

**FOX METRO WATER RECLAMATION DISTRICT
INDUSTRIAL WASTEWATER PRETREATMENT
ORDINANCE 517**

December 17, 1997
and as amended
November 20, 2002 by Ordinance 659
January 19, 2005 by Ordinance 725

FOX METRO WATER RECLAMATION DISTRICT
INDUSTRIAL WASTEWATER PRETREATMENT

ORDINANCE #517

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ORDINANCE #517

**AN ORDINANCE OF THE FOX METRO WATER RECLAMATION DISTRICT,
KANE, KENDALL, WILL & DUPAGE COUNTIES, ILLINOIS
ENACTING A GENERAL PRETREATMENT PROGRAM REGULATING THE USE OF
FOX METRO WATER RECLAMATION DISTRICT WASTEWATER SYSTEM
AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

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

WHEREAS, Special Condition 8 of National Pollutant Discharge Elimination System Permit IL0020818 issued to the Fox Metro Water Reclamation District on March 25, 1996 by the Illinois Environmental Protection Agency requires that the District update its pretreatment program and related ordinances; and

WHEREAS, the Board of Trustees of the Fox Metro Water Reclamation District has determined that the general pretreatment program as set forth in this Ordinance regulating the use of sewers complies with the act, regulations, and permit requirements; and

WHEREAS, the Board of Trustees of the Fox Metro Water Reclamation District has determined that this Ordinance is necessary for the public health, safety, and welfare;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX METRO WATER RECLAMATION DISTRICT, KANE, KENDALL, WILL and DUPAGE COUNTIES, that Ordinance No. 359 is hereby replaced with Ordinance #517 which reads as follows:

PART 100
GENERAL PROVISIONS

Section 100.100 Enactment

Pursuant to the requirements of Title III of the Clean Water Act Amendment (33 USC 1311 et seq.) and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970 as amended (Ch.111-1/2, 111. Rev. Stat. 1983, Sec. 305.1). the following ordinance is hereby enacted by the Fox Metro Board of Trustees.

Section 100.102 Purpose and Policy

This Ordinance regulates water and wastewater discharged into the Fox Metro wastewater treatment system. The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the Fox Metro wastewater treatment system that will or could interfere with the operation of the system or contaminate the resulting sludges and biosolids;
- B. To prevent the introduction of pollutants into the Fox Metro wastewater treatment system that will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
- C. To prevent the introduction of pollutants into the wastewater treatment system that will pose a health or safety threat to the general public or to Fox Metro industrial pretreatment program, collection system field crew or wastewater treatment plant personnel.
- D. To promote reuse and recycling of industrial wastewater and biosolids from the Fox Metro wastewater treatment plant;
- E. To establish how surcharges for excessive strength wastewater discharged into the Fox Metro wastewater treatment system are calculated;
- F. To enable Fox Metro to comply with its NPDES Permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which its wastewater treatment plant is subject.

Section 100.103 Jurisdiction

This ordinance shall apply to users located within the boundaries of the Fox Metro Water Reclamation District and to parties outside of the Fox Metro Water Reclamation District who are, by contract or agreement with Fox Metro, users of the Fox Metro wastewater treatment system.

Section 100.104 Administration

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the District Manager may be delegated by the District Manager to other Fox Metro personnel.

PART 200
ABBREVIATIONS AND DEFINITIONS

Section 200.100 Abbreviations

The following abbreviations shall have the designated meanings:

BMR	Baseline Monitoring Report
CBOD ₅	Carbonaceous 5 Day Biochemical Oxygen Demand
CFR	Code of Federal Regulations
GPM	Gallons Per Minute
IEPA	Illinois Environmental Protection Agency
HEM	Hexane Extractable Material
ug/L	Micrograms per Liter
mg/L	Milligrams per Liter
MGD	Million Gallons per Day
NCPS	National Categorical Pretreatment Standard(s)
NORM	Naturally Occurring Radioactive Material
NPDES	National Pollutant Discharge Elimination System
O&G	Oils and Grease
P-HEM	Polar Hexane Extractable Material
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for New Sources
RCRA	Resource Conservation Recovery Act
SGT-HEM	Silica Gel Treated Hexane Extractable Material
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SMR	Self-Monitoring Report
SWDA	Solid Waste Disposal Act (42 USC 6901 et seq.)
TENORM	Technically Enhanced Naturally Occurring Radioactive Material
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

Section 200.110 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases used in this Ordinance shall have the following meanings:

- A. ACT shall mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987. (33 USC 1251 et seq.)

- B. Authorized Representative of Industrial User shall mean:
- (1) a principal executive officer or at least the level of vice-president, or proprietor if the User is a corporation;
 - (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
 - (3) a duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to Fox Metro by a person described in Section 200.110 (B)(1) or (B)(2) of this Ordinance.
- C. Baseline Monitoring Report or "BMR" shall mean the report required by 40-CFR-403.12(b)(1-7).
- D. Biochemical Oxygen Demand or "BOD₅" shall mean the quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of carbonaceous (organic) matter over a five day period using laboratory procedures as described in *Standard Methods*.
- E. Biosolids shall mean the liquid containing solids or semi-solid wastewater treatment plant byproduct that has been processed to allow its disposal or land application in accordance with applicable Federal and State regulations.
- F. Bypass shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- G. Carbonaceous Biochemical Oxygen Demand or "CBOD₅" (See Biochemical Oxygen Demand.)
- H. Combined Waste Stream Formula shall mean the combined waste stream formula as found at 40-CFR-403.6(e).
- I. Composite Sample shall mean the numerical average of all grab samples or the result of an analysis of a single sample formed by combining all individual aliquots. A daily composite sample must be based upon at least four (4) grab samples taken at different times and representative of the User's flow.
- J. Cooling Water shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

- K. Compatible Pollutant shall mean Ammonia Nitrogen, CBOD₅, SGT-HEM, TSS, pH, and fecal coliform bacteria.
- L. District Manager shall mean the chief administrator of the Fox Metro Water Reclamation District.
- M. Economic Benefit shall mean the difference between the cost of on-time compliance and delayed compliance. Economic benefits realized by the User which fails to comply by a required deadline can be measured by:
- (1) the money that the User would expect to earn by delaying the purchase of pretreatment equipment and investing the money in more profitable projects; or
 - (2) the annual cost the User avoids, and the expected return on avoided costs during the period of non-compliance; or
 - (3) any competitive advantage the User may gain, such as increased market share over competitors already in compliance, because of cost advantages attributed to delayed compliance.
- N. Existing Source shall mean any building, structure, facility or installation from which there is or may be a discharge, which is not a New Source.
- O. Fecal Coliform shall mean any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- P. Flow shall mean volume of wastewater per unit of time.
- Q. Fox Metro shall mean the Fox Metro Water Reclamation District.
- R. Fox Metro Wastewater Treatment System shall mean: regardless of ownership, the sewers, pipes, conveyances, and mechanical and non-mechanical devices, comprising the wastewater collection system which connects to the headworks of the Fox Metro wastewater treatment plant; and the pipes, conveyances, and mechanical and non-mechanical devices which comprise the Fox Metro owned wastewater treatment plant.

