently by the District or the Approval Authority, a report indicating the nature, concentration and/or mass (if regulated by mass) of pollutants in the effluent which are limited by such National Categorical Pretreatment Standards. All reports shall be signed and certified by the Authorized Representative.

In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period except that the District may require more detailed reporting of flows.

At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may agree to alter the date which the periodic reports are to be submitted.

Monitoring and analysis frequency to demonstrate continued compliance shall be determined by the District. If a non-residential discharger subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the District, using procedures prescribed in Section 6.05 of this Ordinance, the results of this monitoring shall be included in the report.

SECTION 6.04 - MONITORING FACILITIES

a) Applicability

Upon District determination, any non-residential discharger shall provide a sampling manhole in compliance with the conditions set forth in Section 4.06 e) of this Ordinance. In addition, all I05 Categorical Industrial Users, as defined in Section 6.01 a) of this Ordinance may be required to construct a sampling manhole at the end of a regulated process wherein noncompatible pollutants are used, produced, treated or in the event that non-regulated process flows interfere so that compliance with categorical standards cannot be determined.

b) Location and Requirements

Such control manhole, hereafter referred to as sampling manhole or manhole, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. Each manhole shall be situated on the discharger's premises. Where such a manhole location would be impractical or cause undue hardship on the discharger, the District may concur with the manhole being constructed in the public street or sidewalk area providing that the

manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a sampling manhole must be in a parking lot, a permanent barricade, such as a vertical pipe, shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover.

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

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

c) Liquid Quantity Measurements

All dischargers classified as I04 or I05 may be required to install an open channel flow measuring device in said manhole. In the event that a new building is constructed for speculation, the flow from said building shall be reviewed at the end of one year of operation for determination of the applicability of this requirement. Should a requirement be made, the discharger shall complete installation of the flume or similar device within 90 days of approval of such device by the District.

d) Other Requirements

The District may, at its option, based on the water usage and/or waste loadings, require the discharger to install a device with a recording and totalizing register for measurement of the liquid quantity. This equipment shall be installed and maintained by the discharger at his own sole expense. The discharger shall be required to calibrate and maintain the equipment in accordance with the manufacturer's recommended procedures and frequencies.

Dischargers who operate flow measuring devices or sampling equipment will maintain procedures for operation and maintenance (O & M). The discharger shall further document O & M in a log which shall be available for inspection by District personnel. At a minimum, during the month of April, the discharger shall submit an annual calibration report performed by an outside representative. Public entities may, with the approval of the District, perform the required calibration utilizing their own personnel. The District may also require more frequent reports which substantiate maintenance.

Non-residential dischargers with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 6.05 - INSPECTION, SAMPLING AND ANALYTICAL REQUIREMENTS

- a) The District shall inspect the monitoring facilities of any non-residential discharger to determine compliance with the requirements of this Ordinance. The non-residential discharger shall allow authorized representatives of the District, the State and EPA, upon presentation of credentials of identification if the discharger so requests, to enter upon the premises of said discharger at all reasonable hours, for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The authorized representatives shall have the right to set up on said discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Where a non-residential discharger has security measures in force which require proper identification and clearance before entry onto its premises, the non-residential discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, State and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

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 non-residential discharger at the written or verbal request of the General Manager or his agents and shall not be replaced. The costs of clearing such access shall be borne by the non-residential discharger. Unreasonable delays in allowing District personnel access to the non-residential discharger's premises shall be a violation of this Ordinance.

- b) In the event that a suitable sampling manhole does not exist, as per Section 6.04 of the Ordinance, the "sampling manhole" shall be considered to be either the nearest downstream manhole in the public sewer to the point at which the building sewer is connected or the point of process wastewater discharge.
- c) Samples shall be taken at a minimum once every hour, properly refrigerated or cooled and composited by time or flow for a representative 24-hour sample. Sampling shall be done as prescribed by the District to ensure representative quantities and characteristics. The District reserves the right to require sampling on non-consecutive days. The District shall provide a split of each sample taken from said monitoring facility upon prior written request by the authorized representative of the discharger if the discharger supplies appropriate sample bottles.
- d) The particular analysis involved shall normally determine whether a twenty-four (24) hour composite is appropriate, or whether a grab sample or a series of grab samples should be taken. The District reserves the right to determine the most appropriate type of sample to be obtained for compliance monitoring. Normally, the majority of pollutant analyses shall be obtained from a twenty-four (24) hour composite. Samples taken for pH, oil and grease, sulfide, cyanide, total phenols and volatile organics analyses shall be determined from periodic grab samples.

Maximum allowable discharge limitations shall be met at all times whether grab or composite samples are taken. In the event individual sub-samples of a composite sample indicate there was a time frame within the composite period when the discharge exceeded allowable discharge limits, the discharge may be noticed as an exceedance for the designated period and may be subject to appropriate enforcement and/or surcharge actions.

