## Chapter 30   UTILITIES

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### ARTICLE I.   IN GENERAL

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### ARTICLE II.   CROSS-CONNECTION CONTROL

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Sec. 30-19.   Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means Illinois Environmental Protection Agency.

*Approved* means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

*Auxiliary water system* means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

*Backflow* means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

*Backflow prevention device* means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

*Consumer* or *customer* means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

*Consumer's water system* means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

*Contamination* means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

*Cross-connection* means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

*Direct cross-connection* means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

*Indirect cross-connection* means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

*Double check valve assembly* means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

*Fixed proper air gap* means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

*Health hazard* means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

*Inspection* means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admin. Code 890.

*Non-potable water* means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Admin. Code 604.

*Plumbing* means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. The term "plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. The term "plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. The term "plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

*Pollution* means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

*Potable water* means water which meets the requirements of 35 Ill. Admin. Code 604 for drinking, culinary, and domestic purposes.

*Potential cross-connection* means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

*Process fluids* means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes, but is not limited to:

(1)  Polluted or contaminated waters;

(2)  Process waters;

(3)  Used waters originating from the public water supply system which may have deteriorated in sanitary quality;

(4)  Cooling waters;

(5)  Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;

(6)  Chemicals in solution or suspension;

(7)  Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

*Public water supply* means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a community water supply or a non-community water supply.

*Reduced pressure principle backflow prevention device* means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

*Service connection* means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

*Survey* means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

*System hazard* means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

*Used water* means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

*Water purveyor* means the owner or official custodian of a public water system.

(Ord. No. 15-89, § 2, 7-5-1989)

Sec. 30-20.   Cross-connection control; general policy.

(a)  *Purpose.* The purpose of these rules and regulations is:

(1)  To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(2)  To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(3)  To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(b)  *Application.* These rules and regulations shall apply to all premises served by the public potable water supply system of the Village of Arthur, Illinois.

(c)  *Policy.* The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the superintendent of water or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in section 30-24(d) for a period of at least five years. The superintendent of water may require the consumer to submit a cross-connection inspection report to the Village of Arthur, Illinois. to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency.

(Ord. No. 15-89, § 1, 7-5-1989)

Sec. 30-21.   Violations.

(a)  The superintendent of water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the superintendent of water, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(b)  Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the superintendent of water, and the required reconnection fee is paid.

(c)  Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the superintendent of utilities/operations.

(d)  Neither the Village of Arthur, Illinois, the superintendent of water, or its agents or assigns shall be liable to any customers of the Village of Arthur, Illinois for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this article, whether or not said termination of the water supply was with or without notice.

(e)  The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(f)  Any person found to be violating any provision of this article shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(g)  Any person violating any of the provisions of this ordinance in addition to the fine provided, shall become liable to the village for any expense, loss or damage occasioned by the village by reason of such violation, whether the same was caused before or after notice.

(Ord. No. 15-89, § 11, 7-5-1989)

Sec. 30-22.   Water system.

(a)  The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(b)  The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the superintendent of water up to the point where the consumer's water system begins.

(c)  The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(d)  The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(e)  The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

(Ord. No. 15-89, § 3, 7-5-1989)

Sec. 30-23.   Cross-connection prohibited.

(a)  Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to ensure proper operation on a continuing basis.

(b)  No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the agency. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

(Ord. No. 15-89, § 4, 7-5-1989)

Sec. 30-24.   Survey and investigations.

(a)  The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(b)  On request by the superintendent of water, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the superintendent of water for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

(c)  It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3(1).

(d)  It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1)  All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2)  Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

(3)  Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4)  Testing and records

a.  Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

b.  Records submitted to the community public water supply shall be available for inspection by agency personnel in accordance with law.

c.  Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

d.  A maintenance log shall be maintained and include:

1.  Date of each test;

2.  Name and approval number of person performing the test;

3.  Test results;

4.  Repairs or servicing required;

5.  Repairs and date completed; and

6.  Serving performed and dated completed.

(Ord. No. 15-89, § 5, 7-5-1989)

Sec. 30-25.   Where protection is required.

(a)  An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Admin. Code 890 and the agency's regulations 35 Ill. Admin. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the superintendent of water, actual or potential hazards to the public water supply system exist.

(b)  An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1)  Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the superintendent of water and the source is approved by the Illinois Environmental Protection Agency.

(2)  Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the superintendent of water.

(3)  Premises having internal cross-connections that, in the judgment of the superintendent of water and/or the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

(4)  Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5)  Premises having a repeated history of cross-connections being established or re-established.

(c)  An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Admin. Code 890 and the agency's regulations 35 Ill. Admin. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the superintendent of water determines that no actual or potential hazard to the public water supply system exists:

(1)  Hospitals, mortuaries, clinics, nursing homes.

(2)  Laboratories.

(3)  Piers, docks, waterfront facilities.

(4)  Sewage treatment plants, sewage pumping stations or storm water pumping stations.

(5)  Food or beverage processing plants.

(6)  Chemical plants.

(7)  Metal plating industries.

(8)  Petroleum processing or storage plants.

(9)  Radioactive material processing plants or nuclear reactors.

(10)  Car washes.

(11)  Pesticide, or herbicide or extermination plants and trucks.

(12)  Farm service and fertilizer plants and trucks.

(Ord. No. 15-89, § 6, 7-5-1989)

Sec. 30-26.   Type of protection required.

(a)  The type of protection required under section 30-25 shall depend on the degree of hazard which exists as follows:

(1)  An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2)  An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3)  An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(b)  The type of protection required under section 30-25 shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(c)  Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1)  The fire safety system contains antifreeze, fire retardant or other chemicals;

(2)  Water is pumped into the system from another source; or

(3)  Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;

(4)  There is a connection whereby another source can be introduced into to the fire safety system.

(d)  All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

(Ord. No. 15-89, § 7, 7-5-1989)

Sec. 30-27.   Backflow prevention devices.

(a)  All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(b)  Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. A manufacturer's maintenance manual shall be available on site.

(Ord. No. 15-89, 8, 7-5-1989)

Sec. 30-28.   Inspection and maintenance.

(a)  It shall be the duty of the consumer at any premises on which backflow prevention devices required by this chapter are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions:

(1)  Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

(2)  Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five days.

(3)  Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five days.

(b)  Testing shall be performed by a person who has been approved by the agency as competent to service the device. Proof of approval shall be in writing.

(c)  Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(d)  A maintenance log shall be maintained and include:

(1)  Date of each test or visual inspection;

(2)  Name and approval number of person performing the test or visual inspection;

(3)  Test results;

(4)  Repairs or servicing required;

(5)  Repairs and date completed; and

(6)  Servicing performed and date completed.

(e)  Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by subsection (a) of this section.

(f)  Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the superintendent of water.

(Ord. No. 15-89, § 9, 7-5-1989)

Sec. 30-29.   Booster pumps.

(a)  Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(b)  It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the superintendent of water at least once a year that the device is operable.

(Ord. No. 15-89, § 10, 7-5-1989)

Secs. 30-30—30-46.   Reserved.

### ARTICLE III.   COMBINED WATER AND SEWER SYSTEM [[1]](#BK_5AECE06797AD8C0765C79F9839ED1BCE)

[Sec. 30-47. Department established; superintendent.](#BK_991EA6A5BC6C57FDEE9E5CDD93EB0EED)

[Sec. 30-48. Rates; charges.](#BK_62518FB25BFDDE53719F674F870698F6)

[Sec. 30-49. Water meter and line requirements.](#BK_D94C7716DF42C4C810426915E5E2E0FD)

[Sec. 30-50. Emergency or after hours fee.](#BK_57080A665B6CDA6E3D09EC7EA7EDEB78)

[Sec. 30-51. Liability for payment.](#BK_2DFF48CC31CAC2545279FE96978D2B52)

[Sec. 30-52. Nonpayment; lien.](#BK_F75A559061C0A5EA1E680366CB6CFC73)

[Sec. 30-53. Discontinue service.](#BK_44CCDA438E078BB097D6347CFABC13EA)

[Sec. 30-54. Clerk to render bills.](#BK_37B3B64CF70F150351693E53EC3A76A6)

[Sec. 30-55. Funds kept separate.](#BK_CB3DA1AC44E5AC7B7EC2E8E63F46E0E0)

[Sec. 30-56. Waterworks and sewerage fund.](#BK_E23863523975331074704DF0919659A8)

[Sec. 30-57. System of accounts.](#BK_0B007C9A7477AC8487C17D8DE460A805)

[Sec. 30-58. Copy filed with counties.](#BK_67F48E56E40F16B6B0F43860FC8AE139)

[Secs. 30-59—30-89. Reserved.](#BK_22CC5666E3D865AAE5DDD51948F19E20)

Sec. 30-47.   Department established; superintendent.

There is hereby established an executive department of the village to be known and designated as the combined waterworks and sewerage department of the village, and there shall be placed in charge of the general management and control thereof a superintendent, who shall be appointed by the president with the approval of the village board of trustees expressed by ordinance, it being hereby determined and declared that the establishment of said department and the appointment of a superintendent thereof is necessary and expedient for the best interests of the village. Said superintendent shall qualify for office in the same manner as any elective official of the village and shall post such bond in such amount as may be determined by the president. All necessary employees of said department shall likewise be appointed by the president with the approval of the village board of trustees expressed by ordinance.

