

## GENERAL CONDITIONS

### SECTION A: SUMMARY OF GENERAL CONDITIONS

The discharger shall comply with all the conditions specified in the subsequent pages GC-1 through GC-26 (for a ready reference, the salient features of these sections are listed below):

1. Section B, pages GC-2 through GC-5, references the conditions applicable to the modification, revocation, transferability and renewal of this authorization.
2. Section C, pages GC-6 through GC-10, references the general discharge standards and prohibitions applicable to all dischargers within the District's jurisdiction.
3. Section D, pages GC-11 through GC-12, references the conditions applicable to monitoring methods and facilities necessary to determine compliance with the criteria or water quality standards of the District.
4. Section E, page GC-13, references the discharger's obligations regarding self- monitoring and self-reporting all violations identified as a result of self-monitoring.
5. Section F, pages GC-14 through GC-19, references the discharger's obligations regarding reporting of volatile/hazardous materials and the reporting of spills, malfunctions, bypasses and slug loadings.
6. Sections G and H, pages GC-20 through GC-24, reference the administrative and legal remedies pursued by the District in cases of violation of this authorization or the Ordinance.
7. Section I, page GC-25, references the District's policy regarding the confidentiality of information, and the District's obligation to publish annually a list of persons in significant noncompliance.

## SECTION B. STANDARD CONDITIONS

### 1. Severability

The provisions of this authorization are severable, and if any provision of this authorization, or the application of any provision of this authorization to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this authorization, shall not be affected thereby.

### 2. Duty to Comply

The discharger shall comply with all applicable provisions of the Ordinance. In the event that any provision in this authorization is inconsistent with the Ordinance, the more stringent provision shall apply. The discharger shall comply with all conditions of this authorization. Failure to comply with the requirements of this authorization may be grounds for enforcement proceedings, including, but not limited to, revocation of this authorization, injunctive relief and civil or criminal penalties, to enforce the terms and conditions of this authorization.

### 3. Duty to Mitigate

The discharger shall take all steps necessary to minimize or correct any adverse impact to the District's collection system and facilities and the environment resulting from noncompliance with this authorization or the Ordinance, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncomplying discharge.

### 4. Modification of Discharge Authorization

This authorization may be modified for good causes including, but not limited to, the following:

- a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
- b) Material or substantial alterations or additions to the discharger's operation, processes, or discharge volume or character which were not considered in drafting the original authorization.
- c) A change in any condition in either the discharger's or the District's operations, which requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d) Revision of or a grant of variance from categorical standards pursuant to 40 CFR 403.13.
- e) To correct clerical or other errors in this authorization.
- f) To reflect transfer of the facility ownership and/or operation to a new owner/operator.
- g) Upon request of the discharger, provided such request does not create a violation of any applicable requirements, standards, laws, rules or regulations.
- h) The filing of a request by the discharger for modification of this authorization, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this authorization.

### 5. Revocation of Discharge Authorization

This authorization may be revoked in accordance with the provisions set forth in Appendix D, Section 98 of the Ordinance.

#### **Appendix D, Section 9. Revocation of Discharge Authorization**

In addition to the provisions for administrative and legal proceedings contained in Article VI and Article VII of this Ordinance, whenever the Executive Director determines that a person to whom a Discharge Authorization has been issued has failed to comply with a Cease and Desist Order issued pursuant to Article VI of this Ordinance; or whenever a person has failed to comply with an Order of the Board issued pursuant to this Ordinance; has failed to comply with a substantive Order of the Court issued in litigation initiated by the District, the Office of the State's Attorney or the United States Attorney, against such person for noncompliance with this Ordinance; has failed to promptly pay all civil penalties, late filing fees or other costs assessed against such person in any action taken by the District; or has failed to pay all User Charges owed to the District by such person, the Executive Director may order such person to show cause before the Board why the Discharge Authorization should not be revoked, except that actions subject to a pending and properly filed appeal taken pursuant to the provisions set forth in this Ordinance, the Procedural Rules Governing Show Cause Proceedings and Petition for Administrative Hearings Proceedings Brought Pursuant to the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, or the User Charge Ordinance, shall not be considered sufficient cause for the District to revoke such person's Discharge Authorization until entry of a final administrative decision, as approved by the District's Board of Commissioners, denying the appeal should the appeal be denied. The show cause proceeding so ordered shall comply with the provisions of Article VI, Section 3 and Appendix D, Section 6 of this Ordinance.

6. **Property Rights**

The issuance of this authorization does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state or local laws or regulations.

7. **Transferability of Discharge Authorization**

This authorization may be reissued to another person in accordance with the regulations set forth in Appendix D, Section 7 of the Ordinance.