- e) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined and reported within limits of precision and accuracy of the test in accordance with the techniques, including sampling techniques, prescribed in 40 CFR 136 and amendments thereto as published in the Federal Register, unless otherwise specified in an applicable categorical pretreatment standard.

Where 40 CFR 136 does not contain sampling or analytical techniques appropriate to the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including techniques suggested by the District in accordance with procedures approved by USEPA.

- f) The frequency of sampling and the types and frequency of the various analyses to be done on non-residential dischargers for the purpose of determining compliance with the provisions of this Ordinance shall be in accordance with the District's defined monitoring frequency.

The District reserves the right to perform additional sampling and analyses or require the IU to perform additional sampling and analyses above the level of current monitoring to determine and further evaluate compliance status.

- g) If any sampling and analysis of the IU pretreatment system effluent or final wastestream is performed by an Industrial User, using methods stated within 40 CFR 136, those results shall be submitted to the District. If said sampling performed by any Industrial User indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling within 30 days after becoming aware of the violation and submit the analyses to the District within 7 days of results receipt.

The IU will not be required to repeat sampling and analysis if:

The District performs sampling at the discharger at a frequency of at least once per month, or

The District performs sampling at the discharger between the time when the discharger performs its initial sampling and the time when the discharger receives the results of this sampling.

Notification shall include any violation of an effluent limit even if performed by an alternative test method to those stated in 40 CFR 136.

- h) As a response to a discharge violation, the District shall retain the option to schedule and resample any IU that has discharge violations as determined by District or self-monitoring samples. Extended sampling shall occur based on the severity of the violations. The District shall retain the option of determining appropriate analyses based on the violation parameters.
- i) All costs incurred by the District in sampling and testing such users shall be recovered by invoicing such users according to the rates listed in an ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT. Costs of resampling and analysis due to a discharge violation shall also be recovered according to the rates.

- j) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance, sampling equipment or other part of the District. Any person found in violation of this requirement shall be subject to the sanctions set forth in Chapters 8 and 9.

SECTION 6.06 - CONFIDENTIAL INFORMATION

Information and data relating to an Industrial User obtained from reports, questionnaires, connection permit applications, discharge control documents and monitoring programs shall be available to the public without restriction unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of certain information would divulge information, processes or methods of production entitled to protection as trade secrets of Industrial User. The District shall follow confidentiality procedures for specific exclusions and exemptions to public inspection and access of documents as defined by the Illinois Freedom of Information Act, Section 7(g):

"Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure."

Information and data provided to or acquired by the District which is effluent data as defined in 40 CFR 2.302(a) and (b) and referenced in 40 CFR 403.14 shall be available to the public without restriction.

The District may claim confidentiality concerning portions of an industrial user's records in accordance with Section 2.2 b), d), e), f) and h) of "Policies and Procedures Governing the Inspection and Disclosure of Industrial User Records."

The District shall implement measures to prevent the negligent release of confidential information; however, neither the District nor its employees shall be held legally responsible for release of information if they have acted in good faith.

SECTION 6.07 - RECORDS RETENTION

The District and all non-residential dischargers shall maintain records of information resulting from any monitoring activities required by this Ordinance. Non-residential dischargers shall maintain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved enforcement proceeding regarding the discharge of pollutants by the discharger, or operation of the District's pretreatment program or when requested by the District, the State or the Regional Administrator in USEPA Region V.

CHAPTER 7: DISCHARGE PROCEDURES

The District shall regulate specific types of discharges through the requirements set forth in this chapter for Significant Industrial Users (SIUs), one-time discharge requests, cleanup projects and septic tank wastes. These regulations are in addition to those requirements stated in previous chapters.

SECTION 7.01 - DISCHARGE CONTROL DOCUMENT

a) Applicability

No person, firm or corporation shall discharge significant waste, atypical waste, special waste, remediation waste or contaminated stormwater on a continuous, intermittent or one-time basis without first obtaining a control document for discharge. Stormwater discharges may not occur unless the discharge conforms to the requirements set forth in Section 7.04 of this Ordinance. The District issues Discharge Control Documents (DCDs) to all SIUs. In addition, DCDs can be issued to any non-residential discharger for individual projects as approved for discharge by the District.

All sources of non-domestic wastewater discharge are to comply with IEPA permitting requirements. This permitting requirement applies to both new and existing dischargers and includes any facility modifications that involve a non-domestic source, regardless of volume. IEPA will make the determination of actual permitting requirements based on changes in wastewater volume or characteristics generated by the site. The District will track and parallel this IEPA permitting process. No sources of non-domestic wastewater will be allowed to discharge to District facilities until all permitting requirements have been satisfied.