(Code 2003, § 8-2-1)

Sec. 30-48.   Rates; charges.

(a)  There shall be and there is hereby established rates and charges for the use of and for the services supplied by the combined municipal waterworks and sewerage system of the village in the amount established by resolution.

(b)  A separate minimum charge for water service or flat charge for sewer service shall be made for each apartment, flat, place of business or family unit in all buildings containing two or more apartments, flats, places of business or family units; but, provided, further, no such minimum charge shall be made for any vacant apartment, flat or place of business in any such building which said apartment, flat or place of business is vacant during an entire month.

(c)  All water supplied shall be metered to the consumer, and there shall be a separate meter for each consumer. No water shall be turned on for use on or in any premises nor sewer connection made to any premises until a written application by the owner or agent of the property for which the service is requested is made in person at the billing site on a form furnished by the village for either water or water and sewer service and filed with the water and sewer superintendent of the village.

(d)  There is hereby established a water service connection fee in the amount established by resolution.

(e)  The Village of Arthur will be responsible for maintenance of the water line from the water main to the lot line, curb stop meter if within ten feet of lot line or building foundation, whichever shall come first, except that no owner shall be responsible for any portion of the water line not on the owner's property. The shutoff valve must be placed within ten feet of the property line. The village will not be responsible for damage to anything placed above the water line when repair is necessary. All water meter installations must be installed no lower than 18 inches below the ground, measured from the top of the meter to ground level. Modifications to existing service must comply with the provisions of this subsection. Future installations must be approved at the time of securing the building permit from the appropriate village official. No inside meter installations will be approved.

(f)  Meter pits shall not be located on village right of way, including boulevard, sidewalk or driveway. Maintenance and replacement of the meter pit shall be the responsibility of the landowner. Damage to the meter or electronics not due to normal wear shall be the responsibility of the landowner, with a minimum repair charge in the amount established by resolution.

(g)  New installations and modifications of meter pits shall be installed three inches above grade.

(Code 2003, § 8-2-2)

Sec. 30-49.   Water meter and line requirements.

(a)  *Meter requirements.*

(1)  All newly constructed premises and water service lines must have installed a new Badger Orion Radio Read Metering system that measures in gallons. The fee will be at the contractor, developer or homeowner's expense. All meters placed in service on any premises using the Village of Arthur Water supply shall be deemed property of the Village of Arthur Water Department which shall retain the right to inspect, repair and replace said water meter upon reasonable notice to the owner of the premises in which they are connected. The Village of Arthur Water Department shall only be responsible for maintenance of meters one inch in size or smaller. Any meter greater than one inch in size shall be maintained by the property owner at the property owner's expense.

(2)  All meters less than ten years old and greater than one inch in size shall be calibrated and retrofitted with a Badger Orion Radio Read Meter head by July 1, 2009. All meters greater than one inch in size and older than ten years on July 1, 2009, shall be replaced with a new Badger Orion Radio Read Meter by July 1, 2009. All meters shall hereafter be calibrated within ten years of the most recent calibration and proof thereof shall be provided to the village.

(b)  *Water mains tap specifications.*

(1)  A minimum of one inch water main taps are required.

(2)  A tapping saddle shall be required with all taps.

(3)  A minimum of one inch corps shall be used.

(4)  Taps shall be located on the side of the water main at two or ten o'clock.

(5)  Corps shall be compression type for SDR 9 copper tubing size poly pipe.

(6)  SDR 9 copper tubing size poly pipe shall be used from water service.

(7)  Compression fittings with inserts shall be used with all poly pipe.

(8)  All poly pipe shall be copper tubing size.

(9)  No splices shall be allowed on service line from the water main to the curb stop.

(10)  Only Mueller saddles and corps shall be permitted.

(11)  The shutoff part of the corp shall be on the top.

(c)  *Service line specifications.*

(1)  All service lines must have a curb stop and curb box installed on the service line. The curb stop must be installed between the water main and meter yoke and be on the land of the property owner who is having it installed.

(2)  All service lines from water main to the curb box shall be one inch minimum in size.

(3)  Service lines shall be of SDR 9 poly pipe.

(4)  Service lines shall have a rating of 200 psi minimum.

(5)  Service lines shall be a minimum of 42 inches deep.

(6)  Service lines bored under roads are permitted.

(7)  All service lines shall be recorded on the as-built prints.

(d)  *Curb box specifications.*

(1)  Curb boxes shall have a minimum of a one inch connection.

(2)  Curb boxes shall be Mueller brand and quarter turn off.

(3)  Bleed valves on the curb stop are prohibited.

(4)  Curb boxes shall be adjustable to grade.

(5)  Curb boxes shall not be located in roadways, driveways or sidewalks. If this occurs, they shall be relocated at the homeowner's expense.

(6)  Curb boxes shall be staked and painted after construction.

(7)  Connections to the curb stop shall be made with compression fittings with inserts.

(8)  No hose clamp fittings shall be allowed.

(Code 2003, § 8-2-2.1)

Sec. 30-50.   Emergency or after hours fee.

Any non-scheduled maintenance or repair work, involving village employees, resulting from an accident or non-business hours incident, shall incur fees in the amount established by resolution. Non-payment of the fee within 15 days of due date may result in termination of water service to the property and other expenses as authorized by this Village Code.

(Code 2003, § 8-2-2.3)

Sec. 30-51.   Liability for payment.

(a)  The owner of the premises and the occupant thereof and the user of either water or sewerage service, or both water and sewerage service, shall be jointly and severally liable to pay for the service on said premises, and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant and user of the service, are jointly and severally liable therefor to the village. Bills shall be rendered at the end of each month as hereinabove stated and shall be payable on the following 15th of the month.

(b)  If not paid by the 15th, a penalty of ten percent of the amount of the bill shall be added and become due. If not paid by the 22nd, a $50.00 penalty is added to the bill to cover employee costs of disconnection and re-connection. Re-connection will not occur until all charges and penalties are paid in full. If a payment date falls on a Sunday or postal holiday, the payment is due on the next business day. The payment must reach the village by the appropriate date, during business hours. Post date is not considered payment date.

(c)  If customer is gone during a billing period, the customer may have the bill estimated and prepay in order to avoid any penalties for late payment.

(d)  Swimming pool owners may apply to the deputy village clerk for a one-time waiver of the sewer portion of a bill when the pool is filled.

(e)  If a water leak occurs, customer may contact the deputy village clerk for an adjustment one time during any 12 month period.

(f)  It is the responsibility of the customer to provide a correct mailing or forwarding address for billing.

(g)  From and after July 21, 2008, all new water customers shall be required to provide a deposit in the amount established by resolution, as security for payment, before water service shall be provided. An existing account holder or an account transferor shall be exempt from this deposit; however, when an existing account is terminated, it shall thereafter be considered a new account.

(Code 2003, § 8-2-3)

Sec. 30-52.   Nonpayment; lien.

In the event said rates or charges for water and sewerage service, or either of them, including any penalty then due are not paid within 30 days after the rendition of the bill for such service, such charges and penalties shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such services are supplied, and the village clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the offices of the recorders of deeds of Douglas and Moultrie Counties, Illinois, and the filing of such statements shall be deemed notice for the payment of such charges and penalties for such services.

(Code 2003, § 8-2-4)

Sec. 30-53.   Discontinue service.

If all charges and penalties for water and sewerage service, or either of them, are not paid by the 22nd day of the month after the rendition of the bill for such service, then such services shall be discontinued without further notice and shall not be reinstated until all past due bills and penalties due thereon are paid in full, together with a payment in the amount established by resolution for reinstating such service. In addition to the reinstatement fee, payment for services by a check written on a non-existing account or returned by the bank for insufficient funds shall result in an additional fee in the amount established by resolution to cover additional processing costs.

(Code 2003, § 8-2-5)

Sec. 30-54.   Clerk to render bills.

It is hereby made the duty of the village clerk or other duly authorized personnel of the village to render bills for water and sewerage service, or either of them, and all other charges in connection therewith, and to collect all moneys due thereon, and it is hereby made the duty of all officials of the village to enforce payment of all unpaid bills and penalties in the manner, form, time and procedure under the laws of the State of Illinois thereunto enabling.

(Code 2003, § 8-2-6)

Sec. 30-55.   Funds kept separate.

All revenues and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the village clerk separate and apart from his private funds and separate and apart from all other funds of the village, and all of said sums, without any deductions whatsoever, shall be delivered to the village comptroller not more than ten days after the receipt of the same, or at such more frequent intervals as may from time to time be directed by the village board of trustees.

(Code 2003, § 8-2-7)

Sec. 30-56.   Waterworks and sewerage fund.

The village comptroller shall receive all such revenues from the combined waterworks and sewerage system and all other funds and moneys incident to the operation of said system, as the same may be delivered to him, and deposit the same in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Arthur," and said comptroller shall administer said Fund in every respect in the manner provided by Division 139 of Article 11 of the Municipal Code of the State of Illinois, and all other laws amendatory thereof and supplemental thereto.