#### **Appendix D, Section 8. Reissuance of Discharge Authorization to Another Person**

Any request to have an existing Discharge Authorization reissued to another person must be made by the current permit holder by serving pursuant to Article IX, Section 1 of this Ordinance written notice to that effect on the Director of Monitoring and Research, together with the proposed effective date of the reissuance and the full legal name and address of the new proposed permit holder. Within 20 days of receipt of such notice, the District will advise all parties of any unresolved enforcement actions and monies owed to the District. The parties shall have 10 days thereafter to resolve these matters, unless otherwise provided below. Within 30 days of receipt of such notice, the District will advise all parties in writing whether the request to reissue the Discharge Authorization has been granted. If the District grants the request, the current permit holder must submit to the District, before the effective reissuance date, an affidavit verifying delivery of a copy of the existing Discharge Authorization to the proposed permit holder. The reissued Discharge Authorization will also be provided by the District to the proposed permit holder, which will replace and supersede the original Discharge Authorization upon its effective date.

No Discharge Authorization may be reissued to another person if the current permit holder is the subject of an unresolved enforcement action taken by the District, or if the current permit holder has failed to pay all monies due and owing to the District under this Ordinance and the District's User Charge Ordinance. However, the District may, in its sole discretion and not subject to appeal, reissue the Discharge Authorization even in the absence of full compliance with these conditions, provided the following conditions are satisfied:

1. The reissued Discharge Authorization is no more than one year in duration. If necessary, the District may shorten the term of the original Discharge Authorization to satisfy this condition.
2. In the event of an unresolved enforcement action, the proposed permit holder has submitted a plan and schedule acceptable to the District for resolving the outstanding enforcement action that is certified by a Registered Professional Engineer licensed by the state of Illinois and an authorized representative of the proposed permit holder. Resolution of the enforcement action shall be incorporated as an enforceable Special Condition in the reissued Discharge Authorization and be completed within its term.

3. In the event of monies owed to the District, the proposed permit holder has submitted an affidavit to the District, in a form acceptable to the District, assuming full responsibility for payment of all monies owed to the District. The affidavit shall also be signed by the current permit holder and acknowledge that assumption of liability by the proposed permit holder shall not release the current permit holder from any outstanding monies owed to the District at the time of the reissuance until said amounts, plus all applicable interest and penalties to date, are paid-in-full. Payment of all such amounts shall be made in full within the term of the reissued Discharge Authorization.

Unless otherwise provided above, any person whose request for reissuance of a Discharge Authorization pursuant to this section has been denied may seek review of such denial by requesting a conference with the Director of Monitoring and Research pursuant to Article VI, Section 7 of this Ordinance. During this period of review, the current permit holder may continue to cause or allow the discharge of process wastewater into the sewerage system under the jurisdiction of the District only in conformance with the terms and conditions of the Discharge Authorization previously issued to said person and this Ordinance.

Continued discharge of process wastewater into a sewerage system under the jurisdiction of the District, in the absence of a current and valid Discharge Authorization, will be considered a knowing and willful violation of this Ordinance, the applicable statutes of the state of Illinois and applicable federal pretreatment regulations.

The Executive Director may refer such violation to the Office of State's Attorney or the Office of the United States Attorney, for such action as they may deem appropriate.

#### 8. Duty to Reapply

If the person subject to the terms and conditions of this authorization wishes to continue an activity regulated by this authorization after the expiration date of this authorization, the discharger must submit an application for a new authorization in accordance with the procedures set forth in Appendix D, Section 7 of the Ordinance.

#### **Appendix D, Section 7. Request For Renewal of Discharge Authorization**

Discharge Authorizations issued pursuant to this Ordinance shall be valid for a period not exceeding five years. Not less than 90 days prior to the expiration date of a Discharge Authorization issued by the District, the person to whom said Discharge Authorization was issued shall submit to the District, on a Discharge Authorization Request form supplied by the District, a request for renewal of the Discharge Authorization. Any person who submits a completed and certified request for renewal, in a timely manner as provided herein, shall be granted an extension of the termination date of their Discharge Authorization, until such time as the District serves the person pursuant to Article IX, Section 2 of this Ordinance with a written determination with regard to such person's request for renewal of the Discharge Authorization.

Any person whose request for renewal of a Discharge Authorization has been denied may seek review of such denial by requesting a conference with the Director of Monitoring and Research pursuant to Article VI, Section 7 of this Ordinance. During the period of review of any denial of a request for renewal of an existing Discharge Authorization, the person may continue to cause or allow the discharge of process wastewater into the sewerage system under the jurisdiction of the District only in conformance with the terms and conditions of the Discharge Authorization previously issued to said person and this Ordinance, but shall discontinue such discharge immediately upon entry of a final administrative decision, as approved by the District's Board of Commissioners, denying the appeal should the appeal be denied.