Within 60 days of receipt of a complete discharge control document application, the General Manager or his agent, will determine whether or not to issue a discharge control document. If no determination is made within this time period, the application will be deemed approved.

Discharge Control Documents (DCD) shall be issued to the following dischargers:

1) SIU (I04, I05)

It shall be unlawful for any SIU to discharge wastewater into the District without first obtaining a wastewater Discharge Control Document (DCD). This condition applies to all connected SIUs in the District service area. Any violation of the terms and conditions of a DCD shall be deemed a violation of this Ordinance and subject the user to the sanctions set forth in Chapters 8 and 9. Obtaining a DCD does not relieve a discharger of its obligation to comply with all Federal and State of Illinois pretreatment standards and requirements or with any other requirements set forth in Federal, State or local law.

Any SIU proposing to begin or recommence discharging non-residential wastes into the District must obtain a DCD prior to the beginning or recommencing of such

discharge. An application for this DCD must be filed at least 120 days prior to the date upon which any discharge will begin.

2) CIU (I00, I05)

Where a non-residential discharger adds a categorical process or will become subject to a new National Categorical Pretreatment Standard, and has not previously submitted an application for a Discharge Control Document for the regulated process, the discharger shall apply within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard or 120 days prior to start-up of a currently regulated category.

3) Non-SIU

The District may require any individual non-residential discharger to obtain a DCD for any pollutants cited in Chapter 5 of this Ordinance and/or any other pollutant in the discharger's wastestream which the District has determined is significant or could have a detrimental impact on the sewage works of the District. A DCD will be issued to the discharger and the discharger shall be reclassified as an SIU.

The District may also require a defined class of discharger, general group of dischargers with similar wastewater characteristics or an individual site to control and/or eliminate specified pollutants from their wastestream through development and implementation of a Best Management Practices (BMP) plan. Such requirement by the District shall be enforced by issuance of a DCD or other applicable permitting document.

4) Remediations

It shall be unlawful for any remediation project to discharge wastewater into the District without first obtaining a Remediation Discharge Control Document. This condition applies to all connected or non-connected remediation projects in the District service area. Any violation of the terms and conditions of a Remediation Discharge Control Document shall be deemed a violation of this Ordinance and subject the user to the sanctions set forth in Chapters 8 and 9. This provision shall pertain to requests for discharge of waste from cleanup projects for groundwater, contaminated soils/process water and residual site waters from remediations.

b) Contents

The DCD will contain, at a minimum, the following conditions:

- 1) Statement of duration (in no case more than five years);
- 2) Statement of non-transferability without, at a minimum, prior notification to and approval by the District and provision of a transfer of the existing discharge control document to the new owner and/or operator;
- 3) Effluent limits based on applicable pretreatment standards and local limits stated in Sections 5.01, 5.02 and 6.03 of this Ordinance;

- 4) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical standards in Section 6.03, and local limits stated in Chapter 5; and
- 5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines.

Whenever deemed necessary, the District may require non-residential dischargers 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 domestic wastestreams from non-residential wastestreams, and such other conditions as may be necessary to protect the District and determine the non-residential discharger's compliance with the requirements of this Ordinance.

c) Site Specific Non-Toxic Pollutant Limits

Prior to issuance of a DCD with these types of parameter limitations, the District will review and evaluate non-residential discharges for toxicity of raw and waste materials, processing performed on site, loading to the sewage treatment plant, history of spills, pretreatment facilities and other factors that the District deems relevant in an individual case. The District may issue a Discharge Control Document containing site specific non-toxic pollutant limits for parameters listed in Section 5.02 a)1). It shall be understood that these pollutants may be used as indicators of wastewater characteristics and may not be the individual pollutant that is problematic within the discharge.

Any entity seeking relief from a site specific limit to the District non-toxic pollutant discharge limits must file a petition with the General Manager or his designated agent in the format so prescribed by the District for a revision to the existing Discharge Control Document. The District shall investigate such petition. The District shall issue its decision to the petition or issue determination that a hearing would be advisable. In the event of a hearing, the burden of proof shall be on the petitioner.

Site specific limits for non-toxic pollutants shall be defined and incorporated into Discharge Control Documents if it is found that the discharger has a potential to adversely impact District facilities. All limitations within DCDs will be established in accordance with applicable provisions of the Act, the Illinois Act, IEPA issued permits and District operating permits.

Increased allowable concentrations of site specific discharge limits of local guideline parameters may be issued in Discharge Control Documents if it is found, upon adequate proof, that compliance with the DCD limitations for the guideline parameters would impose an arbitrary or unreasonable hardship to the extent consistent with the applicable provisions of the Act, the Illinois Act and the District's operating permits. Site specific-limits will be reviewed in but not limited to the following manner:

The Board or its designee will hear and may grant a site specific limit for non-residential dischargers for all specific pollutants listed in Section 5.02 a)1) when the

request is greater than 2 times the specific pollutant discharge guidelines and/or the non-residential process wastewater flow is greater than or equal to 25,000 gallons per day on an average daily flow basis.