- S. Grab shall mean a sample which is collected from a waste stream on a one-time basis without regard to the waste stream flow and without consideration of time.
- T. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
- U. Hexane Extractable Material or "HEM" shall mean the oil & grease extracted from a wastewater sample using USEPA Method 1664 as found in USEPA document EPA-821-B-94-004, October, 1994.
- V. Incompatible Pollutant shall mean all pollutants other than the compatible pollutants as defined in this section.
- W. Indirect Discharge or Discharge shall mean the introduction of pollutants into the Fox Metro wastewater treatment system from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, State law, or this Ordinance.
- X. Industrial User shall mean a source of indirect discharge, including, but not limited to, a manufacturing or process facility or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders services to the public.
- Y. Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the Fox Metro wastewater treatment system, including, but not necessarily limited to: the collection and conveyance of wastewater to the treatment plant, the processes or operations of the wastewater treatment plant, or the use or disposal of sludges and biosolids produced by the wastewater treatment plant; and
 - (2) Therefore is a cause of a violation of any requirement of Fox Metro's NPDES permit (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, most commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- Z. May shall mean permissive.
- AA. Medical Waste shall mean any isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- BB. National Categorical Pretreatment Standard shall mean any pretreatment regulation specifying quantities or concentrations of pollutants which may be discharged to a publicly owned treatment works by Industrial Users promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317). This term includes prohibitive discharge limits established pursuant to 40-CFR-403.5 or any revision thereto.
- CC. National Pollutant Discharge Elimination System (NPDES) Permit or State Discharge Permit shall mean a permit issued for the direct discharge to navigable waters of the United States pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).
- DD. New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge, 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.
- If National Categorical Pretreatment Standards are not applicable, "New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the remodeling (if that remodeling results in a new SIC code being assigned to the Industrial User by Fox Metro) or the construction of which commences after the effective date of this Ordinance.
- EE. Polar Hexane Extractable Material or "P-HEM" shall mean vegetable oils, animal fats, other highly degradable oils and other polar hydrocarbons as determined by subtracting a sample's SGT-HEM content from its HEM content.
- FF. Oil & Grease shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted with an extraction solvent as prescribed by *Standard Methods*.

- GG. Pass Through shall mean a discharge which exits the Fox Metro wastewater treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Fox Metro's NPDES Permit (including an increase in the magnitude or duration of a violation.)
- HH. Permitted Wastewater Hauler Vehicle shall mean a vehicle used for hauling wastewater, which has been granted a permit under the requirements of any Fox Metro Ordinances.
- II. Person shall mean any individual, partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
- JJ. pH shall mean the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.
- KK. Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, agricultural waste, or any other contaminant.
- LL. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Fox Metro wastewater treatment system. This can be accomplished by physical, chemical or biochemical processes, process changes, or other means, except as prohibited by 40-CFR-403.6(d).
- MM. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.
- NN. Pretreatment Standards shall mean any: Fox Metro prohibitive discharge standard as set fourth in Section 300.105 of this Ordinance; Fox Metro specific limitation on discharge as set forth in Section 300.120 of this Ordinance, a State of Illinois Pretreatment Standard, or a National Categorical Pretreatment Standard (when effective).

- OO. Publicly Owned Treatment Works or "POTW" shall mean a treatment works as defined by Section 212 of the Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the POTW.
- PP. Sanitary Sewer shall mean a sewer which is designed to carry sanitary and industrial wastewater, and to which storm, surface and ground water are intentionally admitted.
- QQ. Self-Monitoring Report or "SMR" shall mean the report required by 40-CFR-403.12(e) to be submitted by the Industrial User every six months to Fox Metro.
- RR. Severe Property Damage shall mean substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.
- SS. Shall shall mean mandatory.
- TT. Significant Industrial User or "SIU" shall mean any Industrial User of the Fox Metro wastewater treatment system who:
- (1) discharges an average of 25,000 gallons per day or more of process wastewater into the wastewater treatment system (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or
 - (2) contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
 - (3) is designated as such by Fox Metro on the basis that the Industrial User has a reasonable potential for adversely affecting Fox Metro's wastewater treatment system's operation or for violating any pretreatment standard or requirement (in accordance with 40-CFR-403.8(f)(6)).
 - (4) is subject to Categorical Pretreatment Standards under 40-CFR-403.6 and 40-CFR, Chapter I, Subchapter N.

Upon finding that an Industrial User meeting the criteria in (TT)(1) through (TT)(3) of this Section has no reasonable potential for adversely affecting the Fox Metro wastewater treatment system or violating any pretreatment standard or requirement, Fox Metro may, at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40-CFR-403.8(F)(6), determine that such Industrial User is not a Significant Industrial User.

UU. Significant Non-Compliance or "SNC" shall mean:

- (1) Chronic Violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six month period exceed the daily maximum limit for the same pollutant parameter by any amount; or
- (2) Technical Review Criterion (TRC) Violations defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken during a six month monitoring period equals or exceeds the product of the daily maximum limit or the average limit multiplied by an applicable TRC factor. The TRC factor for CBOD₅, TSS, O&G is 1.4, The TRC factor for all other pollutants, except pH, is 1.2.); or
- (3) Any other discharge violations that Fox Metro believes has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of Fox Metro personnel or the general public); or
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in Fox Metro's exercise of its emergency authority to halt or prevent such a discharge under Section 500 of this Ordinance; or
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement action for starting construction, completing construction, or attaining final compliance; or
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, Self-Monitoring Reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which Fox Metro determines will adversely affect the operation or implementation of the Fox Metro Pretreatment Program.

VV. Silica Gel Treated Hexane Extractable Material or "SGT-HEM" shall mean the total petroleum hydrocarbons extracted from a wastewater sample using USEPA Method 1664 as found in USEPA document EPA-821-B-94-004, October, 1994.

WW. Sludge shall mean the settleable solids separated from liquids during the wastewater treatment process.

- XX. Slug shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- YY. Standard Methods shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of ***Standard Methods for the Examination of Water and Wastewater***, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation; and other procedures as recognized by the USEPA and IEPA.
- ZZ. State shall mean the State of Illinois.
- AAA. Total Suspended Solids or "TSS" shall mean the total filterable residue, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by filtration as prescribed in *Standard Methods*.
- BBB. Toxic Pollutant shall mean any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state law.
- CCC. Unpolluted Water shall mean water of quality equal to or better than the effluent quality criteria set forth in 35-III-Adm. Code Part 304 or water that would not cause violation of receiving water quality standards set forth in 35-III-Adm. Code Parts 302 and 303 and would not be benefitted by discharge to sanitary sewers and wastewater treatment facilities provided.
- DDD. Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- EEE. User shall mean any person who contributes, causes or permits the contribution of wastewater into the Fox Metro wastewater treatment system.
- FFF. Wastewater shall mean the combination of the liquid and water carrying industrial or domestic wastes from residences, commercial buildings, industrial plants, or institutions including polluted cooling water, whether treated or untreated.
- GGG. Wastewater Discharge Permit shall mean the document(s) allowing discharge into the Fox Metro wastewater treatment system and issued to a user by Fox Metro in accordance with the terms of this Ordinance.

- HHH. Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Illinois or any portion thereof.
- III. NORM shall mean naturally occurring radioactive materials as defined in Section 3.1 of the *Guidance on Radioactive Materials in Sewage and Ash at Publicly Owned Treatment Works* Interagency Steering Committee on Radiation Standards. USEPA, NRC. Draft June 2000. (Definition added per Ordinance 659, November 20, 2002.)
- JJJ. TENORM shall mean naturally occurring radioactive materials, technologically enhanced by human activity as defined in Section 3.1 of the *Guidance on Radioactive Materials in Sewage and Ash at Publicly Owned Treatment Works* Interagency Steering Committee on Radiation Standards. USEPA, NRC. Draft, June 2000. (Definition added per Ordinance 659, November 20, 2002.)