In addition to the provisions for administrative and legal proceedings contained in Article VI and Article VII of this Ordinance, whenever the Executive Director or the Executive Director's designee, determines that a person to whom a Discharge Authorization has been issued has failed to comply with any provision of the person's existing Discharge Authorization, any provision of this Ordinance, or any federal categorical pretreatment regulations; has failed to comply with an Order of the Board issued pursuant to this Ordinance; has failed to comply with a substantive Order of the Court issued in litigation initiated by the District, the Office of the State's Attorney or the United States Attorney, against such person for noncompliance with this Ordinance; has failed to promptly pay all civil penalties, late filing fees or other costs assessed against such person in any action taken by the District; or has failed to pay all User Charges owed to the District by such person, the Director of Monitoring and Research may deny renewal of such person's Discharge Authorization, except that actions subject to a pending and properly filed appeal taken pursuant to the provisions set forth in this Ordinance, the Procedural Rules Governing Show Cause Proceedings and Petition for Administrative Hearing Proceedings Brought Pursuant to the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, or the User Charge Ordinance, shall not be considered sufficient cause for the District to deny renewal of such person's Discharge Authorization until entry of a final administrative decision, as approved by the District's Board of Commissioners, denying the appeal should the appeal be denied.

9. Continued Discharge in Absence of Current and Valid Discharge Authorization to be Considered a Violation

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix D, Section 10 of the Ordinance.

**Appendix D, Section 10. Continued Discharge in Absence of Current and Valid Discharge Authorization to be Considered a Violation**

Whenever a person to whom a notification of applicability of this Appendix has been transmitted fails to submit a Discharge Authorization Request as required under this Appendix, or whenever a person whose Discharge Authorization has been revoked pursuant to an order of the Board of Commissioners, or whose Discharge Authorization has expired, continues to cause or allow the discharge of process wastewater into a sewerage system under the jurisdiction of the District, the Executive Director or the Executive Director's designee shall serve written notice to by Registered or Certified Mail or by personal service by any employee of the District, notify such person pursuant to Article IX, Section 2 of this Ordinance that continued discharge in the absence of a valid Discharge Authorization may be considered a knowing and willful violation of this Ordinance, the applicable statutes of the state of Illinois and applicable federal pretreatment regulations.

The Executive Director may refer such violation to the Office of State's Attorney in and for the county in which the District is located, or the Office of the United States Attorney, for such action as they may deem appropriate.

10. Changes to the Drainage Layout

Each person subject to the terms and conditions of this authorization shall submit an application for a modification of this authorization when changes to the drainage layout as approved under this authorization are contemplated; no installation to effect such changes shall take place prior to obtaining the District's approval in writing.

## SECTION C. DISCHARGE STANDARDS AND PROHIBITIONS

### 1) **New, Increased, or Decreased Pollutant or Flow**

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article III, Section 5 of the Ordinance.

#### **Article III, Section 5. New, Increased or Decreased Pollutant or Flow**

All persons shall promptly serve written notice on the District pursuant to Article IX, Section 1 of this Ordinance in advance of any substantial changes in volume or character of pollutants in their wastewater discharge such as new or changed flow volume, new or changed concentrations or mass loadings of pollutants, or a change in the point of entry of a discharge into the sewerage system, if any of which does not conform to the provisions of this Ordinance or a Discharge Authorization issued to said person by the District. Such notification shall be submitted in writing for approval at least 30 days prior to the commencement of the desired change. The date of commencement of the desired change shall in no case be earlier than 35 days following service of the notice on the District pursuant to Article IX, Section 1 of this Ordinance. The District shall serve its written approval or denial pursuant to Article IX, Section 2 of this Ordinance within 35 days of the date of service of the notice on the District. No such change in discharge conditions shall take place until the District has granted written approval of the desired change. If the District does not respond within 35 days with a denial or a request for additional information clarifying the request for changes, then the request shall be deemed approved.

Persons subject to the terms of a Discharge Authorization issued by the District under Appendix D of this Ordinance, for which the requested change in discharge conditions constitutes a deviation from any conditions established in the Discharge Authorization issued to said person, shall not commence the desired change until the District has issued a revised or renewed Discharge Authorization.

Any person whose request for change of discharge conditions has been denied by the District may request a conference with the Director of Monitoring and Research pursuant to Article VI, Section 7 of this Ordinance to review the District's decision.

Any pollution control equipment necessary to achieve compliance with the District's standards, as specified in Appendices A, B, and C hereof, must be installed prior to commencement of such change in discharge conditions.

### 2) **Dilution Prohibition**

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article III, Section 6 of the Ordinance.

#### **Article III, Section 6. Dilution Prohibition**

No person shall increase the use of process water or, in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the criteria or effluent quality standards set forth in this Ordinance.

3) Dangerous or Threatening Discharge

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article III, Section 7 of the Ordinance.

**Article III, Section 7. Dangerous or Threatening Discharge**

Notwithstanding any other remedies which the District may have by statute, common law or this Ordinance, when, in the determination of the Executive Director, any person's discharge presents an imminent danger to the public health, welfare or safety, presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the sewerage system or a water reclamation facility under the jurisdiction of the District, the District, acting through the Executive Director, shall apply to the Circuit Court of Cook County for injunctive relief to cease and desist the dangerous or threatening discharge.