(Code 2003, § 8-2-8)

Sec. 30-57.   System of accounts.

The village comptroller shall establish a proper system of accounts and shall keep proper books, records and accounts, in which complete and correct entries shall be made of all transactions relative to the combined waterworks and sewerage system, and at regular annual intervals the village board of trustees shall cause to be made an audit, by an independent auditing concern, of the books to show the receipts and disbursements of the combined system.

(Code 2003, § 8-2-9)

Sec. 30-58.   Copy filed with counties.

A copy of this chapter properly certified by the village clerk, shall be filed in the offices of the recorders of deeds of Douglas and Moultrie Counties, Illinois, and shall be deemed notice to all owners of real estate of their liability for water and sewerage service supplied any owners, occupants or users of such services on their properties.

(Code 2003, § 8-2-10)

Secs. 30-59—30-89.   Reserved.

FOOTNOTE(S):

--- (**1**) ---

**State Law reference—** Municipal water and sewer systems, 65 ILC 5/11-24-1 et seq. [(Back)](#BK_1A666597B2734FDA378A2E646F2BC7DA)

### ARTICLE IV.   WATER SYSTEM [[2]](#BK_444945CD2699A30314CB2D6BD050F538)

[Sec. 30-90. New service outside village limits.](#BK_7899609545F242ACC05BE013C3B30261)

[Secs. 30-91—30-108. Reserved.](#BK_31D14C983485EE973FD86AB2089A04AE)

Sec. 30-90.   New service outside village limits.

No Village of Arthur water service shall be established to any property which has not been annexed into the Village of Arthur, Illinois.

(Ord. No. 13-93, 11-1-1993)

Secs. 30-91—30-108.   Reserved.

FOOTNOTE(S):

--- (**2**) ---

**State Law reference—** Municipal water and sewer systems, 65 ILC 5/11-24-1 et seq. [(Back)](#BK_FF2303D885CC4D6A537DC59CC39A426C)

### ARTICLE V.   SEWER USE REQUIREMENTS [[3]](#BK_39DFCBF60A8B9A708736D8ED0FA68D00)

DIVISION 1. - GENERALLY

DIVISION 2. - SEWER CHARGES

DIVISION 3. - SEWERAGE PRETREATMENT REQUIREMENTS AND DISCHARGE RESTRICTIONS

FOOTNOTE(S):

--- (**3**) ---

**State Law reference—** Municipal water and sewer systems, 65 ILC 5/11-24-1 et seq. [(Back)](#BK_ECDD437D604C6B78CE8E54C4D52B54A5)

#### DIVISION 1.   GENERALLY

[Sec. 30-109. Building sewers and connections.](#BK_FA9753B13A8D54CA4EC6B7269F9F50F3)

[Sec. 30-110. Authority of administrative personnel.](#BK_FD21D3B04944997C3D369D0EAF5454D4)

[Sec. 30-111. Testing.](#BK_4F61D93C311D3186B2468AB33211C956)

[Sec. 30-112. Wastes at sewer processing plant.](#BK_2E7ECD74C0B9ED4A730AA84E3C979479)

[Secs. 30-113—30-137. Reserved.](#BK_7F708B1B89F0DD3A9AA7CDA538CB883F)

Sec. 30-109.   Building sewers and connections.

(a)  No unauthorized person shall uncover or make any connection with, or opening into, any public sewer without obtaining a written permit from the superintendent.

(b)  The sewer permits shall distinguish between residential, commercial and industrial users. The permit application shall be supplemented by any plans and specifications, or other information considered pertinent in the judgment of the superintendent.

(c)  Permit fees shall be as established by resolution and payable on issuance of the permit by the village.

(d)  All costs incidental to the installation of the building sewer shall be paid by the applicant. The applicant shall indemnify the village from any loss or damage that may result from the installation with the minimum fee being a deposit for repair of the adjacent street as established by resolution.

(e)  A separate and independent building sewer shall be provided for every building. Any pre-existing connections that serve two or more buildings shall be separated and made separate and distinct sewer connections within one year from the enactment of the ordinance from which this section is derived.

(f)  Old building sewers may be used in connection with new buildings after approval by the superintendent.

(g)  Building sewer shall be:

(1)  Cast iron soil pipe, ASTM Specification A-74 as revised;

(2)  Vitrified clay sewer pipe, ASTM Specification C-13 or C-200 as revised; or

(3)  Other suitable material allowed by the National Plumbing Code, except bituminized fiber pipe, but including PVC.

(h)  Joints shall be tight and waterproof.

(i)  Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with lead joints. Cast iron pipe may be specified by the superintendent when adjacent to tree roots.

(j)  The size and slope of the sewer shall be subject to the approval of the superintendent, but shall not be less than four inches in diameter, and with a slope on one-eighth inch per foot.

(k)  The building sewer shall be brought to the building at an elevation below the basement floor, except on approval of the superintendent, overhead plumbing may be provided.

(l)  The building sewer must be:

(1)  More than three feet from any bearing wall.

(2)  More than three feet deep.

(3)  Uniform in alignment except changes in direction may be allowed if centered on a suitable cleanout.

(m)  Excavation work shall be:

(1)  Open trench work with proper shoring unless otherwise approved by the superintendent.

(2)  In compliance with ASTM Specification C 12-58-T for pipe laying and backfill, except no backfill shall be placed until the work has been inspected.

(n)  The connections of building sewers into the public sewer shall conform to the aforesaid requirements or to the standards of Water Pollution Control Federation Manual of Practice 29, whichever standard is more severe. Any deviation from the described procedures and materials must be approved by the superintendent.

(Code 2003, § 7-1-2)

Sec. 30-110.   Authority of administrative personnel.

(a)  *Inspection.* The superintendent with proper identification shall be permitted to enter onto all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to the discharge to the public system. The superintendent may require additional samples or require a sampling control manhole in order to facilitate the sampling process.

(b)  *Industrial processes.* The superintendent is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge. The superintendent shall require plans and specifications for said private waste system prior to issuing a permit.

(c)  *Easements.* The superintendent, with proper identification, shall be permitted to enter all private properties through which the village holds an easement. Under the terms of pre-existing conditions, should the village discover sewer lines lying under private property without duly negotiated easements, the village may authorize the superintendent to enter upon and conduct such activities as necessary to maintain the collection system. The village hereby assumes any contingent liability for damage to private property as may result from said actions as determined by the actual status of the physical condition of the surface land.

(d)  *Protection of sewer system.* Pursuant to its authority to make, enact and enforce ordinances for improvement, care and protection of the village and its waste treatment system, and of its public water supply outside the village, and of standards for control of subdivisions within 1.5 miles of the village limits, the officers and employees of the village are hereby authorized to enforce this article and other amendable laws and ordinances or other agencies which are conducive to the preservation of public health, comfort and welfare and which may render the waste discharges harmless insofar as reasonably possible to do so.

(Code 2003, § 7-1-3)

Sec. 30-111.   Testing.

(a)  Testing shall be performed as determined by the superintendent to adequately ascertain the waste discharge levels of flow, BOD, and SS in order to comply with applicable provisions of the act.

(b)  The village shall revise the sewer charges periodically, in accordance with the flow and strength of waste determined in subsection (a) of this section.

(Code 2003, § 7-1-5)

Sec. 30-112.   Wastes at sewer processing plant.

(a)  The Village of Arthur will accept at its sewer processing plant, domestic sewer waste only; and will not accept commercial or industrial sewer waste at any time, without prior approval of the village board.

(b)  No waste may be dumped until the sewer plant operator has been contacted and approved the dumping. All approved waste shall be dumped between the hours of 7:30 a.m. and 3:30 p.m. and as directed by the sewer plant operator.

(c)  A maximum of 1,500 gallons of waste will be accepted at a time. There shall be a charge in the amount established by resolution for dumping up to 1,500 gallons of waste, which amount shall be received prior to dumping.

(d)  Only domestic waste generated within Moultrie or Douglas Counties will be accepted.

(e)  All waste to be received must be in compliance with appropriate state and federal laws and regulations.

(f)  Recreational vehicle domestic waste, generated by the dumping recreational vehicle, shall be exempt from the provisions of this article.

(Ord. No. 05-15B-00, §§ 1—6, 5-15-2000)

Secs. 30-113—30-137.   Reserved.

#### DIVISION 2.   SEWER CHARGES

[Sec. 30-138. Definitions.](#BK_98C3B7E70493D1FC37B1AD0128665A3C)

[Sec. 30-139. Authority.](#BK_843E94725549D5C56FCCA39A133F352A)

[Sec. 30-140. Sewer bill.](#BK_5164E756F60B2E1F3EFE4DD4C615642E)

[Sec. 30-141. Funding system (including bond reserve coverage).](#BK_AB1D6D96444335C335BE2C6214AEAD2B)

[Sec. 30-142. Authority of administrative personnel.](#BK_E8D53E2521B923D1C18C9BC33E1CFF89)

[Sec. 30-143. Testing.](#BK_8E111FBC8A1A33BAC198E808F6468A80)

[Secs. 30-144—30-169. Reserved.](#BK_02C2C185E6A12E96D4EBED3931D39337)

Sec. 30-138.   Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accrued reserves* means a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.