PART 300
WASTEWATER PRETREATMENT REGULATIONS

Section 300.100 User of Wastewater Facilities

- A. It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, directly or indirectly to the Fox Metro wastewater treatment system, any solid, liquid or gaseous waste unless through a connection or discharge point approved by Fox Metro in accordance with the provisions of this Ordinance.
- B. Any person owning improved property within the Fox Metro Water Reclamation District, which abuts any street, alleyway, or right-of-way in which a sewer is located, shall if the improvements are used or are intended to be used for any type of human use or employment and if the sewer is within one-hundred (100) feet of the nearest property line of the property, at his expense, install therein, suitable toilet and waste disposal facilities and within ninety (90) days after such sewer is in service connect such facilities of the sewer in accordance with Fox Metro Ordinances.
- C. Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool, or other facilities intended or used for the disposal of wastewater.
- D. It shall be unlawful to discharge, without a NPDES Permit to any Water of the State within the Fox Metro Water Reclamation District or in any area under its jurisdiction.

Section 300.105 Prohibitive Discharge Standards

(Section 300.105, F(11) amended per Ordinance 659, November 20, 2002.)
(Section 300.105, F(2) amended per Ordinance 725, January 19, 2005.)

- A. No person shall discharge or cause to be discharged any stormwater, foundation drain water, groundwater, roof runoff, surface drainage, non-contact cooling waters, or any other unpolluted water to any sanitary sewer, unless specifically authorized by the District Manager.
- B. It shall be unlawful to bypass if not in accordance with Section 400.120 of this Ordinance.
- C. It shall be unlawful for any Industrial User to violate any applicable Pretreatment Standard or requirement.
- D. The general prohibition found in Paragraph (E) of this Section and specific prohibitions found in paragraphs (F)(1) through (F)(16) of this Section, shall apply to all Users of the Fox Metro wastewater treatment system whether or not a User is subject to National Categorical Standards or any other National, State or Local Pretreatment Standards or Requirements.

- (1) A User shall have an affirmative action defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (E) of this Section and the specific prohibitions in paragraphs (F)(3), (F)(4), (F)(5), (F)(6), and (F)(7) of this Section where the User can demonstrate that:
 - (2) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or other discharges from other sources, would cause Pass Through or Interference; and
 - (i) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed for each pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
 - (ii) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant that caused the Pass Through or Interference, and the User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the Fox Metro was regularly in compliance with its NPDES Permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.
- E. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Fox Metro wastewater treatment system or will pass through the wastewater treatment system.
- F. In addition, the following pollutants shall not be introduced into the Fox Metro wastewater treatment system:
- (1) Pollutants which create a fire or explosion hazard in the wastewater collection system, including, but not limited to:
 - (i) waste streams 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; or
 - (ii) at no time shall two (2) successive Lower Explosion Limit (LEL) readings of five percent (5%) nor any single reading of ten percent (10%) occur at any point in the wastewater treatment system.
 - (2) Any wastewater which will cause corrosive structural damage to the wastewater treatment system, but in no case wastewater having a pH less than 5.0 units, or any wastewater having a pH greater than 12.0 units which is not in accordance with the notification requirements of Section 300.165 of this Ordinance.

- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubrication oil, mud, glass, grinding or polishing wastes, tumbling or deburring stones, or any material which can be disposed of as trash.
- (4) Any wastewater containing pollutants, released at a flow or concentration, either singly or by interaction with other sources, to injure or cause interference with any wastewater treatment process, constitute a hazard to humans or animals, cause pass through resulting in a violation of the water quality standards of the receiving waters of the Fox Metro wastewater treatment system, exceed any limitation set forth in a National Categorical Pretreatment Standard (when effective) or in Section 300.120 of this Ordinance or create a public nuisance.
- (5) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant resulting in Interference; in no case shall wastewater be discharged which causes temperatures at the head of the Fox Metro wastewater treatment plant to exceed 104 degrees Fahrenheit or 40 degrees Centigrade.
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (7) Any pollutant(s), which either singly or by interaction with other wastewater, result in the presence of toxic gases, vapors or fumes in the Fox Metro wastewater treatment system in a quantity that may cause acute worker health and safety problems to occur.
- (8) Trucked or hauled pollutants, except at discharge points designated by Fox Metro in accordance with Section 300.180 of this Ordinance.
- (9) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.
- (10) In no case shall a substance be discharged into the Fox Metro wastewater collection system which causes Fox Metro to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Air Act, or State criteria applicable to the sludge management method being used.

- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the latest State or Federal Regulations including Section 10-CFR-20 and Illinois Administrative Code Title 32: Chapter II: Subchapter b: Part 340.

The limit as established at the time Ordinance 659 was passed per 10-CFR-20, Appendix B is given by the following equation:

$$\frac{C_{RA-226} \text{ (pCi/l)}}{600 \text{ (pCi/l)}} + \frac{C_{RA-228} \text{ (pCi/l)}}{600 \text{ (pCi/l)}} < 1$$

- (12) Any wastewater containing compatible pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; provided, however, that a User may be permitted by specific written agreement with Fox Metro, which agreement to discharge such compatible pollutants may provide for special charges, payments or provisions for treating or testing equipment.
- (13) Any discharge exceeding the standards established in 35-III.Adm. Code 307.
- (14) Any slug discharged into the Fox Metro wastewater treatment system.
- (15) Any regulated medical waste as defined by 40-CFR-259.30(a), or residues resultant from treatment and destruction processes of said waste, except as specifically authorized by the District Manager in a discharge Permit.
- (16) Any wastewater containing detergents, surface active agents, or other substances which may cause excessive foaming in the Fox Metro wastewater treatment system.

G. Compliance with the provisions of this Section 300.105 shall be required on the effective date of promulgation of this Ordinance.

Section 300.109 Sampling & Analysis Procedures To Be Used

Wastewater sampling and analysis procedures to determine compliance with the limits found in this Ordinance shall conform to those specified at 40-CFR-136. Fox Metro may designate sampling and analysis procedures for those pollutants not specified at 40-CFR-136.

Section 300.110 Federal Categorical Pretreatment Standards

- A. The National Categorical Pretreatment Standards found at 40-CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated into this Ordinance by reference.
- B. Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular User, the said standard, if more stringent than the limitations imposed under this Ordinance for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this Ordinance. Fox Metro shall notify all known affected Users of the applicable reporting requirements under 40-CFR-403.12(b)(1-6).

Section 300.115 State Requirements

Illinois Pretreatment Program requirements, found at Title 35 of the Illinois Administrative Code, Parts 307 and 310, are hereby incorporated into this Ordinance by reference.

Section 300.120 Local Limits

(Section 300.120, Parts D, E & F amended per Ordinance 725, January 19, 2005.)

- A. Compliance with the provisions of this Section for New Sources shall be required on the effective date of this Ordinance.
- B. Compliance with the provisions of this Section for Existing Sources shall be required within two years of the effective date of this Ordinance where such limits for a given pollutant(s) are new or are more stringent than the limits they are superseding. Limits which are being superseded shall remain in effect until two years past the effective date of this Ordinance.
- C. Unless otherwise indicated, concentrations in this Section are expressed in mg/L and refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents may be measured as other than total, the word "total" is indicated for clarity.
- D. The Hexane Extractable Material, indicated in this Section and Section 300.125 of this Ordinance, refers to the sum of polar hydrocarbons (such as vegetable oils, animal fats, and other highly biodegradable oils) and non-polar hydrocarbons (such as petroleum based oils and greases) as determined by HEM and SGT-HEM analyses. The Silica Gel Treated Hexane Extractable Material in this Section refers to petroleum oil, non-biodegradable cutting oil, products of mineral oil origin and other non-polar hydrocarbons as determined by HEM and SGT-HEM analyses.