The General Manager or his designee will hear and may grant site specific limits of not more than 2 times the specific pollutant discharge guidelines listed in Section 5.02 a)1) for non-residential dischargers with a process wastewater flow less than 25,000 gallons per day on an average daily flow basis.

Site specific limits shall be based on a technical assessment of conditions which affect pass through or interference. No site specific limit will be established for pollutants at levels which will interfere with or negatively impact upon the operation of the District's wastewater system or the use and/or disposal of sludge; nor for pollutants which will pass through the system in any form or otherwise be incompatible with the system; which will restrict recycling and reclaiming wastewater and sludge from the system or which cause an impact to worker health and safety. In issuing a site specific limit, the District may impose such conditions, exceptions, time limitations, duration and other restrictions as requirements of this Ordinance, the Illinois Act and the Act. The District may impose mass standards in lieu of concentration standards. No discharger shall discharge any wastewater which exceeds a limit based on such an assessment.

On a case by case basis, the District may modify the standards in a Discharge Control Document if it finds that the influent from a particular non-residential discharger actually is beneficial to the District's treatment process. No standard shall be modified which would violate a Federal or State standard. The burden of proving that its influent is beneficial to the District's process shall be upon the discharger of that influent.

This Ordinance shall not be applied retroactively.

d) Appeals

Any non-residential discharge may petition the District to reconsider the terms of a discharge control document within 30 days of its issuance.

- 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 DCD provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the DCD.
- 3) The effectiveness and all limitations within the DCD shall not be stayed pending the appeal.
- 4) If the District fails to act within 90 days, a request for reconsideration shall be deemed to be approved.

e) Modifications and Renewals

The District or its agents may modify the DCD for good cause including, but not limited to, the following:

- 1) To incorporate any new or revised Federal, State of Illinois or District pretreatment standards or requirements,
- 2) To address significant alterations, additions or subtractions to the non-residential discharger's operation, processes or wastewater volume or characteristics since the time of DCD issuance,
- 3) A change within the District that requires either a temporary or permanent reduction or elimination of the authorized discharge,
- 4) Information indicating that the controlled discharge poses a threat to District facilities, personnel or the receiving waters,
- 5) Violation of any terms or conditions of the wastewater DCD, Sewer Use, or User Charge Ordinances,
- 6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater DCD application or in any required reporting,
- 7) Revision to or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13,
- 8) To correct typographical or other errors in the DCD,
- 9) To reflect a transfer of the facility ownership and/or operation to a new owner and/or operator.

The filing of a request by the permittee for a DCD modification does not stay any DCD condition. Substantial change as defined in Section 2.01 c)80) at an existing site by any non-residential user will require notification to the District 30 days prior to startup and subsequent issuance of or revision to a control document if necessary. Same notification shall be submitted 90 days prior to startup and subsequent issuance of or revision to a DCD if a BMR is required for the process.

Discharge control document renewals shall be submitted, on a form provided by the District, 120 days prior to the expiration date of said document.

f) Transfers

Transfer in ownership and/or operation of a facility, or any portion thereof, shall require an evaluation by the District to determine if a transfer or re-issuance of the existing DCD is necessary to reflect the ownership or operator change. Wastewater DCDs may be reassigned or transferred to a new owner and/or operator only if the existing operation gives at least 30 days advance notice to the General Manager of the District. The DCD transfer or reassignment must

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

- 1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes,
- 2) Identifies the specific date on which the transfer is to occur,
- 3) Acknowledges full responsibility for complying with the existing DCD, and
- 4) Defines the responsibility of payment to the District for outstanding invoices for the existing facility.

Failure to provide advance notice of a transfer shall result in enforcement and penalty actions per Chapters 8 and 9 and may render the DCD void on the date of the facility transfer.

SECTION 7.02 - INTERMITTENT DISCHARGES AND CLEAN-UPS

No person, firm or corporation shall discharge atypical waste, contaminated waters from any non-domestic source, special waste or stormwaters as provided in Section 7.04 on an intermittent or one-time basis without first obtaining a connection permit and DCD as provided in Sections 4.03, 4.05 and 7.01, respectively. The request to discharge and project description shall be submitted on a form provided by the District. In the event that such waste will be hauled to a discharge point designated by the District, the discharger shall also comply with the provisions of Section 7.03.

An evaluation by the District shall be made to determine provisions necessary to prevent the introduction of pollutants to the wastewater treatment system which could:

- 1) cause injury, interference or otherwise be incompatible with the system or the use or disposal of sludge;
- 2) constitute a hazard to humans, animals or the environment; and/or
- 3) cause pass-through of pollutants into the receiving waters or the atmosphere.