4) Uncontrolled or Unregulated Wastes

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article III, Section 8 of the Ordinance.

**Article III, Section 8. Uncontrolled or Unregulated Wastes**

Each person subject to the terms and conditions of this Ordinance must install and maintain, at its own expense, pretreatment facilities adequate to prevent a violation of the pollutant concentration limits, discharge prohibitions or performance criteria of this Ordinance. No person shall reintroduce into the sewer system of the District materials which have been removed from the sewer system by catch basins, grease traps, and other pretreatment devices. Physical, chemical or biological agents shall not be introduced into catch basins, grease traps or other pretreatment devices for the purposes of resuspending, dissolving, emulsifying or rendering soluble any pollutants or other materials removed from a waste stream by such pretreatment devices and reintroducing these materials into the sewer system. All new industrial users and existing industrial users wishing to introduce new or increased pollutant flows or changes in the nature or concentration of pollutants discharged to the sewerage system must provide all pretreatment facilities required pursuant to this Ordinance prior to the commencement of discharge.

5) Pollutant Concentration Limits

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix B, Section 1 of the Ordinance.

**Appendix B, Section 1. Pollutant Concentration Limits**

The following are the maximum concentrations acceptable for discharge of sewage, industrial wastes, or other wastes into sewerage systems under the jurisdiction of the District at any time:

Waste or Chemical	Concentration (mg/L)
Cadmium (total)	2.0
Chromium (total)	25.0
Chromium (hexavalent)	10.0
Copper (total)	3.0
Cyanide (total)	5.0
Fats, oils and greases (FOG) (total)†	250.0
Iron (total)*	250.0
Lead (total)	0.5
Mercury (total)**	0.0005
Nickel (total)††	10.0
Zinc (total)	15.0

pH range\*\*\* Not lower than 5.0 or greater than 10.0

Temperatures of liquids or vapors at point of entrance to a public sewer shall not exceed 150°F.

- \* Discharges from domestic water treatment plants which supply potable water to the general public shall be exempt from this limitation for iron.
- \*\* Except as provided under Appendix B, Section 2i.
- \*\*\* Discharges which are monitored continuously for pH may exceed the upper pH range of 10.0 by not more than 0.5 pH units, for not more than four hours in any single calendar day.
- + Effluent leachate discharges from landfill facilities that are closed for the acceptance of wastes shall be exempt from this limitation for Fats, oils and greases (FOG) (total), provided that approved Best Management Practices (BMPs) are implemented and maintained. Failure to adhere to BMPs may result in enforcement action.
- ++ Effluent discharges from any person located within the service area of the John E. Egan Water Reclamation Plant that exceed a mass loading value of 1.0 pounds per day of nickel shall be subject to an alternative maximum pollutant concentration limit of 2.47 mg/L for nickel at all times. Failure to comply with this alternative maximum pollutant concentration limit will be considered a violation of this Ordinance.

## 6) Discharge Prohibitions

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix B, Section 2 of the Ordinance.

### **Appendix B, Section 2. Discharge Prohibitions**

Any discharge of waste or waters into a sewer which terminates in or is a part of the sewerage system of the District, must not introduce pollutant(s) which causes Pass Through or Interference, and must not contain the following:

- a. Liquids, solids or gases which by reason of their nature or quantity are sufficient to cause fire or explosion or be injurious in any other way to the sewerage system or to the operation of the water reclamation facilities, including, but not limited to, any waste stream having a closed cup flashpoint less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.
- b. Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, to cause injury or acute worker health or safety problems, or to prevent entry into the sewers for their maintenance or repair.
- c. Water or wastes containing toxic substances in quantities which are sufficient to interfere with the biological processes of the water reclamation facilities.
- d. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- e. Radioactive wastes unless they comply with 10 CFR 20 and 32 Illinois Administrative Code 340.
- f. Solid or viscous wastes which cause obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or water reclamation facilities, such as grease, uncomminuted garbage, animal guts or tissues, paunch manure, bone, hair, hides, fleshings, entrails, feathers, sand, cinders, ashes, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grain, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances. Potentially Infectious Medical Wastes unless they comply with 35 Illinois Administrative Code, Subtitle C.
- g. Waters or waste containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the water reclamation facilities' effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- h. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions) which threatens the District's operations.



- i. Mercury in excess of 0.0005 mg/L on a monthly average, 0.001 mg/L in a daily composite, and 0.0025 mg/L in any grab sample; except when all of the following conditions are met:
  - (1) The discharger does not use mercury; or the discharger uses mercury and this use cannot be eliminated; or the discharger uses mercury only in chemical analyses or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and
  - (2) The discharge mercury concentration is less than 0.003 mg/L on a monthly average, 0.006 mg/L in a daily composite, and 0.015 mg/L in any grab sample; and
  - (3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness, and sound engineering judgment. This may include no treatment for mercury; and
  - (4) The discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury discharges.