E. Discharges from each separate discharge of a User, as measured under the provisions of this Ordinance shall not contain in excess of the following concentrations based upon a 24-hour composite sample.

Pollutant	Maximum Concentration
Arsenic, Total	0.145 mg/L
Cadmium, Total	0.04 mg/L
Chromium, Total	6.4 mg/L
Copper, Total	1.0 mg/L
Iron, Total	100 mg/L
Lead, Total	0.4 mg/L
Manganese, Total	4.9 mg/L
Mercury, Total	0.0005 mg/L
Molybdenum, Total	1.0 mg/L
Nickel, Total	0.400 mg/L
Selenium, Total	0.095 mg/L
Silver, Total	0.7 mg/L
Zinc, Total	2.4 mg/L

(1) Discharges exceeding the numeric standard for Total Mercury shall be allowed if all of the following conditions are met:

- (i) The discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,
- (ii) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,
- (iii) The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of mercury discharges.

However, in no case shall any discharge of mercury, alone or in combination with other sources, cause pass through or interference at the POTW as prohibited by 40-CFR-403.5(a)(1).

(2) Discharges exceeding the numeric standard for Total Silver shall be allowed if all of the following conditions are met:

- (i) The discharger does not use silver; or, the discharger uses silver and this use cannot be eliminated; or, the discharger uses silver only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,

- (ii) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment as indicated in the most current version of the “Code of Management Practice for Silver Dischargers”, as published by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council; and,
- (iii) The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of silver discharges.

However, in no case shall any discharge of silver, alone or in combination with other sources, cause pass through or interference at the POTW as prohibited by 40-CFR-403.5(a)(1).

F. Discharges from each separate discharge of a User, as measured under the provisions of this Ordinance, shall not contain in excess of the following concentrations based upon a grab sample.

Pollutant	Maximum Concentration
Cyanide, Total	0.136 mg/L
Hexane Extractable Materials (HEM)	1,000 mg/L
Silica Gel Treated Hexane Extractable Materials (SGT-HEM)	100 mg/L
Phenol, Total	10.7 mg/L

Section 300.121 TENORM Dischargers

(Section 300.121 added per Ordinance 659, November 20, 2002.)

- A. If a User as defined by Section 200.110 is required by Federal or State Drinking Water Regulations to remove NORM, and the process chosen by the municipality requires periodic discharge of TENORM to the sanitary sewer the User must petition Fox Metro to accept the waste under Part 400.
- B. The User must by the submittal of detailed calculations, plans and specifications demonstrate compliance with the provisions of Section 10-CFR-20 and Illinois Administrative Code Title 32: Chapter II: Subchapter b: Part 340.

Section 300.123 Notice of Violation/Resampling Requirement

The User shall notify Fox Metro within 24 hours of becoming aware of any violation of the wastewater discharge limits noted at Sections 300.110, 300.115, or 300.120 of this Ordinance if such violation was discovered through sampling performed by the User. The User shall also conduct an additional sampling and analysis and submit the results of the additional analysis to Fox Metro within 30 (thirty) days after becoming aware of the violation, except if:

- A. Fox Metro performs sampling of the Industrial User at least once per month; or
- B. Fox Metro performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this initial sampling.

Section 300.125 Surcharge Program

(Section 300.125 amended per Ordinance 725, January 19, 2005.)

Fox Metro has determined that certain pollutants are compatible with the wastewater treatment process. Fox Metro reserves the right to recover the treatment costs for those compatible pollutants that exceed the surcharge levels listed in this Section.

<u>Compatible Pollutant</u>	<u>Surcharge Level</u>
Biochemical Oxygen Demand (CBOD ₅)	200 mg/L
Total Suspended Solids (TSS)	250 mg/L
Ammonia Nitrogen (NH ₃ -N)	25 mg/L
Hexane Extractable Materials (HEM)	100 mg/L

The excessive strength sewage surcharges for these pollutants shall be calculated using the following formula:

$$P_S = (P_{AVG} - P_{SL}) \times Q \times 8.345 \times TC_P$$

- where:
- P_S = the excessive strength surcharge for the given compatible pollutant.
 - P_{AVG} = the average concentration of the compatible pollutant for the wastewater discharge in question.
 - P_{SL} = the surcharge level concentration of the compatible pollutant as indicated in any Fox Metro Ordinances or Rate Schedules in effect at the time the surcharge is calculated.
 - Q = the Industrial User wastewater flow in millions of gallons (MG).
 - 8.345 = a factor which converts the product of concentration (mg/L) and flow (MG) into pounds of compatible pollutant.
 - TC_P = the treatment cost charge per pound of the compatible pollutant, such charge being stipulated by any Fox Metro Ordinances or Rate Schedules in effect at the time the surcharge is calculated.

Fox Metro reserves the right to include, at its discretion, other parameters which it determines are compatible with the wastewater treatment process. Fox Metro does not consider industrial wastewater concentrations of compatible pollutants above the surcharge levels listed to be discharge violations except for those concentrations or slug loadings which would cause Interference or Pass Through at the Fox Metro wastewater treatment plant.

Section 300.130 Right of Revision

Fox Metro reserves the right to establish, by Ordinance or in Wastewater Discharge Permits, more stringent standards or requirements on discharges into the Fox Metro wastewater treatment system.

Section 300.135 Inspection, Sampling and Records Keeping

- A. Fox Metro may inspect the facilities of Industrial Users to ascertain whether the purposes of this Ordinance are being met and if all requirements of the Ordinance are being complied with pursuant to 40-CFR-403.8(f)(1)(v). Persons or occupants of premises where wastewater is discharged, or a treatment system is located, or where records required by this Ordinance are kept, shall allow Fox Metro or its representatives ready access upon presentation of credentials, at reasonable times to all parts of said premises where wastewater is generated, treated, or discharged, or chemicals are stored, or records are kept, for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of their duties.
- B. Fox Metro shall have the right to set up on the User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where a User has security measures in force which would require suitable identification, necessary arrangements must be made with their security guards so that upon presentation of suitable identification, personnel from Fox Metro shall be permitted to enter immediately for the purposes of performing their specific responsibilities.
- C. Users and Fox Metro shall maintain records of all information resulting from any monitoring activities required by this Ordinance or, in the case of Industrial Users, by 40-CFR-403.12(n). Fox Metro and Industrial Users shall maintain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or operation of Fox Metro's Pretreatment Program or when requested by the Regional Administrator or the Director of the IEPA.

Section 300.140 Monitoring Facilities

Fox Metro shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems.

- A. Whenever required by Fox Metro, an Industrial User shall install a large manhole or sampling chamber for each separate discharge in the building's sewer in accordance with plans and specifications approved by Fox Metro, installed and maintained at all times at User's expense, which shall have ample room in each sampling chamber to permit Fox Metro to take accurate composite samples for analysis.
 - (1) The monitoring facility will normally be situated on the User's premises but Fox Metro may, when such a location would be impractical or cause undo hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User.
 - (2) The monitoring facility shall be safely, easily and independently accessible to authorized representatives of Fox Metro any time of the week.
- B. Where required by Fox Metro, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with "End of Process" Pretreatment Standards.