Provisions may include site specific discharge rates, unique standards - either concentration or mass based or both, special monitoring and/or pretreatment requirements. The discharge water from these special projects may be subject to one or more surcharge fees as defined in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

SECTION 7.03 - TRUCKED DISCHARGES

a) Permits

No person, firm or corporation shall discharge septic tank wastes, holding tank wastes, portable toilet wastes, steam cleaning wastes, or other wastes from a tanker truck into the designated discharge facilities of the District without first obtaining a written permit from the District. No trucked wastes are to be discharged by any entity except at the discharge points designated by the District.

- 1) Application for permits shall be filed with the District on forms so provided.
- 2) Each permit shall designate the location and manner of disposing of trucked wastes.
- 3) A separate permit shall be obtained for each truck and shall be in the possession of the driver of the truck at all times.
- 4) No permit shall be valid for a period of more than two (2) years, and each permit shall expire on January 31 of the expiration year.
- 5) No permit shall be transferable. A permit becomes void under any of the following conditions:
 - i) Change in ownership of the permittee,
 - ii) Change in vehicle for which the permit is issued, or
 - iii) Change in the name and address of the permittee.

b) Administration and Fees

The District, from time to time shall review said applications and fees, and issue said permits, if in compliance with this Ordinance. All fees for said permits shall be deposited in the Sewerage Enterprise Fund.

- 1) Fees for the initial permit and individual vehicle permits are contained in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.
- 2) Fees for the treatment of trucked wastes discharged shall be recovered through the District's user charge system as set forth in AN ORDINANCE ESTABLISHING A USER CHARGE SYSTEM and AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

c) Rules and Regulations

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

- 1) 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 wastes shall be approved on a case-by-case basis by the District.
- 2) Disposal shall be limited to wastes generated within the facilities planning area boundaries of the District.
- 3) Disposal shall be permitted at the Waukegan Plant between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday. No disposal shall be permitted on any legal holidays that are observed by the District.
- 4) All trucks which are permitted by the District shall be identified with the following:
 - i) Owner's name, address and phone number,
 - ii) Liquid capacity, and
 - iii) The District Permit No. and Year covered.
- 5) For each trucked load disposed of at the District Plant, the truck driver shall deliver to the operational office in the building designated on the permit, a signed, numbered ticket showing the permit identification 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 also contain a signed certification that all septic tank and portable toilet wastes comprising the load have originated within the facility planning area boundaries of the District, and that they are domestic in origin. The driver shall not unload until obtaining approval by the Operator at the District.
- 6) The driver is required to take a sample of every load discharged in accordance with District procedures. A sample may also be taken by the District personnel of each truckload of waste delivered to the District Plant. The samples shall be analyzed by the District for compliance with this Ordinance.
- 7) Persons disposing of waste at the District shall be responsible for cleaning up all the spills and replacing the manhole covers at the end of the unloading process.
- 8) The permittee shall furnish a list of authorized drivers to the District covered by the permit and keep this list current.
- 9) The District reserves the right to reject any wastes delivered to the facilities of the District, which the District believes may have an adverse effect on the treatment works and/or processes.

d) Insurance Requirements

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

- 1) A Certificate of Insurance shall be filed with the District. 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 District 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 District.

e) Revocation of Permits

Any violation of the conditions stated above shall be justification for the District to immediately revoke any or all permits issued. The District 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 District.

SECTION 7.04 - STORM WATER DISCHARGES

No person, firm or corporation shall discharge storm water on an intermittent or one-time basis without first obtaining a connection permit and DCD as provided by Section 4.03, 4.05 and 7.01, respectively. The request to discharge and project description shall be submitted on a form provided by the District.

Discharges shall be subject to the following applicability requirements:

- a) The discharge if not otherwise treated by the District would drain to the waters of the Great Lakes, namely Lake Michigan.
- b) The discharge shall be pretreated of contamination by the discharger as defined by the District.
- c) The discharge shall be subject to user charge fees as defined in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

An evaluation by the District shall be made to determine provisions necessary to prevent the introduction of pollutants to the wastewater system which could:

- Cause injury, interference or otherwise be incompatible with the system or the use or the disposal of sludge;
- Constitute a hazard to humans, animals or the environment; and/or
- Cause pass-through of pollutants through the system 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.

CHAPTER 8: ENFORCEMENT

SECTION 8.01 - ENFORCEMENT PROVISIONS

Should any discharger, connected either directly or indirectly with the sewerage works of the District, fail to comply with any provision of this Ordinance, or of any permit for connection, or of any discharge control document, given pursuant to this Ordinance, the District reserves the right to proceed with any or all of the following enforcement actions up to and including termination of service.