*Act* means the Federal Water Pollution Control Act, as amended, Public Law 92-500, 33 USC 1251 et seq.

*Administrator* means the regional administrator of Region V of the U.S. Environmental Protection Agency.

*Any other user* means, for the purpose of the user charge and in determining the surcharge point, any user whose waste is above the average daily concentration of 310 mg/l BOD and an average daily concentration of 399 mg/l SS.

*Audit* means an audit by the village auditor as a separate report from other funds in accordance with General Services Administration Policy Circular, FMC73-2, as published on September 27, 1973, and shall cover the following:

(1)  Financial operations are properly conducted;

(2)  Financial reports are presented fairly;

(3)  Applicable laws and regulations have been complied with;

(4)  Resources are managed and used in an economical and efficient manner;

(5)  Desired results and objectives are being achieved in an effective manner; and

(6)  Records of audit of the I.C.R.S. charges and expenditures are being retained for the useful life of the improvement.

*Authorized expenditures* means those authorized by the village board made payable by the village treasurer from the accounts kept for the expenditures of the user charge. Expenditures from reserves shall be limited to those for which the reserve was created.

*Biochemical oxygen demand* *(BOD)* means the quantity of oxygen, expressed in MG/L, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees centigrade.

*Building drain, sanitary,* means that part of the lowest horizontal piping of a drainage system which receives the sanitary or industrial sewage only, except for intentionally admitted infiltration inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

*Building drain, storm,* means that part of the lowest horizontal piping of a drainage system which receives the drainage other than soil or wastewater inside the walls of a building and conveys it to the storm sewer.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal (also called house connection).

*Building sewer, sanitary,* means a building sewer which conveys sanitary or industrial sewage only.

*Building sewer, storm,* means a building sewer which conveys stormwater or other clear water drainage, but no sanitary or industrial sewage.

*Classes of users* means the division of wastewater treatment customers by waste characteristics, and process or discharge similarities:

(1)  Industrial user;

(2)  Domestic level user;

(3)  Any other user, (as defined in this section);

(4)  Commercial means other than domestic level users, or industrial users, or governmental users;

(5)  Governmental users means those federal, state, or local units of government or quasi-governmental community project units.

*Combined sewage* means a combination of both wastewater and stormwater or surface water.

*Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.

*Control manhole* means a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. Said manhole shall be for the purpose of providing access for a village representative to sample and/or measure discharges.

*Debt service charge* means the charge and amount paid each billing period for payments of the current year's principal and interest as coverage of the reserve requirements of the bonds outstanding as included in the debt service part of the sewer bill as distinguished from the user charge system.

*Deposited* means funds placed in the control of the comptroller of the Village of Arthur, and if said deposit is in the form of a bank check, it shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

*Depreciation* means an annual operating cost reflecting capital consumption and obsolescence of real or permanent properties, generally between 15 and 50 years of useful life.

*Depreciation reserve* means an account for the segregation of resources to meet longer term renewal of facilities to accommodate wear or obsolescence of real or permanent properties, to the extent of physical and/or functional obsolescence; which also may result in an indirect functional betterment.

*Director* means the chief administrator officer of the State of Illinois Environmental Protection Agency.

*Domestic level user* means, for the purpose of the user charge system and in determining the surcharge point, a user whose waste is at or below an average daily concentration of 319 mg/l BOD and an average daily concentration of 399 mg/l SS, i.e., normal domestic waste.

*Domestic waste* means the wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

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

*Fecal coliform* means any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

*Federal grant* means the U.S. Government participation in the financing of the construction of treatment works as provided for by Title II - Grants for Construction of Treatment Works of the Act.

*Floatable oil* means oil, fat, or grease in a physical state such that it will separate by gravity for wastewater by treatment in an approved pretreatment facility. Wastewater shall be defined as being free of floatable oil if it does not, after pretreatment or otherwise, interfere with the flow of sewage in the sewer, which is to impede the flow by a rate of not less than the equivalent of the lowest flow in the specific lateral.

*Functional betterment* means an improvement in process in increased facilities or an improvement in process in existing facilities which is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

*Functional obsolescence* means the process deficiency of a functional element of a plant beyond the capacity of a preventative maintenance program such that a new process device or piece of equipment would be more cost effective.

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

*Incompatible pollutant* means any non-treatable waste product, including non-biodegradable dissolved solids.

*Industrial waste* means the wastewaters from a combination of liquid and water-carried wastes discharged from any industrial establishment resulting from any process carried on in that establishment inclusive of effluents from pretreatment facilities and/or discharges of polluted cooling waters.

*Infiltration* means the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

*Infiltration/inflow* means the total quantity of water from both infiltration and inflow without distinguishing the source.

*Inflow* means the water discharge into the public sewage system, including, building storm drains, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and/or combined sewers, catchbasins, stormwaters, surface runoff, street wash waters or drainage.

*May* is permissive.

*Method* means the method of depreciation or replacement in terms of governmental fund accounting procedure, the inverse of which shall be the method of accruing the offsetting reserve which shall be exactly equal to the expense involved, and shall be individually applied to each functional element of a treatment process in terms of annual reserve requirements for the user charge and the annual re-evaluation of useful life.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a water course; pond, ditch, lake, or other body of surface water or groundwater.

*National pollutant discharge* *elimination permit (NPDES)* means a permit issued under the national pollutant discharge elimination system for Discharge of Wastewaters to the Navigable Waters of the United States pursuant to Section 402 of PL 92-500.

*Operation and maintenance costs* includes all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, treatment, and collection of waste waters necessary to ensure adequate wastewater treatment on a continuing basis, conform to applicable regulations, and assure optimal long term facility management.

*Person* means any individual, firm, company, association, society, or corporation discharging any wastewater to the receiving facility.

*pH* means the reciprocal of the logarithm of the hydrogen concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven, and a hydrogen ion concentration of 10-7.

*Physical betterment* means the expansion of a physical facility to increase capacity of the treatment works.

*Physical obsolescence* means the material deficiency of a functional element of a plant to a point that repair as normal or preventative maintenance is not cost benefit effective.

*Pretreatment* means the treatment of industrial sewage from privately owned industrial sources prior to introduction of the waste effluent into a public treatment works, in accordance with 40 CFR 128.

*Pretreatment facility* means any privately owned and operated waste treatment facility capable of limiting the strength of discharges to the public sewer to 300 mg/l BOD and 350 mg/l SS.

*Preventative maintenance* means normal equipment maintenance that would maintain the anticipated useful life of the element of a wastewater treatment works.

*Private sewer* means a sewer which is not owned by the Village of Arthur.

*Public sewer* means a sewer which is owned and controlled by the Village of Arthur which shall include the elements of the collection system.

*Recovery period* means 30 years, pertaining to the wastewater treatment facility constructed under a federal grant pursuant to PL 92-500, 33 USC 1251 et seq.

*Recovery unit charges* means the unit charges in parts of dollars that can be applied to the flow in 1,000 gallons, pounds of BOD and pounds of SS.

*Renewal* means the expenditure of reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

*Replacement* means an annual operating cost reflecting capital consumption and physical and/or functional obsolescence of personal or limited useful life equipment or appurtenances.

*Replacement reserve* means an account for the segregation of resources to meet capital consumption of personal or limited useful life equipment or appurtenances.

*Sampling process* means the securing of wastewater samples by single grab method and/or composite sampling of five grab samples in eight hours and/or the samples secured by a 24-hour composite method.

*Sanitary sewer* means the means of conveyance of the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water, domestic and/or industrial wastes.

*Shall* is mandatory.

*Shredded garbage* means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.

*Significant industry* means any industry that will contribute greater than ten percent of the design flow and/or design pollutant loading of the treatment works.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

*Standard methods* means 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 Waterworks Association, and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4 and 5, and/or other recognized procedures by USEPA and Illinois Environmental Protection Agency.

*Storm sewer* means a sewer for conveying water, groundwater, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

*Superintendent* means the superintendent of the Arthur Sewage Collection and Treatment Department, or his properly authorized deputy, agent, or representative acting in a proper and lawful capacity.

*Surcharge* means the assessment in addition to the basic user charge for the load of BOD and SS which is levied on those persons whose waters are greater in strength than normal.

*Suspended solids (SS)* means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquid and is removable by laboratory filtration as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as "non-filterable residue."

*Total solids* means the sum of suspended and dissolved solids.

*Unpolluted water* means water of quality equal to or better than the effluent criteria of an applicable NPDES permit, or water that would not cause violation of receiving water quality standards of a receiving stream, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Useful life* means the anticipated term in years of physical and/or functional productivity of elements of and/or the whole wastewater treatment process, which can be re-evaluated as a result of preventative maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments either direct or indirect.

*User charge system* means the system of charges that include the charges derived from estimated annual operation and maintenance requirements for the following fiscal year, the depreciation and replacement reserve requirements on new and old facilities as fixed assets, pursuant to Section 204(B) of PL 92-500; and 40 CFR 35.935-13 (February 11, 1974 Federal Register).

*Village* means the Village of Arthur or its officers acting in a lawful and duly prescribed way.

*Volatile organic matter* means the material in the sewage solids transformed to gases or vapors when heated at 50 degrees centigrade for 15 minutes.