Section 300.145 Dilution

No User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained within the National Categorical Pretreatment Standards (when affective), or in any other pollutant-specific limitations developed by Fox Metro.

Section 300.150 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Standards, local limits and the prohibitions set out in Section 300.105 of this Ordinance within the time limitations specified by the EPA or Fox Metro, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans, describing such facilities and operating procedures shall be submitted to Fox Metro for review before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Fox Metro under the provisions of this Ordinance.

Section 300.155 Slug/Spill Prevention Control & Countermeasure Plans (SSPCC)

- A. Each Industrial User having the ability to cause Interference with the Fox Metro treatment plant or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge into the Fox Metro wastewater treatment system of prohibited materials. Such protection shall be provided and maintained at the Owner's or User's own cost and expense.
- B. The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- C. Fox Metro shall evaluate each Significant Industrial User at least once every two years, and other Industrial Users as necessary, to determine whether such Users need a Slug/Spill Prevention, Control and Countermeasure (SSPCC) Plan. If Fox Metro determines a SSPCC Plan is required, the plan shall contain, at a minimum, the following elements:
 - (1) A description of discharge practices, including periodic or non-routine discharges;
 - (2) A description of stored chemicals;
 - (3) The procedures for immediately notifying Fox Metro of a slug/spill in accordance with the procedures outlined in Section 300.160 of this Ordinance; and
 - (4) If necessary, 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.
- D. Industrial Users that store hazardous materials shall not discharge into the Fox Metro wastewater treatment system after the effective date of this Ordinance unless a SSPCC Plan has been approved by Fox Metro. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous materials.

Section 300.160 Notification

A. Slug/Spill Incidents

- (1) In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause Interference or Pass Through at the Fox Metro wastewater treatment plant or violate any requirements of this Ordinance, it shall be the responsibility of the Industrial User to immediately telephone and notify Fox Metro of the incident. The notification shall include the name of the caller, the location and time of the discharge, the type of wastewater, the concentration and volume, and any corrective actions taken by the User.
- (2) Within five (5) days following such an accidental or deliberate discharge, the Industrial User shall submit to Fox Metro a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by Fox Metro as needed.
- (3) Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the Fox Metro wastewater treatment system, fish kills, or any damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to Fox Metro, result in the revocation of the discharger's wastewater discharge permit.

B. All Industrial Users shall give a thirty (30) day notice in writing to Fox Metro in the event type, quality, or volume of wastewater, including hazardous waste notification, from the property is expected to materially and substantially change.

Section 300.165 Notification of Hazardous Waste Discharge

A. Any Industrial User who commences the discharge of hazardous waste shall notify Fox Metro, the Illinois EPA, and the United States EPA Region 5 authorities in writing of any discharge into the sanitary sewer of a substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40-CFR-261.

- (1) Such notification shall include:
 - (i) The name of the hazardous waste as set forth in 40-CFR-261;
 - (ii) The EPA hazardous waste number; and
 - (iii) The type of discharge (continuous, batch, or other).

- (2) All notifications must take place no later than one-hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted in accordance with Section 300.160(B) of this Ordinance.
 - (3) In addition, if the Industrial User discharges more than one-hundred (100) kilograms of such waste per calendar month into the Fox Metro wastewater treatment system, the notification shall also contain the following information to the extent such information is readily available to the Industrial User:
 - (i) An identification of the hazardous constituents contained in the wastes;
 - (ii) An estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month; and
 - (iii) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- B. Industrial Users are exempt from the requirements of Paragraph (A) of this Section during the calendar months in which they discharge no more than fifteen (15) kilograms of hazardous wastes as specified in 40-CFR-261.30(d) and 40-CFR-261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste, requires a one-time notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the Industrial User must notify Fox Metro, the Illinois EPA, and United States EPA Region 5 authorities of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Section 300.170 Confidential Information

- A. Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public without restriction unless otherwise restricted in Paragraph C below, or the User specifically requests, and is able to demonstrate to the satisfaction of Fox Metro , that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such request must be asserted at the time of submission of the information or data. All information and data, confidential or otherwise, shall be made available to the IEPA and the USEPA for use in judicial review and enforcement proceedings involving the person furnishing the report.

- B. Information and data provided to Fox Metro which is effluent data shall not be recognized as confidential and shall be made available to the public, IEPA, and USEPA without restriction unless otherwise restricted in Paragraph C below.
- C. Investigatory records or compliance information compiled for Federal, State, or Fox Metro enforcement purposes shall be exempt from inspection and copying; but, limited to the extent that the disclosure would with pending or actually and reasonably contemplated enforcement proceedings pursuant to the 1985 Illinois Revised State Statutes, Chapter 116, Paragraph 207(c)(i).
- D. Information accepted by Fox Metro as confidential shall not be transmitted to the general public by Fox Metro unless agreed to by the Industrial User.
- E. The District Manager shall implement measures to prevent the negligent release of confidential information; however Fox Metro and the District Manager shall not be held legally responsible for release of information if they acted in good faith.

Section 300.175 Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or tenant is an Industrial User, either or both shall be held responsible for compliance with this Ordinance.

Section 300.180 Hauled Wastewater

- A. Domestic septage tank wastes may be accepted into the Fox Metro wastewater treatment plant at a designated receiving structure within the treatment plant area, and at such times as are established by the District Manager, provided such wastes do not violate Part 300 of this Ordinance or any other requirements established or adopted by Fox Metro. Wastewater Hauler Discharge Permits for individual vehicles to use such facilities shall be issued in accordance with Fox Metro Ordinance #461, or its successors, and the Rules and Regulations for wastewater Disposal at the Fox Metro Water Reclamation District, and any amendments made thereto.
- B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and an Industrial Wastewater Discharge Permit in accordance with Part 400 of this Ordinance. The District Manager or his designate shall have the authority to prohibit the disposal of such wastes in accordance with Section 400.110 of this Ordinance. Waste haulers shall be subject to all other Sections of this Ordinance.

Section 300.185 Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment, or other part of the Fox Metro wastewater treatment system. Any person found in violation of this requirement shall be subject to the sanctions (enforcement remedies) set forth in Part 500 of this Ordinance.

PART 400
DISCHARGE PERMITS

Section 400.100 Prohibition of Discharge Without Permit

It shall be unlawful for any Significant Industrial User to discharge wastewater into the Fox Metro wastewater treatment system without an Industrial Wastewater Discharge Permit issued by Fox Metro or contrary to the conditions of the permit in accordance with the provisions of this Ordinance.

Section 400.105 Wastewater Discharge Permits

All Industrial Users proposing to connect to or discharge into the Fox Metro wastewater collection system shall obtain a Wastewater Discharge Permit at least ninety (90) days prior to such connection or discharge. All existing Industrial Users identified by Fox Metro as Significant Industrial Users shall obtain a Wastewater Discharge Permit within thirty (30) days after notification by Fox Metro.