Any person seeking application of the alternative discharge limitations for mercury into the sanitary sewerage system shall submit a written request, together with a complete report indicating why the alternative discharge limitations for mercury should be applicable to such person's discharge, to the Director of the District's Monitoring and Research Department, in accordance with procedures established by the Director of the District's Monitoring and Research Department. The District will advise the person, in writing, of approval or denial of the person's request, within 90 days of service on the District pursuant to Article IX, Section 1 of this Ordinance of the person's request.

- j. The discharge of wastes from medicinal or therapeutic uses of mercury, exclusive of laboratory use, shall be exempt from the 0.0005 mg/L limitation of this section if all the following conditions are met:
  - (1) The total plant discharge is less than 227g (one half pound) as Hg in any year; and
  - (2) The discharge does not, alone or in conjunction with other sources, cause the effluent from the sewer system or treatment facility to exceed 0.0005 mg/L of mercury.
- k. Pollutants which will cause corrosive structural damage.
- l. Pollutants including, but not limited to, petroleum oil, non-biodegradable cutting oil, and products of mineral origin, which cause interference or pass-through.
- m. Hauled or trucked wastes, except at discharge points designated by and under valid written authorization of the District.
- n. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration, which will cause Interference with the water reclamation facilities.
- o. Heat in amounts, which will inhibit biological activity in the water reclamation facilities resulting in Interference, but in no case heat in such quantities that the temperature at the water reclamation plant exceeds 40°C (104°F).

7) Dischargers in the Poplar Creek Service Area

Each person located in the Poplar Creek Service Area of the District and subject to the terms and conditions of this authorization is subject to the regulations set forth in Appendix B, Section 3 of the Ordinance.

**Appendix B, Section 3. Dischargers in the Poplar Creek Service Area**

Persons located in the Poplar Creek Service Area of the District discharging sewage, industrial waste, and other wastes to the sewerage system under the jurisdiction of the District which is tributary to the water reclamation facility owned and operated by the Fox River Water Reclamation District may be subject to more stringent limitations than the limitations found in Appendix B to this Ordinance.

8) Compliance Determination

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix B, Section 4 and Appendix C, Article III, Section 2 of the Ordinance.

**Appendix B, Section 4. Compliance Determination**

Compliance with the discharge limitations in this Appendix shall be maintained at all times, without exception. Any grab sample, or a composite sample of any duration, may be used for purposes of determining compliance with the discharge limitations in this Appendix. District monitoring of industrial users for determining compliance with the discharge limitations in this Appendix shall conform to the provisions of 40 CFR 403.8(f)(2)(vii), and shall be performed with sufficient care to produce evidence admissible in enforcement proceedings.

**Appendix C, Article III, Section 2. Compliance Determination**

Industrial user self-monitoring for determining compliance with categorical pretreatment standards shall conform to the provisions contained in Appendix C, Article I of this Ordinance. District monitoring of industrial users for determining compliance with categorical pretreatment standards shall conform to the provisions of 40 CFR 403.8(f)(2)(vii) and shall be performed with sufficient care to produce evidence admissible in enforcement proceedings.

## SECTION D. MONITORING METHODS AND FACILITIES

### 1) Control Manhole/Sampling Chamber - Installation and Access Requirements

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article IV, Section 2 of the Ordinance.

#### **Article IV, Section 2. Control Manhole/Sampling Chamber – Installation and Access Requirements**

Each person subject to the terms of this Ordinance who is a significant industrial user shall install and maintain, at its own expense, a control manhole or sampling chamber for each separate discharge conveying process wastewater from its facility to the sewerage system. Each such control manhole or sampling chamber shall have ample room to allow the District to perform inspections, sampling, and flow measurement operations.

Each such control manhole shall be located outside of any buildings or enclosed spaces and as near to the facility site boundary as practical; shall not be obstructed by temporary or permanent construction, manufacturing operations or activities, landscaping, parked vehicles or any other activities of the person; and shall be safely and directly accessible to representatives of the District at all times, without restriction of any kind.

Persons subject to this Ordinance who are not significant industrial users, as defined herein, may also be required to install control manholes or sampling chambers in conformance with the provisions of this section, upon the direction of the Executive Director.

Persons subject to this requirement of the Ordinance, who represent that this requirement cannot be reasonably complied with, may set forth said representations in writing to the Executive Director and be given an opportunity to be heard regarding said representations. The Executive Director shall serve pursuant to Article IX, Section 2 of this Ordinance written notice of the District's determination granting leave from this requirement upon proof that compliance cannot be reasonably obtained, or dismissing said representations as unfounded.

Any person whose request for exemption from the requirements of this section has been denied by the District, may request a conference with the Director of Monitoring and Research pursuant to Article VI, Section 7 of this Ordinance to review the District's decision.