*Wastewater* means the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including unintentionally admitted infiltration (i.e., sewage).

*Wastewater treatment works* means the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

*Water system* means collectively all facilities for the potable water supply.

*Watercourse* means a natural or artificial channel for the passage of waste either continuously or intermittently including the primary discharge of the waste treatment plant effluent to an intermittent stream.

(Code 2003, § 7-2-2)

Sec. 30-139.   Authority.

Pursuant to the requirements of Title II of the Federal Water Pollution Control Act Amendment of 1972 (Public Law 92-500, 33 USC 1251 et seq.), as promulgated in the February 11, 1974 Federal Register, Volume 39, No. 29, Part III as regulations of the United States Environmental Protection Agency, as created by the National Environmental Protection Act and the Environmental Protection Act of 1972 as enacted by the 76th General Assembly of the State of Illinois, the sections of this division are hereby enacted by the village board of the Village of Arthur.

(Code 2003, § 7-2-1)

Sec. 30-140.   Sewer bill.

(a)  The village comptroller shall annually estimate the funds required for the next fiscal year operation and maintenance requirements and billing and collection expenses. The applicable amounts of monies for depreciation and replacement reserves shall be included in the estimate as well as the applicable debt service requirements. This estimate shall be made in a form of a recommendation to the village board as an annual revision of the sewer charge rates consisting of the user charge, debt service charge, and billing and collection charge.

(b)  User charge: The user charge shall be as established by resolution.

(c)  Debt service charge: The charge for debt service shall be as established by resolution.

(d)  Expenditures may be made by the village comptroller upon authorization by the village board from the accounts kept for the user charge system, debt service charge and billing and collection charge. Such expenditures shall be from a general revenue account although costed to specific revenue elements of the cumulative charges of the sewer bill.

(e)  Expenditures from the accrued depreciation reserve on facilities shall be limited to renewals to accommodate physical and/or functional wear and obsolescence of real or permanent properties, to the extent such is necessary over and above an ongoing maintenance program to maintain the anticipated useful life. Such expenditures might indirectly result in physical and/or functional betterments.

(f)  Expenditures from the accrued replacement reserve on facilities shall be limited to renewals to accommodate wear of physical elements of limited life elements or part thereof (15 years or less) and/or movable property, which would result in an extended useful life or meet the anticipated useful life. Such expenditures might indirectly result in limited physical and/or functional betterments.

(g)  Such renewals shall be capital expenditures which shall cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs, or such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and costed to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the depreciation and replacement reserve requirements.

(h)  An audit shall be performed annually as a separate report from the general village audit in terms of Federal Management Circular 73-2. Such audit shall be performed by a qualified auditor selected by and separate from the executive management of the sewer utility.

(Code 2003, § 7-2-3)

Sec. 30-141.   Funding system (including bond reserve coverage).

(a)  The village shall annually in its budgeting process, determine the amount of revenue to be raised with the other charges in order to adequately fund the sewer utility.

(b)  Standard fund accounting procedures shall be followed with entries made to record revenues and expenditures from the foregoing accounts, with the most stringent requirements of federal, state or local law applying and/or the more severe requirements of professional accounting practice.

(c)  The village comptroller shall deposit all revenues from the user charge and debt service charge into the sewer utility fund account. These monies shall also be credited to the bond reserve accounts required by the bond ordinance in the order specified in those ordinances. The general requirement of maintaining an on-line, on-going sewerage enterprise shall be the common goal of the charge and account system.

(Code 2003, § 7-2-5)

Sec. 30-142.   Authority of administrative personnel.

(a)  *Inspection.* The superintendent with proper identification shall be permitted to enter onto all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the discharge to the public system. The superintendent may require additional samples or require a sampling control manhole in order to facilitate the sampling process.

(b)  *Industrial processes.* The superintendent is authorized to obtain information concerning industrial processes which have direct bearing on the kind and source of discharge. The superintendent shall require plans and specifications for said private waste system prior to issuing a permit.

(c)  *Easements.* The superintendent, with proper identification, shall be permitted to enter all private properties through which the village holds an easement. Under the terms of pre-existing conditions, should the village discover sewer lines lying under private property without duly negotiated easements, the village may authorize the superintendent to enter upon and conduct such activities as necessary to maintain the collection system. The village hereby assumes any contingent liability for damage to private property as may result from said actions as determined by the actual status of the physical condition of the surface land.

(Code 2003, § 7-2-6)

Sec. 30-143.   Testing.

(a)  Testing shall be performed as determined by the superintendent to adequately ascertain the waste discharge levels of flow, BOD, and SS in order to comply with applicable provisions of the Act.

(b)  The village shall revise the sewer charges quarterly, in accordance with the flow and strength of waste determined in subsection (a) of this section.

(Code 2003, § 7-2-7)

Secs. 30-144—30-169.   Reserved.

#### DIVISION 3.   SEWERAGE PRETREATMENT REQUIREMENTS AND DISCHARGE RESTRICTIONS

[Sec. 30-170. General provisions.](#BK_E76560B0C5E989888B1C706127E53A6A)

[Sec. 30-171. Abbreviations and definitions.](#BK_12C31568CC42C57732B7549885A280AD)

[Sec. 30-172. Enforcement procedures and penalties.](#BK_D867BE53F2149FA1A898E0DFD4D106EF)

[Sec. 30-173. Wastewater treatment and pretreatment regulations.](#BK_8568D2195B21998A9DF6B7D942DBA0EC)

[Sec. 30-174. Discharge permits.](#BK_3408A2775D762ADE1BC3406DD91A764E)

[Sec. 30-175. Penalties and costs.](#BK_9390134D50FEFAE9018A0345FBDC1F18)

Sec. 30-170.   General provisions.

(a)  *Enactment.* Pursuant to the requirements of Title III of the Clean Water Act Amendments (33 USC 1311 et seq.) and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970 as amended (Ch. 111½, Ill. Rev. Stat. 1983, Sec. 1001 et seq.) and in accordance with Cities and Villages, (ch. 24, Ill. Rev. Stat. 1985, Sec. 11 et seq.), the following division is hereby enacted by the Village Board of the Village of Arthur, Illinois. (The Village of Arthur, Illinois, is hereafter referred to as "The Publicly Owned Treatment Works" or as "the POTW."

(b)  *Purpose and policy.*

(1)  This chapter regulates the use of sewers, private wastewater disposal, and the discharge of wastewater into the POTW wastewater system. The chapter sets forth uniform requirements for discharges into the wastewater collection and treatment system for the POTW.

(2)  The objectives of this chapter are:

a.  To regulate private wastewater disposal systems;

b.  To prevent the introduction of pollutants into the POTW wastewater system that will interfere with the operation of the POTW wastewater system, including interference with its use or disposal of municipal sludge;

c.  To prevent the introduction of pollutants into the POTW wastewater system which will pass through the treatment works or otherwise be incompatible with such works; and

d.  To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

(c)  *Jurisdiction.* This chapter shall apply to the POTW and to persons outside the POTW who are, by contract or agreement with the POTW, users of the POTW.

(d)  *Right of revision.* The POTW reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.

(e)  *Administration.* Except as otherwise provided herein, the superintendent of public works of the POTW shall administer, implement, and enforce the provisions of this division.

(Code 2003, § 7-1-1(part 1))

Sec. 30-171.   Abbreviations and definitions.

(a)  *Abbreviations.* The following abbreviations shall have the designated meanings:

(1)  BOD: Biochemical oxygen demand.

(2)  CFR: Code of Federal Regulations.

(3)  COD: Chemical oxygen demand.

(4)  FOG: Fats, oils and grease.

(5)  IEPA: Illinois Environmental Protection Agency.

(6)  mg/l: Milligrams per liter.

(7)  NCPS: National Categorical Pretreatment Standards.

(8)  NPDES: National Pollutant Discharge Elimination System.

(9)  POTW: Publicly owned treatment works.

(10)  PSES: Pretreatment standards for existing sources.

(11)  PSNS: Pretreatment standards for new sources.

(12)  RCRA: Resource Conservation and Recovery Act.

(13)  SIC: Standard industrial classification.

(14)  SWDA: Solid Waste Disposal Act (42 USC 6901 et seq.).

(15)  TSS: Total suspended solids.

(16)  TTO: Total toxic organics.

(17)  USC: United States Code.

(18)  USEPA: United States Environmental Protection Agency.

(b)  *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*A* as in "Cyanide-A" means amenable to alkaline chlorination.

*Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. (33 USC 1251 et seq.)

*Authorized representative of industrial user* is:

(1)  A principal executive officer of at least the level of vice president, if the industrial 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 the POTW by a person described above.

*Baseline report* means that report required by 40 CFR Section 403.12(b)(1)—(7).

*Biochemical oxygen demand (BOD)* means the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in standard methods.

*Chemical oxygen demand (COD)* means the quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures as described in standard methods.

*Combined waste stream formula* means the formula as found in 40 CFR Section 403.6(e).

*Composite sample* means a sample of wastewater based on a flow proportional or time proportional method.

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

*Compatible pollutant* means biochemical oxygen demand, chemical oxygen demand, FOG, suspended solids, pH and fecal coliform bacteria.