SECTION 8.02 – REVOCATION OF SERVICE

Should any discharger, connected either directly or indirectly with the sewerage works of the District refuse, or through negligence or intent fail to comply with any provision of this Ordinance, or any permit for connection, or of any discharge control document, given pursuant to this Ordinance, the District shall, after written notice, revoke said permit and deny to the violator the use of any or all sewerage works of the District, or, at the option of the District shall make or cause such repairs or alterations to be made, or shall construct or cause such facilities to be constructed as may be necessary to comply with the provision of this Ordinance, at the expense of the violator.

SECTION 8.03 - NOTICE OF VIOLATION

The District having found that any discharger has violated or is violating any provision of this Ordinance, or of any wastewater connection permit or discharge control document issued hereunder and connected either directly or indirectly with the sewerage works of the District, shall notify said violator. The General Manager or his agent shall notify said violator verbally or in writing stating the nature of the violation. The discharger shall respond in writing to the District, advising of said discharger's position by the date required by the District. The response by the discharger shall include an explanation of the cause of the violation and corrective actions to be taken to prevent future violations. Submission of the response in no way relieves the discharger of liability for any violations occurring before or after receipt of Notice of Violation.

SECTION 8.04 - CONSENT ORDER

The General Manager of the District is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the discharger responsible for noncompliance. Such orders may include compliance schedules, stipulated fines or remedial actions, and signatures of the General Manager and Authorized Representative of the discharger. Consent Orders shall be judicially enforceable.

SECTION 8.05 – SHOW CAUSE ORDER, SHOW CAUSE /COMPLIANCE MEETING

Where violations of Section 8.01 hereof are not corrected by timely compliance of the discharger, the District may order any discharger which causes or allows conduct prohibited by Section 8.01 hereof, to show cause before the District or its duly authorized representative, of why the proposed enforcement, up to and including termination, should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the District or its designee regarding the violation, the reasons why enforcement action is to be taken, the proposed enforcement and/or termination action, and assigns the burden of proof onto the discharger to show cause before the District or its designee why the proposed enforcement action should not be taken. Service may be made on any agent, officer or authorized representative of a discharger. Whether or not a duly notified discharger appears before the District as noticed, enforcement action may be pursued as appropriate. The proceedings at the show cause hearing shall be considered by the District which shall then enter appropriate enforcement orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be made by the discharger in accordance with Section 8.09.

SECTION 8.06 –COMPLIANCE SCHEDULES

Where the District finds that a discharger has violated or continues to violate this Ordinance or any connection permit or discharge control document or order hereunder, the District may issue an administrative order or compliance schedule to require the discharger to install, maintain and properly operate adequate pretreatment facilities devices or other related appurtenances to achieve compliance. Administrative orders and compliance schedules may also include such other requirements as are necessary and appropriate to address the noncompliance, including additional monitoring, best management practices and the off-site removal of waste. An administrative order or compliance schedule may not extend the deadline for compliance established for a Federal categorical pretreatment standard or requirement, nor does a compliance schedule release the user of liability for any violation, including any continuing violation. Issuance of an administrative order or compliance schedule shall not be a prerequisite to taking any other action against the discharger.

SECTION 8.07 - CEASE AND DESIST ORDERS

Where the District finds that a discharger has violated or continues to violate this Ordinance or any connection permit or discharge control document or order hereunder, the District may issue an order to cease and desist all illegal and/or authorized discharges immediately:

a) In an emergency

The General Manager may immediately suspend a user's discharge, 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 that threatens to interfere with the operation of the District, or which presents, or may present, an endangerment to the environment.

- . Any discharger notified to cease and desist its discharge shall immediately stop or eliminate its contribution.
- . In the event of a discharger's failure to immediately comply voluntarily with the cease and desist order, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District, its receiving stream, or endangerment of individuals.
- . The General Manager shall allow the user to recommence its discharge when the discharger has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.02 are initiated against the discharger.
- . Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

A discharger that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the General Manager describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination hearing under this chapter.

b) In nonemergency situations

A cease and desist order may be used to suspend or permanently revoke discharge connection permits or discharge control documents where it has been found that an actual or threatened discharge reasonably appears to present or cause an imminent or substantial endangerment to health and welfare of persons, or which threatens the environment or threatens to interfere with the operation of the District.

The cease and desist order may require the discharger to take such appropriate remedial or preventative action as is needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

SECTION 8.08- JUDICIAL PROCEEDINGS

Following the entry of any order by the District with respect to the conduct of a discharger contrary to the provision of Section 8.01 hereof, the Attorney for the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the Courts.