A. Wastewater Discharge Permit Application

- (1) Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with Fox Metro, an application form, prescribed by Fox Metro, and accompanied by a fee to be determined by Fox Metro. The application form shall be duly signed and certified by an authorized representative of the Industrial User.
- (2) If additional User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the Industrial User shall submit to Fox Metro the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the pretreatment standards. The schedule for compliance shall, at a minimum, contain the following:
 - (i) increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for the purchase of major components, commencing construction, completing construction, etc.);
 - (ii) no increment of progress referred to herein shall exceed nine months;

- (iii) no later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to Fox Metro including, as a minimum, whether or not it complied with the increment of progress to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to Fox Metro.
- (4) Any other information as deemed by Fox Metro to be necessary to evaluate the discharge permit application. After evaluation and acceptance of the data furnished, Fox Metro may issue a Discharge Permit subject to the terms and conditions provided herein.
- (5) All Wastewater Discharge Permit applications and Industrial User Reports must be signed by an authorized representative of the User and contain the following certification statement:
 - " I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. "

B. Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User Charges, and fees established by Fox Metro. Wastewater Discharge Permits shall contain the following terms and conditions:

- (1) A statement of duration. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its permit at least ninety (90) days prior to expiration of the existing permit. The User shall apply on a form provided by Fox Metro for the reissuance of the permit. Upon reissuance, any applicable provisions of the Permit issued during the term of the expiring Permit shall be incorporated as conditions of the reissued Permit.

- (2) A statement of non-transferability. Wastewater Discharge Permits are issued to a specific User for the process activity specified in the Permit. A Permit shall not be assigned, transferred, or sold to a new owner or new User in different premises or to a new or changed operation in the same or different premises without the prior approval of Fox Metro. If the premises are sold or otherwise transferred by the Permittee to a new owner who will maintain the operation in the same premises, then the Permit held by the seller shall be reissued by Fox Metro to the new owner as a temporary Permit, provided that the new owner shall immediately apply for a new Permit in accordance with this Ordinance and further provided that the temporary Permit shall only be effective for ninety (90) days after the date of sale or transfer. Fox Metro shall have the same remedies for violation of temporary Permits as it has for violation of other Permits.
- (3) Effluent limitation on average and maximum wastewater constituents and characteristics based upon the more stringent of Federal, State, or Local Discharge Limits as established by Fox Metro Ordinances, which may include requirements for time, flow regulation or equalization prior to discharge for each separate discharge of the User.
- (4) Specifications and requirements for the establishment of compliance monitoring programs which may include sampling locations, frequency of sampling, number and type of standard testing, submission of technical or discharge reports, or the installation and operation of monitoring facilities for each separate discharge of the User.
- (5) Requirements to retain for a minimum of three (3) years any records of monitoring activities and results relating to wastewater discharge and for affording Fox Metro access to said records in accordance with Section 300.135 of this Ordinance.
- (6) A statement that any User found to have violated any provision of this Ordinance is subject to the enforcement remedies found at Part 500 of this Ordinance. Such enforcement shall include, but shall not be limited to, the Civil and Criminal penalties found at sections 500.145 and 500.150 of this Ordinance.
- (7) A compliance schedule(s), if necessary.
- (8) Requirements for notification of accidental or deliberate discharge of pollutants which may cause problems in the Fox Metro wastewater treatment system, including, but not limited to slug loadings, bypasses, upsets, or any violations in accordance with Section 300.140 of this Ordinance.
- (9) Requirements for Industrial Users to give a thirty (30) day notice in writing to Fox Metro in the event the type, quality, or volume of wastewater, including hazardous waste notification, from the property is expected to materially and substantially change in accordance with Section 300.140(b) of this Ordinance.

- (10) Requirements for the Industrial Users to allow Fox Metro, or its representatives, ready access, upon presentation of credentials, at reasonable times to all parts of its premises in which a discharge source or treatment system is located or in which records required by this Ordinance are kept for the purpose of inspection, sampling, examination, and photocopying of said records and for the performance of any other duties in accordance with Section 300.135 of this Ordinance.
- (11) Other conditions as deemed appropriate by Fox Metro to ensure compliance with this Ordinance, State, and Federal Pretreatment Standards and Requirements.
- (12) The terms and conditions of the Wastewater Discharge Permit may be subject to modification by Fox Metro during the term of the Permit as limitations or requirements of Fox Metro's Pretreatment Program are modified or other just cause exists. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40-CFR-407.7) or the Combined Waste Stream Formula (40-CFR-403.6(e)) or net/gross calculations (40-CFR-403.15) or Fundamentally Different Factor variance for non-toxics (40-CFR-403.15) of the General Pretreatment Regulations, the limits as modified shall be made a part of the Permit and shall be adjusted consistent with USEPA guidelines and regulations.

C. Changes in Conditions

In the event the type, quality, or volume of wastewater from the property or which a Wastewater Discharge Permit was previously granted is expected to materially and substantially change as reasonably determined by the Permittee or Fox Metro, the Permittee shall give a written thirty (30) day notice to Fox Metro and shall submit a new application to Fox Metro prior to said change. Information previously submitted that has not changed does not need to be resubmitted by the Permittee. No Permittee shall materially and substantially change the type, quality, or volume of the wastewater beyond that allowed by its Permit without the prior approval of Fox Metro.

D. Plans and Specifications

Detailed plans and specifications, prepared by an Illinois registered professional engineer, of the pretreatment facilities proposed to be constructed shall be submitted to Fox Metro for review and must be acceptable by Fox Metro before construction of the facility is commenced. The review of such plans shall in no way relieve the User from the responsibility of modifying the pretreatment facility as necessary to comply with this Ordinance. The User shall submit, within a reasonable time after the completion of the pretreatment facility, a copy of the facility's operations and maintenance procedures to Fox Metro.

Section 400.110 Denial of Wastewater Discharge Permit Application

- A. No Wastewater Discharge Permit shall be issued by Fox Metro to any person whose discharge of material to the sanitary sewers, whether shown upon his application or determined after an inspection and testing conducted by Fox Metro, is not in conformity with Fox Metro Ordinances and regulations, or whose application for a Wastewater Discharge Permit is incomplete, or does not comply with the requirements of Section 400.105(B) of this Ordinance. Fox Metro shall state the reason(s) for denial in writing, which shall be mailed or personally delivered to the applicant within five (5) days after denial.
- B. If the application is denied, the User may submit, within thirty (30) days after receipt of the denial, a written request for a hearing to show cause why the Wastewater Discharge Permit should be granted pursuant to Section 500.115 of this Ordinance.

Section 400.115 Reporting Requirements For Permittee

A. Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a New Source, within forty-five (45) days following commencement of the introduction of wastewater into the Fox Metro wastewater treatment system, any User subject to pretreatment standards shall submit to Fox Metro a report, on forms provided by Fox Metro, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process units in the User facility which are limited by such pretreatment standards. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional User operation and maintenance, pretreatment techniques or installations are necessary to bring the User into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the Industrial User and shall be certified to by an Illinois registered professional engineer.

B. Self-Monitoring Report

Any User subject to an applicable pretreatment standard, after the compliance date of such applicable pretreatment standard; or, in the case of a New Source, after discharge of wastewater into the Fox Metro wastewater treatment system begins, shall submit to Fox Metro, on or before the 15th (fifteenth) day of January and July each year and for the prior two calendar quarters, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable pretreatment standards. In addition, this report shall include a record of measured or estimated average and daily wastewater flows for the reporting period.

- (1) At the discretion of Fox Metro, this report shall also include concentrations of CBOD₅, TSS and/or other pollutants specified by Fox Metro. The Permittee shall sample and analyze its wastewater for CBOD₅, TSS and/or other pollutants at the discretion of Fox Metro as set forth in the Wastewater Discharge Permit issued to the Permittee.
- (2) At the discretion of Fox Metro, and in consideration of such factors as a local high or low flow rate, holidays, budget cycles, Fox Metro may agree to alter the months during which Self-Monitoring Reports are submitted.
- (3) All measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this Section shall be determined in accordance with 40-CFR-403.12(g), as amended from time to time.