*Consistent POTW treatment works removal, pollutant removal or removal* means reduction in the amount of a pollutant or alteration of the nature or concentration of a pollutant in the influent of the POTW to a less incompatible or concentrated state in the effluent. Consistent POTW removal efficiency shall be the difference between the average concentration of the pollutant in the influent of the treatment plant and the average concentration of the pollutant in the effluent of the treatment plant divided by the average concentration of the pollutant in the influent.

*Director* means the director of Illinois Environmental Protection Agency (IEPA).

*Existing source* means any building, structure, facility or installation from which there is or may be a discharge, which is not a new source.

*Fecal coliform* means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

*Fats, oil, or grease (FOG)* means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by trichlorotrifluoroethane solvent.

*Flow* means volume of wastewater per unit of time.

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

*Grab sample* means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

*Incompatible pollutant* means all pollutants other than compatible pollutants as defined in this division.

*Indirect discharge* or *discharge* means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

*Industrial user* means a source of indirect discharge, including, but not limited to, a manufacturing, commercial 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.

*Interference* means an inhibition or disruption of the POTW, its treatment process or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such user:

(1)  Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;

(2)  Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

(3)  Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

*May* is permissive.

*National categorical pretreatment standard* means any pretreatment standard specifying quantities or concentrations of pollutants which may be discharged to a POTW by industrial users in specific industrial subcategories as established in regulations promulgated from time to time by the USEPA in 40 CFR Chapter I, Subchapter N.

*National pollutant discharge elimination system permit (NPDES permit)* means a permit issued under the national pollutant discharge elimination system for discharge of wastewaters to the navigable waters of the United States pursuant to the Act.

*New source* means any building structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.

If national categorical pretreatment standards are not applicable, the term "new source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the remodeling (if that remodeling could result in the assigning by the POTW of a new Standard Industrial Classification Code) or the construction of which commences after the effective date of the ordinance from which this division is derived.

*Pass through* means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

(1)  Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by federal, state, or local law;

(2)  Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;

(3)  Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

(4)  Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

*Permitted wastewater hauler vehicle* means a vehicle used for hauling wastewater, which has been granted a permit under the requirements of this division.

*Person* means any individual, firm, company, association, society, corporation or group.

*pH* means the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.

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

*POTW treatment plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant proprieties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

*Pretreatment standards* means for any specified pollutant, prohibitive discharge standards are set forth in section 30-173(b), specific limitations on discharge as set forth in section 30-173(c), the State of Illinois pretreatment standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

*Publicly owned treatment works (POTW)* means a treatment works as defined by Section 212 of the Act, owned by the Village of Arthur, Illinois. 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 treatment plant regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the jurisdiction over the indirect discharges to and the discharges from such a treatment works.

*Sanitary sewer* means a sewer which is designed to carry sanitary and Industrial wastewater, and to which stormwater, surface water and groundwater are not intentionally admitted.

*Shall* is mandatory.

*Significant industrial user* shall mean any industrial user of the POTW's wastewater disposal system who:

(1)  Has a discharge flow of 10,000 (10,000) gallons or more per average work day;

(2)  Has a discharge flow greater than 15 percent of the flow in the POTW's wastewater treatment system;

(3)  Has in its wastewater incompatible pollutants as defined pursuant to Section 307 of the Act, or by state statutes, or by applicable federal and state rules and regulations;

(4)  Is found by the POTW, IEPA, or USEPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system; or

(5)  Is subject to any national categorical pretreatment standard.

*Significant violation* means a violation of this division:

(1)  Which remains uncorrected 45 days after notification of such noncompliance;

(2)  Which is part of a pattern of noncompliance over a 12-month period;

(3)  Which involves failure to accurately report noncompliance; or

(4)  Which resulted in the POTW exercising its emergency authority under section 30-172(d), (e) and (g).

*Sludge* means the settleable solids separated from the liquids during the wastewater treatment processes.

*Slug* means any discharge of water or wastewater which in concentration of any given pollutant, as measured by a grab sample, exceeds more than five times the allowable concentrations as set forth in section 30-173 or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

*Superintendent of public works* means the chief administrator of the POTW treatment works.

*T* as in "Cyanide-T" means total.

*Total solids* means the sum of suspended and dissolved solids.

*Total suspended solids (TSS)* means total suspended matter, expressed in milligrams per liter, that either floats on the surface or is in suspension in water, wastewater and other liquids and is removable by laboratory filtration using a Reeve Angel Type 934A or 984H glass fiber filter disc as prescribed in standard methods.

*Total toxic organics* means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

*Unpolluted water* means water of quality equal to or better than the effluent criteria set forth in 35 Ill. Admin. Code Part 304 or water that would not cause violation of receiving water quality standards set forth in 35 Ill. Admin. Code Parts 302 and 303 and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. The term "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User* means any person who contributes, causes or permits the contribution of wastewater into the POTW treatment plant.

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

(1)  Sanitary wastewater means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(2)  Industrial wastewater means a combination of liquid and water-carried waste, discharged from any industrial user, including the wastewater from pretreatment facilities and polluted cooling water.

*Wastewater discharge permit* means the document allowing discharge to the POTW issued to a user by the POTW in accordance with the terms of this division.

*Wastewater hauler* means any person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.

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

(Code 2003, § 7-1-1(part 2))

Sec. 30-172.   Enforcement procedures and penalties.

(a)  *Public notification of significant violations.* The POTW shall annually publish in the largest daily newspaper published in the municipality in which the POTW is located, a list of industrial users who committed significant violations of any pretreatment requirement or standard during the previous 12 months. The notification shall also summarize any enforcement actions taken against those industrial users during the same 12 months.

(b)  *Compulsory compliance procedures.*

(1)  *Notice of violation and compliance meeting.* Should a violation of this chapter by an industrial user occur, whether or not a significant industrial user, the POTW shall notify the offending user, in writing, through a notice of violation as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "compliance meeting") to be attended by representatives of the POTW and the industrial user. The purpose of such a meeting shall be to establish such procedures, investigations, studies and compliance measures as the POTW deem necessary and desirable to control and prevent violation of this chapter. The industrial user shall cooperate fully with the POTW in making such investigations and studies.

(2)  *Order.*

a.  Following the completion of any procedures, investigations or studies as described in subsection (b)(1) of this section, the POTW may issue an order which may:

1.  Require compliance with applicable pretreatment standards and requirements;

2.  Control the contribution to the POTW to ensure compliance with applicable pretreatment standards and requirements;

3.  Require:

(i)  The development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements; and

(ii)  The submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to the reports required by 40 CFR Section 403.12.

b.  If the POTW has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an order directing and requiring the industrial user to take such action, including pretreatment, without further investigation or study.

c.  Failure to comply with the order of the POTW shall be deemed a violation of this division and may be grounds for revocation of the industrial user's wastewater discharge permit and grounds for such other actions as may be authorized for violation of this division.

(c)  *Revocation or suspension of permit.*

(1)  *Conditions for revocation or suspension.* Any significant industrial user who violates this chapter, an order issued pursuant to subsection (b) of this section, the Illinois Environmental Protection Act, or the Federal Act, or regulations promulgated under either act, or does any of the following, is subject to having its wastewater discharge permit revoked or suspended in accordance with the procedures of this subsection (c):

a.  Fails to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by the industrial user's or POTW's analysis;

b.  Fails to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;

c.  Refuses reasonable access to the industrial user's premises by POTW representatives for the purpose of inspection or monitoring;

d.  Tampers with, disrupts, or destroys POTW equipment;

e.  Fails to report an accidental discharge of a pollutant;

f.  Fails to report an upset of the industrial user's treatment facilities; or

g.  Violates any condition of the wastewater discharge permit.

(2)  *Procedures for revocation or suspension.*

a.  The POTW may order any industrial user who causes or allows any action which is subject to revocation or suspension under subsection (c)(1) of this section to show cause before the village board why its wastewater discharge permit should not be revoked or suspended. A notice shall be served on the industrial user specifying the time and place of a hearing to be held by the village board regarding violation, the reasons why the action is to be taken, the proposed action, and directing the industrial user to show cause before the village board why its wastewater discharge permit should not be revoked or suspended. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

b.  The village board may itself conduct the hearing and take the evidence, or may designate any of its members or its attorney to:

1.  Issue in the name of the village board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

2.  Take the evidence;

3.  Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the village board for action thereon.

c.  At any hearing held pursuant to this division, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor.

d.  After the village board has reviewed the evidence, it may issue an order to the industrial user responsible for the discharge directing either:

1.  That the wastewater discharge permit be revoked or suspended and the service be disconnected;

2.  That following a specified time the wastewater discharge permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the wastewater discharge permit;

3.  Direct the user to cease the unauthorized discharge effective after a specified period of time; or

4.  That such other action as deemed necessary by the village board to abate the discharge be done by the industrial user. Further orders and directives as are necessary may be issued.

e.  Following an order of revocation or suspension of its wastewater discharge permit, the industrial user shall cease discharging to the POTW in accordance with the terms of said order. Failure to do so shall be prima facie evidence of continuing harm to the POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

(d)  *Order to show cause regarding disconnection.* The POTW may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to interfere with the operation of the POTW, immediately issue an order to the responsible industrial user to show cause before the village board why the POTW should not disconnect service, revoke or suspend the industrial user's wastewater discharge permit or seek injunctive relief to prohibit the industrial user from making the discharge to the POTW. Procedures to be followed by the village board in said show cause hearing shall be in accordance with subsection (c)(2) of this section. After said hearing, the POTW may disconnect service, revoke or suspend the wastewater discharge permit, or seek injunctive relief to prohibit the industrial user from making the discharge to the POTW.