If a building or enclosed space contains more than one industrial user, then each significant industrial user therein, shall install and maintain, at its own expense, a control manhole or sampling chamber for each discharge from its facility, which shall comply with all of the requirements set forth herein. All process wastewater flows from the facility shall, at all times, pass through a control manhole installed in conformance with this Ordinance and no process wastewater flows shall be discharged without passing through a control manhole or sampling chamber acceptable to the District. Each such control manhole or sampling chamber shall be accessible to representatives of the District at all times, without restrictions of any kind.

Persons who are required to construct a control manhole or sampling chamber to comply with this section shall submit a proposal to, and receive approval from, the District prior to undertaking construction of said control manhole or sampling chamber. The proposal submitted shall be certified by a Registered Professional Engineer licensed by the state of Illinois.

### 2) Right of Access

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article IV, Section 3 of the Ordinance.

#### **Article IV, Section 3. Right of Access**

Representatives of the District may, during reasonable hours, enter upon the premises of each person subject to this Ordinance for the purposes of installing, maintaining and inspecting measurement or sampling devices or facilities; for conducting necessary measuring, gauging and sampling operations; for inspecting or examining facilities, premises, installations and processes; for inspection and copying of records; and for reviewing pretreatment operating procedures and slug control plans of such person to determine compliance with this Ordinance or an order of the Board of Commissioners adopted pursuant hereto.

For the purpose of this section, reasonable hours are any time when the industrial user is operating any process or equipment, or any time when the facility is discharging industrial waste to the sewerage system of the District.

Areas subject to inspection are limited to those areas with drains or other connections to the sewerage system in which processes, equipment, and operations which result in industrial waste discharges are located, and storage areas containing any raw material, industrial waste, production residue or sludge. The scope of an inspection, including reviewing and copying of records, is limited to determining whether the industrial user is in compliance with all applicable standards and requirements of this Ordinance.

District personnel, when accessing the premises of a person, will observe and comply with all posted safety and health rules and practices applicable at the premises of the person.

3) **Monitoring for Public Hazards**

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article IV, Section 4 of the Ordinance.

**Article IV, Section 4. Monitoring for Public Hazards**

Whenever the Executive Director determines that a public safety hazard exists due to the threat of release of pollutants regulated under Appendix B, Section 2(a), 2(b), or 2(e) of this Ordinance, in the discharge from an industrial user to the sewerage system under the jurisdiction of the District, the Executive Director shall require the industrial user to install and maintain suitable devices to detect the presence of the hazardous materials in the discharge and to notify the District immediately, through a reputable, independent alarm service company acceptable to the District, in the event of such hazardous discharge.

Any monitoring device installed pursuant to this section shall be calibrated at least once per week, and the alarm notification system shall be tested at least monthly. Each person required to install and maintain a monitoring device under this section shall maintain a record of the calibration and testing required under this paragraph; and make such records available to District personnel for inspection.

4) **Interfering with District Monitoring Activities**

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article IV, Section 7 of the Ordinance.

**Article IV, Section 7. Interfering with District Monitoring Activities**

It shall be illegal for any person to tamper with, adjust, relocate, remove or damage any monitoring devices installed by the District. Any such activity will be considered a knowing and willful violation of this Ordinance, the applicable statutes of the State of Illinois and applicable federal pretreatment regulations. The Executive Director may refer such violation to the Office of State's Attorney or the Office of the United States Attorney, for such action as they deem appropriate. It shall also be considered a knowing and willful violation of this Ordinance for any person to discontinue, disrupt, decrease, or otherwise change processing activities of any kind, or to otherwise alter how it regularly discharges process wastewater, to prevent the District from obtaining a representative sample of the person's wastewater.

## SECTION E. SELF-MONITORING REQUIREMENTS

### 1) Self-Reporting a Violation

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 8 of the Ordinance.

#### **Article V, Section 8. Self-Reporting a Violation**

Each person subject to this Ordinance must report all violations identified as a result of self-monitoring to the District by telephone, during normal business hours, to the Industrial Waste Division, Pretreatment and Cost Recovery Section, at (312) 751-3044 or by e-mail to [mwrdr-ucts@mwrdr.org](mailto:mwrdr-ucts@mwrdr.org) within 24 hours of the time the person becomes aware of such violations. For purposes of this reporting requirement, the person will be considered aware of such violations as of the date of the approval and release of the laboratory analyses indicating the violation. Said person must also submit the results of three days of repeat analyses to the Director of the District's Monitoring and Research Department within 30 days after becoming aware of the violation together with a complete report on all steps taken to resolve the violation. Where the District performs the sampling and analysis in lieu of the industrial user, and if the sampling indicates a violation(s), the District will perform the repeat sampling and analyses unless the District notifies the industrial user of the violation(s) and requires the industrial user to perform the repeat sampling and analyses.

### 2) Submittal of All Self-Monitoring Data

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 9 of the Ordinance.