C. Baseline Monitoring Reports

Industrial Users subject to National Categorical Pretreatment Standards shall submit to Fox Metro a complete Baseline Monitoring Report meeting the requirements set forth in 40-CFR-403.12(b).

- (1) Existing Industrial Users, currently discharging to or scheduled to discharge into the Fox Metro wastewater treatment system, shall submit a Baseline Monitoring Report within 180 days after the effective date of a National Categorical Pretreatment Standard or 180 (one-hundred eighty) days after the final administrative decision made upon a categorical determination submission, whichever is later.
- (2) New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit a Baseline Monitoring Report at least 90 (ninety) days prior to the commencement of discharge.

Section 400.120 Bypass

A. An Industrial User may allow any bypass to occur which does not violate any pretreatment standards or requirements, but only if such bypass is for essential maintenance to assure efficient operation. Such bypasses are not subject to Paragraphs (B) and (C) of this Section.

B. Notice:

- (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior written notice to Fox Metro, if possible at least 10 (ten) days before the date of the bypass.

- (2) An Industrial Users shall verbally notify Fox Metro of an unanticipated bypass that exceeds applicable pretreatment standards or requirements. Such notice shall be given within 24 (twenty-four) hours of the Industrial User becoming aware of such a bypass. The Industrial User shall, within 5 (five) days of becoming aware of such a bypass, submit a written report to Fox Metro containing: a description of the bypass and its cause; the duration of the bypass, including exact times and dates; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a recurrence of the bypass.

C. Prohibition of Bypass:

- (1) Bypass is prohibited and Fox Metro may take enforcement against a User for a bypass unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (ii) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of wastewater, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment down time or preventative maintenance; and
 - (iii) The User submitted notices as required by Paragraph (B) of this Section.
- (2) Fox Metro may approve an anticipated bypass, after considering its adverse effects, if Fox Metro determines that the bypass will meet the three conditions required by Paragraph (C)(1) of this Section.

Section 400.125 Upsets

- A. An upset shall constitute an affirmative action defense to an action brought for non-compliance with the National Categorical Pretreatment Standards if the following requirements contained within this Section are met.
- B. An Industrial User who wishes to establish the affirmative action defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the Industrial User can identify the specific cause(s) of the upset;

- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The Industrial User has submitted the following information to Fox Metro verbally, within 24 (twenty-four) hours of becoming aware of the upset, and in writing, within 5 (five) days of becoming aware of the upset:
 - (i) A description of the upset and the cause(s) of non-compliance; and
 - (ii) The period of non-compliance, including exact dates and times; and, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (iii) The steps being taken and/or planned to reduce, eliminate, and prevent the recurrence of the non-compliance.

C. Burden of Proof

In any enforcement proceeding, the Industrial User seeking to establish the occurrence of upset shall have the burden of proof.

D. User Responsibility in Case of Upset

The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 400.130 Wastewater Discharge Permit Revocation

Any Significant Industrial User who is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued under Section 500 of this Ordinance, or any other pretreatment standard(s) or requirement(s), is subject to having its Wastewater Discharge Permit revoked.

- A. Wastewater Discharge Permits shall be voidable upon non-use, cessation of operations, or transfer of business ownership. All Wastewater Discharge Permits are void upon the issuance of a new Wastewater Discharge Permit.

- B. Following an Order of Revocation, the Significant Industrial User shall immediately cease discharging into the Fox Metro wastewater treatment system. Failure of the Significant Industrial User to comply voluntarily with the order shall be evidence of continuing harm to the Fox Metro wastewater treatment system and provide grounds for escalated enforcement actions to be taken by Fox Metro in accordance with Section 500 of this Ordinance, or any such steps as deemed necessary by Fox Metro, including immediate severance of the sewer connection, to prevent or minimize damage to the Fox Metro wastewater treatment system or danger to any individuals or to the environment.

- C. The District Manager shall reinstate the Wastewater Discharge Permit and/or allow the Significant Industrial User to resume its discharge following a show cause hearing held in accordance with Section 500.115 of this Ordinance.

PART 500
PRETREATMENT PROGRAM ENFORCEMENT REMEDIES

Section 500.100 Public Notification of Industrial Users in Significant Non-Compliance

Fox Metro shall annually publish in the largest daily newspaper in the municipality in which the Fox Metro wastewater treatment plant is located, a list of Industrial Users who were in Significant Non-Compliance of any applicable pretreatment requirement or standard during the previous 12 (twelve) months. The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same 12 (twelve) months.

Section 500.105 Notices of Violation

- A. Whenever Fox Metro finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, or any other pretreatment standard(s) or requirement(s), the District Manager or his designate may serve upon said User a written Notice of Violation.
- (1) The Notice of Violation shall contain the particulars of such violation(s) and order the offending User to, but not limited to: explain the cause(s) of the violation(s), submit a plan or schedule for the satisfactory correction of the violation(s) and the prevention of similar violation(s) in the future, pay an administrative fine, or any additional remedies deemed necessary by Fox Metro to bring the User into compliance within the shortest time frame feasible.
 - (2) Submission of any information, plan, or schedule for corrective action, or fine payments in no way shall relieve the User of liability for any violation(s) occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of Fox Metro to take any action, including emergency actions or any other enforcement remedies, without first issuing a Notice of Violation.

Section 500.110 Consent Orders

The District Manager or his designate is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for non-compliance.

- A. Such orders shall include a schedule containing specific increments of progress or remedial actions to be completed for compliance by the User within the time period(s) also specified by the order, any stipulated fines, and signatures of authorized Fox Metro and Industrial User representatives.

- B. Consent Orders shall have the same force and effect as Compliance Directives issued pursuant to Section 500.120 of this Ordinance and shall be judicially enforceable.

Section 500.115 Show Cause Orders

The District Manager or his designate may order any User which has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirements, to appear before the District Manager or his designate and show cause why a proposed enforcement action should not be taken.

- A. Notice shall be served on the User specifying the time and place of the hearing, the proposed enforcement action(s), the reason(s) for such action(s), and a request that the User show cause why the proposed enforcement action(s) should not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least 5 (five) days prior to the hearing. Such notice may be served upon any authorized representative of the User.
- B. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded by a stenographer. The transcript, so recorded, will be made available to any member of the public or any party to the hearings upon payment of the usual copying charges.
- C. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A Show Cause Order shall not be a prerequisite for taking any other action(s) or enforcement remedies against the User.

Section 500.120 Compliance Directives

Whenever Fox Metro finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), the District Manager or his designate may issue a directive to the User responsible for the discharge, ordering the User to come into compliance within a time period stated in the Compliance Directive. If the User does not come into compliance within the stated time period, sanitary sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.

- A. The Compliance Directive may also contain other requirements to address the non-compliance, including, but not limited to: additional Self-Monitoring, management practices designed to minimize the amount of pollutants discharged, payment of any stipulated fines, or any other additional remedies deemed necessary by Fox Metro to bring the User into compliance within the shortest time frame feasible.
- B. A Compliance Directive shall not exceed the deadline for compliance established for a Federal pretreatment standard or requirement.

- C. A Compliance Directive shall not release the User of liability for any violation(s), including continuing violation(s), nor shall the issuance of a Compliance Directive be a prerequisite for taking any other enforcement action or enforcement remedies against the User.