(e)  *Immediate disconnection of service.*

(1)  *Conditions for immediate disconnection of service.* Any industrial user is subject to immediate disconnection of service under either of the following conditions:

a.  Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the superintendent of public works to present an imminent endangerment to the health or welfare of persons; or

b.  Whenever the industrial user's wastewater discharge permit is revoked.

(2)  *Procedures for immediate disconnection.* Notwithstanding subsections (b) through (d) of this section, the superintendent of public works shall have the authority, after informal notice to the industrial user, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the superintendent of public works determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the industrial user stating the problem and requiring immediate cessation of the discharge. The superintendent of public works' actions may include disconnection of wastewater collection service. The superintendent of public works shall obtain the concurrence of the POTW attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the industrial user and POTW employees, telephone calls, letters, hand delivered messages or notices posted at the industrial user's premises or point of discharge.

(f)  *Elimination of discharge/reinstatement.* Any industrial user notified of a disconnection of wastewater treatment service under subsections (d) and (e) of this section and/or revocation or suspension of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the disconnection or revocation or suspension order, the POTW shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the superintendent of public works exercises his authority under subsection (e)(1)a of this section, the superintendent of public works shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

(g)  *Injunctive relief.*

(1)  The POTW may institute a civil action for an injunction to restrain violations of this division.

(2)  The POTW may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Moultrie or Douglas County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given informal notice of the POTW intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted, but shall not be a condition precedent to the POTW petitioning for and obtaining a temporary restraining order.

(h)  *Additional remedies.*

(1)  In addition to remedies available to the POTW set forth elsewhere in this division, if the POTW is fined by the State of Illinois or USEPA for violation of the POTW's NPDES permit or violation of water quality standards as the result of discharge of pollutants, then the fine, including all the POTW legal, sampling analytical testing costs and any other related costs shall be charged to the responsible industrial user. Such charge shall be in addition to, and not in lieu of, any other remedies the POTW may have under this chapter, statutes, regulations, at law or in equity.

(2)  If the discharge from any industrial user causes a deposit, obstruction or damage to any of the POTW's wastewater facility, the POTW shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person or industrial user causing such deposit, obstruction or damage.

(3)  The remedies provided in this section shall not be exclusive and the POTW may seek whatever other remedies are authorized by statute, at law or in equity against any person or industrial user violating the provisions of this division.

(4)  In addition to any fine levied under section 30-175, the POTW may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

(Code 2003, § 7-1-1(part 5))

Sec. 30-173.   Wastewater treatment and pretreatment regulations.

(a)  *Use of wastewater facilities.*

(1)  It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any POTW treatment plant, any solid, liquid or gaseous waste unless through a connection approved by the POTW.

(2)  It shall be unlawful to discharge wastewater, without an NPDES permit, to any natural outlet within POTW or in any area under its jurisdiction.

(b)  *Prohibitive discharge standards.*

(1)  No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any sanitary sewer.

(2)  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 POTW or will pass through the POTW.

(3)  The following general prohibitions shall apply to all users of the POTW whether or not a user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

a.  Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at a point at the nearest accessible point to the POTW in a sanitary sewer, at the point of discharge into the POTW, or at any point in the POTW be more than five percent nor any single reading greater than ten percent. Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenysl, carbides, hydrides, stoddard solvents, and sulfides.

b.  Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference with the operation of the wastewater treatment facilities, including, but not limited to, grease, garbage with particles greater than one-half inch 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 residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbing and de-burring stones.

c.  Any wastewater which will cause corrosive structural damage to the POTW, but in no case wastewater having a pH less than 5.0, unless more strictly limited elsewhere in this division.

d.  Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the POTW, exceed the limitation set forth in a national categorical pretreatment standard (when effective) or in subsection (b)(3)c of this section or create a public nuisance.

e.  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.

f.  In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or state regulations Subtitle C Part 391 applicable to the sludge management method being used.

g.  Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

h.  Any wastewater having a temperature at the point of discharge to the POTW which will inhibit biological activity in the POTW treatment plant resulting in interference; in no case shall wastewater be introduced to the POTW which exceeds 40 degrees centigrade (104 degrees Fahrenheit) at the POTW treatment plant.

i.  Any pollutants, including compatible pollutants released at a flow or pollutant concentration which a user knows or has reason to know will cause interference to the POTW or will pass through the POTW.

j.  Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.

k.  Any wastewater which may contain more than 50 mg/l concentration of fat, oil, grease, (FOG) or trichlortrifluoroethane extractable material.

l.  Any wastewater containing BOD, total solids, or suspended solids 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 the POTW, which agreement to discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment.

m.  Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.

n.  Any discharge exceeding the standards established in 35 Ill. Admin. Code 307 from time to time.

o.  Any slug discharged to the POTW.

Compliance with the provisions of this section shall be required on the effective date of the promulgation of this chapter.

(c)  *Specific limitations on discharge.* Discharges from each separate discharge of a user, as measured under the provisions of this chapter, shall not contain in excess of the following concentrations based upon a 24-hour composite sample. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance with the following limitations for a 24-hour composite sample.

|  |  |
| --- | --- |
| *Pollutant*  | *Maximum Concentration*  |
| Aluminum  | 800 mg/l  |
| Arsenic  | 0.25 mg/l  |
| Barium  | 2.0 mg/l  |
| Boron  | 1.0 mg/l  |
| Cadmium  | 0.15 mg/l  |
| Chlorides  | 7000.0 mg/l  |
| Chlorine  | 30.0 mg/l  |
| Chromium  | 1.0 mg/l  |
| Copper  | 1.0 mg/l  |
| Cyanide  | 0.6 mg/l  |
| Fluorides  | 2.5 mg/l  |
| Iron  | 2.0 mg/l  |
| Lead  | 0.1 mg/l  |
| Manganese  | 0.1 mg/l  |
| Mercury  | 0.0005 mg/l  |
| Nickel  | 1.0 mg/l  |
| Nitrate  | 45.0 mg/l  |
| Phenols  | 0.3 mg/l  |
| Pickling Waste  | 0.0 mg/l  |
| Selenium  | 0.01 mg/l  |
| Silver  | 0.05 mg/l  |
| Total Solids  | 750.0 mg/l  |
| Zinc  | 1.0 mg/l  |
| pH (permissible range, no averaging)  | 6.0-9.0 mg/l  |
| Oils (hexane soluble or equivalent)  | 100 mg/l  |

Compliance with the provisions of this subsection (c) shall be required no later than 30 days subsequent to the effective date of the promulgation of this chapter.

(d)  *Incorporation of national categorical pretreatment standards.* Upon the promulgation of the national categorical pretreatment standard for a particle industrial user, the said standard, when effective, shall be enforceable under this division and said standards shall be complied with by all industrial users subject to each of said national categorical pretreatment standards. The POTW shall notify all known effected users of the applicable reporting requirements under 40 CFR section 403.12.

(e)  *Pretreatment.* All industrial users shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment requirements and standards within the time limitations as specified by appropriate statutes, regulations and this division. National categorical pretreatment standards shall be added to this division as amendments. Any facilities required to pre-treat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the user's expense. All industrial users shall obtain all necessary construction-operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified wastewater treatment operator. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the POTW prior to the industrial user's initiation of the changes.

(f)  *Prohibition of improper 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 in the national categorical pretreatment standards (NCPS) when effective, or in any other pollutant-specific limitations developed by the POTW.

(g)  *Spill containment.*

(1)  Each industrial user having the ability to cause interference with the POTW treatment plant or to violate the regulatory provisions of this division shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

(2)  All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file at the POTW showing facilities and operating procedures to provide protection from accidental discharge. All industrial users shall complete construction of said facilities by January 1, 1988. No industrial user who begins contributing to or could contribute such pollutants to the POTW after the effective date of the promulgation of this division shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the POTW and installed by the industrial user. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this division.

(3)  In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause interference at the POTW or will pass through the POTW or violate requirements of this chapter, it shall be the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration and volume.

(4)  Within 15 days following such an accidental or deliberate discharge, the industrial user shall submit to the POTW 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 the POTW as needed. Such report, or reports, shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other 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 division or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the POTW, result in the revocation of the discharger's wastewater discharge permit.

(5)  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 includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(6)  A notice in English and the language of common use shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or illegal discharge. Employers shall ensure that all employees who are in a position to cause, discover, or observe such discharge are advised of the emergency notification procedures.

(Code 2003, § 7-1-1(part 3))

Sec. 30-174.   Discharge permits.

(a)  *Prohibition of discharges without permit.* It shall be unlawful for any significant industrial user to discharge wastewater to the POTW without a permit, or contrary to the conditions of a permit, issued by the POTW in accordance with the provisions of this division.