#### **Article V, Section 9. Self-Monitoring Reporting Requirements and Submittal of All Self-Monitoring Data**

Each person subject to this Ordinance shall notify the District in writing, no less than 14 days prior to any commencement of its self-monitoring program, whether required by this Ordinance or any other District Ordinances, to allow the District to observe the person's sampling techniques, sample preservation, flow measurements, and other sampling protocols. This written notification shall be made on forms provided by the District, submitted to the District's Pretreatment and Cost Recovery Section by one of the following methods: U.S. mail addressed to the Pretreatment and Cost Recovery Section, P. O. Box 10689, Chicago, Illinois 60610; fac-simile transmission sent to (312) 751-5960; or as PDF sent via electronic mail to [mwrdr-ucts@mwrdr.org](mailto:mwrdr-ucts@mwrdr.org). Users subject to this Ordinance must submit all self-monitoring discharge analytical data to the Director of the District's Monitoring and Research Department, regardless of whether or not the data so obtained is in addition to the District's minimum reporting requirements. Each significant industrial user who monitors any pollutant more frequently than the District's minimum reporting requirements must submit all self-monitoring discharge analytical data with the Continued Compliance Report which covers the reporting period during which the monitoring was performed, in accordance with Appendix C, Article I, Section 4 of this Ordinance.

### 3) All sampling and analyses shall be performed in accordance with USEPA approved methods listed in 40 CFR 136.

## SECTION F. REPORTING REQUIREMENTS/MAINTENANCE OF RECORDS

### 1) Volatile/Hazardous Materials

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 1 of the Ordinance.

#### **Article V, Section 1. Volatile/Hazardous Materials**

All persons who, at any time, use, consume, produce or store on their business premises, any volatile/hazardous materials as defined herein, shall annually certify, in writing, to the District, the type and estimated quantities of these materials on forms supplied by the District. The annual certified report is to be signed by an authorized representative of the entity on whose behalf the report is being made. Where a significant change in the type or quantity of materials used, consumed, produced or stored on the business premises occurs after an annual report has been filed, a new report must be filed immediately.

Volatile/hazardous materials are those identified as wastes under the Resource Conservation and Recovery Act and defined by the USEPA at 40 CFR 261 or those pollutants under the Clean Water Act identified as priority pollutants and defined by the USEPA at 40 CFR 423 Appendix A.

### 2) Final Compliance Report

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix C, Article I, Section 3 of the Ordinance.

#### **Appendix C, Section 3. Final Compliance Report**

Each person subject to categorical pretreatment standards shall, within 90 days following the date for final compliance as set forth in Appendix C, Article III, submit to the Director of the District's Monitoring and Research Department, a report of final compliance with the categorical pretreatment standards on forms supplied by the District. The statement shall conform to the requirements of 40 CFR 403.12(d) and (g), shall comply with the certification provisions of 40 CFR 403.12(b) and the signatory requirements of 40 CFR 403.12(l), shall be executed by an authorized representative of such person, and certified by a Registered Professional Engineer licensed by the state of Illinois.

New significant industrial users shall complete and submit to the Director of the District's Monitoring and Research Department a report of final compliance immediately upon commencement of discharge.

Each significant industrial user shall take representative samples for a minimum of three days within a two-week period for the monitoring of a waste stream with a flow less than or equal to 200,000 gallons per day. Where the flow of a waste stream exceeds 200,000 gallons per day, the user shall take samples for six days within a two-week period. Sample collection shall conform to the requirements of 40 CFR 403.12(g). Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the wastewater discharge. Sample analysis shall include all parameters listed in Appendix B, Sections 1 and 2(i) of this Ordinance and any parameters listed in the categorical pretreatment standards applicable to the significant industrial user.

### 3) Spill Containment Requirements

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 4 of the Ordinance. Furthermore, in conformance with 40 CFR 403.8(f)(2)(vi), each person subject to this authorization shall develop and implement a Slug Control Plan.

#### **Article V, Section 4. Spill Containment Requirements**

Each industrial user notified of applicability of this section based on said user's use or storage of flammable, volatile, explosive or corrosive materials, or has the potential for a slug discharge, shall provide protection from accidental discharge to the sewerage system of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent such discharge shall be provided and maintained at the user's own cost and expense. Additionally, each such industrial user must have detailed plans on file at the District showing facilities and operating procedures to provide this protection. Slug Control Plans shall contain all elements required under 40 CFR 403.8(f)(2)(vi) and shall be approved by the District prior to construction of new facilities. Plans and facilities previously approved by the District shall be re-evaluated by the District at least once every two years and must be modified by the industrial user upon a determination by the Director of Monitoring and Research that modifications are necessary. Plans shall be certified by a Registered Professional Engineer licensed by the state of Illinois.

Each industrial user shall immediately notify the District of any changes at its facility affecting the approved plan or the potential for a slug discharge.

#### **4) Discharges to Surface Waters and to the Sewerage System**

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 5 of the Ordinance.