SECTION 8.09 - APPEAL AND ARBITRATION

In the case of dispute as to the fairness of orders issued in accordance with Sections 8.02 through 8.08, then the same shall be determined by an arbitration board of three engineers, one appointed by the District, one appointed by the alleged violator, and the third to be appointed by the two engineers selected as above described. In the event the two engineers so selected fail to agree upon a third engineer, then upon the petition of either of the parties the circuit court shall appoint such third engineer. A decision of a majority of the arbitration board shall be binding to both parties and the cost of the services of the arbitration board shall be shared equally by both parties. In no case shall a matter be arbitrated that presents or threatens an imminent or substantial danger to the health, safety and welfare of the public, District employees and/or the environment.

SECTION 8.10 - ANNUAL PUBLICATION

A list of all Industrial Dischargers which were found to be in significant noncompliance of applicable District or Categorical Pretreatment Standards or other Pretreatment requirements during the previous compliance period shall be published by the District in the largest daily newspaper published within the District boundaries. This publication shall occur no less frequently than annually.

For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- . Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- . Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, COD, fats, oil and grease, and 1.2 for all other pollutants except pH);
- . Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through to the POTW (including endangering the health of District personnel or the general public);
- . Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the District's exercise of its emergency authority under Section 8.07 to halt or prevent such a discharge;
- . Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a District control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- . Failure to provide, within 30 days after the due date, required reports as defined in Chapters 5 and 6 of this Ordinance;
- . Failure to accurately report noncompliance;
- . Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local pretreatment program; and
- . Any discharge which the District determined has interfered with, impacted, upset or adversely affected the District facilities.

CHAPTER 9: PENALTIES

SECTION 9.01 - FAILURE TO REPORT

a) Sewer Extension And Connection Permits

Any entity who fails to file for and obtain a sewer extension or connection permit prior to commencing construction of said extension or connection required by this Ordinance shall be subject to the following late filing fees in addition to fees specified in AN ORDINANCE ESTABLISHING THE FEES AND CHARGES OF NORTH SHORE SANITARY DISTRICT:

First Notice	-	\$ 250.00
Second Notice (if applicable)	-	\$ 500.00
Cost per day per PE for each additional day past second notice deadline	-	\$ 100.00

b) Reports or Notifications required by Industrial Users

Any entity who fails to file any report or notification so required by this Ordinance or applicable Discharge Control Document within the time allotted shall be subject to the following late filing fees:

1) District Reports or Notifications

Received by due date but incomplete	-	\$ 125.00
Less than 30 days past due date	-	\$ 250.00
30 days late	-	\$ 500.00
Cost per additional day past 30 days	-	\$ 100.00

No written notification of substantial change with zero discharge :

at start-up or shutdown	-	\$ 500.00
Cost per additional day past 30 days	-	\$ 100.00

No written notification of substantial change with discharge :

at start-up or shutdown	-	\$1000.00
Cost per additional day past 30 days	-	\$ 100.00

No written notification of addition or deletion of Categorical process:	-	\$ 2000.00
Cost per additional day past 30 days	-	\$ 200.00

2) Additional Reports and Notifications Unique to I00 and I05 Industrial Users

Received by due date but incomplete Categorical Reports under Section 6.03: Baseline Monitoring Report, 90 Day Final Compliance Report, and Periodic Pretreatment Report (Semi-Annual)	-	\$ 250.00
less than 30 days past deadline	-	\$ 500.00
30 days late	-	\$ 1000.00
Cost per additional day past 30 calendar days	-	\$ 100.00
 No written notification of categorical process change with zero discharge:		
at start-up or shutdown	-	\$1000.00
Cost per additional day in excess of 30 calendar days	-	\$ 200.00
 No written notification of categorical process change with discharge or zero discharge with potential to discharge:		
at start-up or shutdown	-	\$2000.00
cost per additional day in excess of 30 calendar days	-	\$ 200.00

3) Notification Specific to Significant Industrial Users

No written notification of change in ownership and/ or operation of facility, or any portion thereof.	-	\$ 1000.00
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Subsequent submittal of a deficient or incomplete report that still lacks critical information shall be assessed penalties at the above rates.

Issuance of penalties is mandated by this criteria. Late fees will be assessed for unpaid penalties in accordance with Section 3.3 of the Ordinance Establishing Fees & Charges. The Board of Trustees is the only party authorized to hear and grant a waiver of administrative violation fees in excess of \$ 30.00. Waiver of late fees or penalties will be determined on a case by case basis by the Board of Trustees.

SECTION 9.02 - SURCHARGE FOR EXCEEDANCES OF ALLOWABLE DISCHARGE LIMITS

The method for determining the fair charge to the owner for the additional costs to the District for handling, treating and disposing of wastes is provided by ORDINANCE ESTABLISHING A USER CHARGE SYSTEM.