(b)  *Permits.*

(1)  *Wastewater discharge permit.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All significant industrial users which are existing sources connected to or contributing to the POTW shall obtain a wastewater discharge permit within 180 days after the effective date of the promulgation of this chapter. All industrial users which become significant industrial users after promulgation of this chapter shall apply for a wastewater discharge permit within 180 days after becoming a significant industrial user. (The latter includes, but is not limited to, industrial users regulated by a newly promulgated national categorical pretreatment standard.)

(2)  *Wastewater discharge permit application.*

a.  Significant industrial users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in a form to be prescribed and furnished by the POTW.

b.  Existing significant industrial users shall apply for a wastewater discharge permit within 90 days after the effective date of the promulgation of this chapter. Proposed significant industrial users which are new sources shall apply at least 90 days prior to discharging to the POTW. In case of conflict between application deadlines for significant industrial users in subsection (b)(1) of this section and this subsection, the stricter deadline shall apply.

c.  In support of the application, the significant industrial user shall submit, in units and terms appropriate for evaluation the following information:

1.  Name, address and location;

2.  SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

3.  Wastewater constituents and characteristics including, but not limited to, those set forth in section 30-173 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with standard methods;

4.  Time and duration of discharge;

5.  Average and maximum wastewater flow rates, including monthly and seasonal variations, if any;

6.  Site plans showing all pipe sizes, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers;

7.  Total number of employees and hours of operation of a plant;

8.  Proposed or actual hours of operation of pretreatment system and the name of the IEPA certified pretreatment operator;

9.  Name of the authorized representative of the significant industrial user;

10.  Significant industrial user's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category;

11.  If additional significant industrial user operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the shortest schedule by which the significant industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established under section 30-173;

12.  Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

(3)  *Review of wastewater discharge permit applications.* The POTW will evaluate the data furnished by the significant industrial user and may require additional information. After evaluation of the data furnished, the POTW may issue a wastewater discharge permit. No temporary permit will be issued by the POTW except as set forth in subsection (b)(7) of this section.

(4)  *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges, and fees established by the POTW. Wastewater discharge permits shall contain the following:

a.  The wastewater discharge permit shall include the limits on daily maximum and average pollutant concentrations from the applicable pretreatment standard (which includes federal, state and local limits) whichever is more stringent.

b.  Limits on maximum and average flow rate and time of discharge or requirements for flow regulation and equalization for each separate discharge of a user.

c.  Requirements for installation and operation of inspection, sampling and monitoring facilities.

d.  Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

e.  Compliance schedule, if necessary.

f.  Requirements for submission of technical reports or discharge reports.

g.  Requirements to retain for a minimum of three years any records of monitoring activities and results relating to wastewater discharge and for affording the POTW access to said records.

h.  Requirements for advance notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to the terms of subsection (b)(5) of this section.

i.  Requirements for notification of slug discharges as defined in this division.

j.  Requirements for reporting pretreatment sludge disposal practices.

k.  Requirements that permittee allow the POTW 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 division are kept for the purposes of inspection, sampling, examination and photocopying of said records and for the performance of any of their duties.

l.  Requirements that the permittee provide other information to the POTW from time to time as may reasonably to be required.

m.  Other conditions as deemed appropriate by the POTW to ensure compliance with this division, and pretreatment requirements and standards.

(5)  *Change in conditions.* In the event the type, quality, or volume of wastewater from the property for which a wastewater discharge permit was previously granted is expected to materially and substantially change as reasonably determined by the permittee or POTW, the permittee previously granted such permit shall give 30 days' notice in writing to the POTW and shall make a new application to the POTW prior to said change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by permittee. No permittee shall materially and substantially change the type, quality or volume of its wastewater beyond that allowed by its permit without prior approval of the POTW.

(6)  *Duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. The permittee shall file an application for renewal of its permit at least 90 days prior to expiration of the user's permit. The industrial user shall apply, on a form provided by the POTW, for reissuance of the permit.

(7)  *Modification.* The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements as identified in section 30-173 are modified or other just cause exists. Where the national categorical pretreatment standards are modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)) or net/gross calculations (40 CFR Section 403.15) or fundamentally different factor variance for non-toxics (40 CFR Section 403.13), of the general pretreatment regulations, the limits as modified shall be made a part of the wastewater discharge permit and shall be adjusted consistent with USEPA guidelines and regulations. The significant industrial user shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Where any changes are made in the significant industrial user's permit, a reasonable time shall be given to achieve compliance.

(8)  *Transfer.* Wastewater discharge permits are issued to a specific significant industrial user for the process activity specified in the permit. A wastewater discharge 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 approval of the POTW. 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 the POTW to the new owner as a temporary permit; provided that the new owner shall immediately apply for a new permit in accordance with this division and further provided that the temporary permit shall only be effective for 90 days after the date of sale or transfer. The POTW shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

(c)  *Denial of permit and appeal procedure.*

(1)  No wastewater discharge permit shall be issued by the POTW to any person or industrial user whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the POTW, is not in conformity with the POTW ordinances and regulations or whose application is incomplete or does not comply with the requirements of subsection (b)(2) of this section. The POTW shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten days after denial.

(2)  If the application is denied by the POTW, the applicant may obtain review of the denial by the village board, provided that the applicant shall give written notice of this request within 30 days after receipt of such denial. The village board shall review the permit application, the written denial and such other evidence and matters as the applicant and POTW superintendent of public works shall present. The decision of the village board shall be final.

(d)  *Monitoring facilities.*

(1)  Significant industrial users shall provide and operate at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems. The monitoring facility will normally be situated on the user's premises but the POTW may, when such a location would be impractical and cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the user.

(2)  Where required by the POTW, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.

(3)  Whenever required by a wastewater discharge permit, any significant industrial user shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the POTW, installed and maintained at all times at the user's expense, which shall have ample room in each sampling chamber to permit the POTW to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the POTW at any time.

a.  Each sampling chamber shall contain a Palmer-Bowlus flume, unless a weir or similar device is approved by the POTW with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the POTW, the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the POTW that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the POTW is made in the metered water supply to determine the liquid waste quantity.

b.  When required, samples shall be taken every hour or half-hour, as determined by the POTW and properly refrigerated and preserved in accordance with standard methods and shall be composited in proportion to the flow for a representative 24-hour sample. Such sampling shall be done as prescribed by the user's wastewater discharge permit.

c.  The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the POTW.

(4)  Whenever required by a wastewater discharge permit, the permittee shall pay the costs of sampling of its discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the permittee or by the POTW.

(5)  All measurements, tests, and analyses to which reference is made in this division shall be determined and performed in accordance with the procedures established by the administrator of the United States Environmental Protection Agency (hereafter "administrator") pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

(e)  *Inspection, sampling and records keeping.*

(1)  The POTW may inspect the facilities of all industrial users to ascertain whether the purposes of this division are being met and if all requirements of this division are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which records are kept shall allow the POTW or its representative ready access upon presentation of the credentials at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this division, and in the performance of any of their duties. The POTW shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where an industrial user has security measures in force which would require suitable identification, necessary arrangements with their security guards shall be made so that upon presentation of suitable identification, personnel from the POTW shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by all industrial users with their security guards within 30 days of the passage of this chapter.

(2)  Industrial users and the POTW shall maintain records of all information resulting from any monitoring activities required by this division and shall include:

a.  The date, exact place, method and time of sampling and the names of the person or persons taking the samples;

b.  The dates analyses were performed;

c.  Who performed the analyses;

d.  The analytical techniques/methods use; and

e.  The results of such analyses.

(3)  The POTW and industrial users shall maintain such records for a minimum of three years and shall make such records available for inspection and copying by the director of IEPA and the regional administrator of the United States Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or operation of the POTW pretreatment program or when requested by the said regional administrator or the director of IEPA.

(f)  *Confidential information.*

(1)  Information and data relating to an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the POTW, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

(2)  When requested by the person furnishing a report, and until such time as the POTW determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) permit, and for use by the state or state agency in judicial review or enforcement proceedings involving the person or industrial user furnishing the report.

(3)  Information and data provided to the POTW which is effluent data shall be available to the public without restriction.

(4)  Information claimed by an industrial user to be confidential and which is not effluent data shall not be transmitted to the general public by the POTW except in accordance with the Illinois Freedom of Information Act 5 ILCS 140/1 et seq.).

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

(Code 2003, § 7-1-1(part 4))

Sec. 30-175.   Penalties and costs.

(a)  *Penalties and costs.* Any industrial user who is found to have violated an order of the POTW or who has failed to comply with any provision of this division and the orders, rules and regulations and wastewater discharge permits issued hereunder, shall be fined in an amount not less than $500.00 nor more than $1,000.00 for each violation. For the purpose of this section, each day in which any such violations shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in section 30-173 found to exceed the limits established in this division during any such day. In addition to the penalties provided herein, the POTW may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations and permits issued hereunder.

(b)  *Falsification.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be subject to the penalties and costs provided in subsection (a) of this section and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of $100.00 to $500.00.

(Code 2003, § 7-1-1(part 6))