Section 500.125 Cease & Desist Orders

Whenever Fox Metro finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), or that the User's past violations are likely to recur, the District Manager or his designate may issue an order directing the User responsible for the discharge to cease and desist all illegal or authorized discharges immediately.

- A. In emergency situations, a Cease & Desist Order may be given by telephone.
- B. In non-emergency situations, a Cease & Desist Order may be used to suspend or permanently revoke an Industrial User's Wastewater Discharge Permit(s).
- C. The Cease & Desist Order may require the User to take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- D. The issuance of a Cease & Desist Order shall not be a prerequisite for taking other action or enforcement remedies against the User.

Section 500.130 Administrative Fines

- A. Notwithstanding any other Section of this Ordinance, any User that is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or other pretreatment standard(s) or requirement(s), shall be fined in an amount of not less than \$50 (fifty dollars) nor more than \$10,000 (ten-thousand dollars) per violation per day.
 - (1) Fines shall be issued that, at a minimum, remove the economic benefit to a User by its non-compliance, include an additional monetary amount reflecting the seriousness or gravity of the violation(s), and ensures the User has a strong economic incentive to fully comply in a timely manner. Fox Metro shall consider any corrective actions taken by the User and the compliance history of the User prior to the issuance of the fine.
 - (2) For the purposes of this Section, each day in which any such violation shall occur shall be deemed a separate violation.

- B. Administrative fines and penalties may be added to the User's next scheduled wastewater billing and Fox Metro shall have such collection remedies as may be available for other service charges and fees.
- C. Unpaid charges, fines, and penalties shall be assessed an additional penalty of the unpaid balance and interest shall accrue thereafter in accordance with Fox Metro User Charge Ordinances. A lien against the individual User's property will be sought for unpaid charges, fines, and penalties.
- D. Users desiring to dispute such fines must file, within 10 (ten) calendar days of being notified of the fine, a written request for Fox Metro to reconsider the fine and full payment of the fine amount. Where such request has merit, Fox Metro shall convene, within 15 (fifteen) calendar days of receiving the request from the User, a hearing on the matter. In the event the User's appeal is successful, the payment shall be returned less any costs incurred by Fox Metro in the preparation of the enforcement action.
- E. Fox Metro may recover reasonable attorney's fees, court costs, court reporter fees, and any other expenses associated with enforcement activities, including sampling and monitoring expenses, and the costs of any actual damages incurred by Fox Metro.

Section 500.135 Emergency Suspensions

The District Manager or his designate may immediately suspend a User's wastewater treatment service and/or Wastewater Discharge Permit whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of persons, the Fox Metro wastewater treatment system, or the environment.

- A. Any User notified of a suspension of the wastewater discharge treatment service and/or Wastewater Discharge Permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply with the Cease & Desist Order, the District Manager shall take such steps as deemed necessary, including immediate severance of the sewer service connection, to prevent or minimize damage to the Fox Metro wastewater treatment system, its receiving stream, or endangerment to any individuals or the environment.
- B. The District Manager shall allow the User to recommence its discharge when the endangerment has passed following a hearing held in accordance with Section 500.115 of this Ordinance, unless the revocation proceedings set forth in Section 400.130 of this Ordinance are initiated against the User.
- C. Any User notified pursuant to this Section shall submit to Fox Metro, prior to the date of the hearing described above, a detailed written statement describing the cause(s) of the harmful conditions and the measures taken to prevent their future recurrence.

Section 500.140 Injunctive Relief

- A. Whenever Fox Metro finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), or that the User's past violations are likely to recur, the District Manager may petition the Circuit Court of Kane, Kendall, Will or DuPage Counties, for the issuance of a temporary restraining order or preliminary injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User.
- B. Such other action as appropriate for legal and/or equitable relief may also be sought by Fox Metro. A petition asking for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

Section 500.145 Civil Penalties

Any User that is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), shall be liable to Fox Metro for a civil penalty of an amount of not less than \$1,000.00 (one-thousand dollars) nor more than \$10,000.00 (ten-thousand dollars) per violation per day, plus any actual damages incurred by Fox Metro for as long as the non-compliance continues. For purposes of this Section, each day in which any such violation shall occur shall be deemed a separate violation.

- A. Fox Metro may recover reasonable attorney's fees, court costs, court reporter fees, and any other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Fox Metro.
- B. Fox Metro shall petition the Court to impose, assess, and recover such sums. In determining the extent of the liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation(s), the magnitude and duration, any economic benefit gain through the User's violation(s), corrective actions by the User, the compliance history of the User, and any other factors as justice requires.

Section 500.150 Criminal Prosecution

- A. Any User that is found to have willfully or negligently violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s) shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 (ten-thousand dollars) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed 1 (one) year or both. For the purpose of this Section, each day in which any such violation shall occur, shall be deemed a separate violation.

- B. Any User that is found to have willfully or negligently introduced any substance into the Fox Metro wastewater treatment system which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 (ten-thousand dollars) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed 1 (one) year or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. Any User that is found to have knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, Wastewater Discharge Permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 (ten-thousand dollars) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed 1 (one) year or both.

Section 500.155 Additional Remedies

- A. In addition to the remedies available to Fox Metro set forth elsewhere in this Ordinance, if Fox Metro is fined by the State of Illinois or USEPA for violation of Fox Metro's NPDES Permit or violation of water quality standards as a result of a discharge of pollutants, then the fine, including all of Fox Metro's legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible User(s). Such charge shall be in addition to, and not in lieu of, any other remedies Fox Metro may have under this Ordinance, statutes, regulations, at law or in equity.
- B. If the discharge from any Users causes a deposit, obstruction, or damage to any portion of the Fox Metro collection system or wastewater treatment plant, the District Manager shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person(s) causing such deposit, obstruction, or damage.
- C. The remedies provided in this Ordinance shall not be exclusive and Fox Metro may seek whatever other remedies are authorized by statute, at law or in equity against any person violating the provisions of this Ordinance, including Illinois Revised Statutes 1983, Chapter 42, Section 305.1, which Section is hereby made a part of this Ordinance as though fully set forth herein. Fox Metro is hereby empowered to take more than one enforcement action (remedy) against any non-compliant User. These actions may be taken concurrently.

Section 500.160 Informant Rewards

- A. The District Manager is authorized to pay up to \$500 (five-hundred dollars) for information leading to the discovery of non-compliance by an Industrial User. In the event that the information provided results in a civil penalty levied against the Industrial User, the District Manager is authorized to dispense up to 10% (ten percent) of the collected penalty to the informant. However, a single payment may not exceed \$10,000 (ten-thousand dollars).

- B. Employees of Fox Metro, representatives of the IEPA or USEPA, or any other public employee or official, and members of their immediate family shall be expressly prohibited from receiving any additional monetary compensation for information leading to the discovery of non-compliance by an Industrial User.

PART 600
ADMINISTRATION

Section 600.100 Severability

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 600.105 Repeals

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 600.110 Right of Amendment

Fox Metro reserves its power and authority, pursuant to law, to amend this or other Fox Metro ordinances in order to establish more stringent or less stringent limitations or requirements on discharges into the Fox Metro wastewater treatment system.

Section 600.115 Effective Date

This Ordinance shall be in full force and effect upon receipt of approval of the Industrial Pretreatment Program from the USEPA, its adoption by the Board and its publication as required by law. Fox Metro will commence implementation of this Ordinance after the aforementioned conditions have been satisfactorily met.