- a) The cost to the District for collection, conveyance, treatment and disposal of the wastes shall be computed by the District. As stated in the Federal Regulations, the user charge which is assessed by ORDINANCE ESTABLISHING A USER CHARGE SYSTEM must result in the distribution of the cost of the operation, maintenance, and replacement of the system for each user or user class in proportion to each user's contribution to the total wastewater loading of the system, and that the User Charge System must generate sufficient revenue to pay the cost of all system operation, maintenance, and replacement.

- b) As provided by Section 4.08 of ORDINANCE ESTABLISHING A USER CHARGE SYSTEM:

“Any user discharging incompatible pollutants, fats, oils or grease, BOD, or Solids to the District's facilities which cause the District to modify its method of wastewater treatment or sludge disposal to a more costly method shall be assessed the differential cost between such more costly method of treatment and the method of treatment which would provide the lessor cost to the District. Such costs shall only be assessed upon approval by the Board of Trustees.”

A more costly method of treatment is hereby determined to be caused by users which discharge waste which contains in excess of 50 mg/l sulfate.

- c) A surcharge for sulfate shall be billed to users in addition to the other user fees as provided in the ORDINANCE ESTABLISHING FEES AND CHARGES OF THE NORTH SHORE SANITARY DISTRICT.

SECTION 9.03 - FALSIFYING INFORMATION

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, sample or method required under this Ordinance, shall upon conviction be punished by the imposition of a civil penalty of not more than \$ 10,000 and \$1000 per violation per day, by imprisonment for not more than one (1) year, by revocation of any permit and/or discharge control document issued by the District, or by any combination of these.

SECTION 9.04 - RECOVERY OF COSTS INCURRED

Any entity violating any of the provisions of this Ordinance, or who discharges or causes damage to or impairs the District's wastewater conveyance or treatment system shall be liable to the District for any expense, loss or damage caused by such violation or discharge. The District shall bill the entity for the costs incurred by the District for any cleaning, repair, replacement or other corrective actions 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 Chapter 8 of this Ordinance.

SECTION 9.05 - CIVIL PENALTIES

Any entity who is found to have violated an Order of the District or who has failed to comply with any provision of such Order or this Ordinance, including violations of pretreatment standards and requirements, and the regulations, or rules of the District, or orders of any court of competent jurisdiction, may be subject to the imposition of a civil penalty of not less than \$500 and not more than \$10,000 for the first violation of such Ordinance and \$1000 a day for each violation upon which a violation of the Ordinance occurs or continues. The penalties herein provided shall be collectable only by an action in the name of the North Shore Sanitary District in the Circuit Court of the appropriate Judicial Circuit as provided by law. Such penalties shall not be determined to be exclusive and are in addition to all other rights and remedies which the District may have according to law.

CHAPTER 10: ORDINANCE VALIDITY

SECTION 10.01 - SEVERABILITY

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

SECTION 10.02 - 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.

SECTION 10.03 - OFFENSES UNDER PREVIOUS ORDINANCES

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

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

This Ordinance shall be effective on the 26th of June, 2023.

Stephen J. Drew
President, Board of Trustees

ATTEST:

Mary Jo Bryant
Secretary

<u>ADOPTED OR REVISED DATE</u>	<u>PUBLICATION DATE</u>	<u>EFFECTIVE DATE</u>
September 8, 1993	September 21, 1993	October 1, 1993
October 13, 1993	October 16, 1993	October 26, 1993
March 13, 1994	March 16, 1994	March 26, 1994
January 11, 1995	January 17, 1995	February 1, 1995
July 27, 1995	August 4, 1995	August 14, 1995
November 27, 1995	December 7, 1995	December 17, 1995
January 7, 1998	January 14, 1998	January 24, 1998
May 28, 1998	June 2, 1998	June 12, 1998
June 10, 1998	June 13, 1998	June 23, 1998
September 24, 1998	September 30, 1998	October 10, 1998
February 24, 1999	March 2, 1999	March 12, 1999
June 14, 1999	June 21, 1999	July 1, 1999
May 23, 2001	May 28, 2001	July 1, 2001
June 13, 2001	June 20, 2001	July 1, 2001
January 9, 2002	January 21, 2002	February 1, 2002
October 23, 2002	November 8, 2002	December 1, 2002
May 7, 2003	May 10, 2003	June 1, 2003
October 8, 2003	October 10, 2003	November 3, 2003
April 14, 2004	April 22, 2004	June 1, 2004
March 9, 2005	March 11, 2005	April 4, 2005
December 3, 2007	December 7, 2007	January 1, 2008
August 14, 2013	August 16, 2013	September 1, 2013
June 17, 2015	June 20, 2015	July 1, 2015
February 14, 2018	February 16, 2018	March 1, 2018
February 13, 2019	February 13, 2019	March 1, 2019
June 14, 2023	June 26, 2023	June 26, 2023