#### **Article V, Section 5. Reports on Discharges to Surface Waters and to the Sewerage System**

Persons operating sewage treatment facilities discharging effluents to waters or operating pretreatment facilities discharging to the sewerage system under the jurisdiction of the District shall submit operating reports and laboratory analyses of discharges as directed by the Executive Director, at intervals specified by the Executive Director. The reports shall cover all activities of the industrial user from the close of the previous reporting period and must be served on the District pursuant to Article IX, Section 1 of this Ordinance no later than 30 days after the end of the reporting period.

Notwithstanding any other non-monetary remedies which the District may have by statute, common law or this Ordinance, any person failing to submit a report or submitting a deficient report to the District, as required hereunder, within the filing period established by the District for such report, shall be assessed a late filing fee, as set forth under Article V, Section 17 of this Ordinance.

#### **5) Discharges of Hazardous Wastes to the Sewerage System**

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 6 of the Ordinance.

#### **Article V, Section 6. Reporting on Discharges of Hazardous Wastes to the Sewerage System**

Each person subject to the provisions of this Ordinance shall report to the District, on forms supplied by the District, the discharge of hazardous wastes, as defined herein, into the sewerage systems under the jurisdiction of the District. Such reporting shall conform with all applicable terms and conditions of 40 CFR 403.12(p).

Copies of reports filed with the District pursuant to this section shall also be filed with the United States Environmental Protection Agency and the Illinois Environmental Protection Agency, pursuant to 40 CFR 403.12(p).

#### **6) Maintenance of Records**

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 7 of the Ordinance.

## **Article V, Section 7. Maintenance of Records**

Each person subject to any of the reporting requirements of this Ordinance shall maintain copies of reports and records as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this Ordinance for a minimum of three years and shall make such records available for inspection and/or copying by the District or its representatives. The period of retention shall be extended during the course of any unresolved litigation regarding the person or the District, or at the request of the USEPA, the IEPA or the District. All records pertaining to an incident of noncompliance and the person's actions taken to return to compliance shall be retained for a minimum of three years following the return to compliance resulting from a Cease and Desist Order, Show Cause Board Order or Court Order.

### **7) Late Filing of Reports**

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article V, Section 17 of the Ordinance.

## **Article V, Section 17. Late Filing of Reports**

Persons required to submit reports by the terms of this Ordinance, including but not limited to this Article V (Reporting Requirements), Appendix C, Article I (Reporting Requirements Applicable to Significant Industrial Users), and any order of the Executive Director issued pursuant to the terms of this Ordinance, shall submit the required reports by the specified due date. Persons not submitting the reports by the specified due dates shall be subject to late filing fees as follows:

- a) Persons submitting reports up to 15 days following the specified due date shall be assessed \$100.00 for each delinquent report.
- b) Persons submitting reports more than 15 days and up to 45 days following the specified due date shall be assessed \$500.00 for each delinquent report.
- c) Persons submitting reports more than 45 days following the specified due date shall be assessed \$1,000.00 for each delinquent report.

A person may submit required reports following the specified due date together with the late filing fee as specified above. The payment must be in the form of a cashier's check drawn on a United States bank, made payable to the Clerk of the District.

The District shall serve written notice of the fee assessment pursuant to Article IX, Section 2 of this Ordinance that states that the person has 30 days after service of the notice to request pursuant to Article VI, Section 7 of this Ordinance a conference with the Director of Monitoring and Research, c/o the Monitoring and Research Department, to discuss or dispute the appropriateness of the assessed fee. Unless a person timely requests such a conference, that person waives his or her right to a conference and the District may impose a lien recorded against the property of the person for the amount of the unpaid fee.

Any liens filed under this section shall apply only to the property to which the late filing fee is related. A claim for lien shall be filed in the Office of the Recorder of Deeds of the county in which the property is located. The filing of a claim for lien by the District does not prevent the District from pursuing other means for collecting a late filing fee. If a claim for lien is filed, the District shall notify the person whose property is subject to the lien, and the person may challenge the lien by filing an action in the circuit court. The action shall be filed within 90 days after the person receives the notice of the filing of the claim for lien.



8) Failure to Report is a Violation

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article V, Section 16 of the Ordinance.

**Article V, Section 16. Failure to Report is a Violation**

Whenever a person subject to this Ordinance fails to comply with any of the reporting requirements of this Ordinance or with details regarding reporting requirements as directed by the Executive Director, such failure shall be a violation of the Ordinance. If it is necessary for the District to perform inspections and/or sampling of the person's facility, or prepare a report on behalf of the person, the District shall recover the costs of such activity from the person in the same manner as debts are recoverable by law.

9) Reporting Continued Compliance

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Appendix C, Article I, Section 4 of the Ordinance.

**Appendix C, Article I, Section 4. Reporting Continued Compliance**

Each significant industrial user shall submit to the District, on forms supplied by the District and at intervals specified by the District, in the Discharge Authorization issued to the significant industrial user, which shall be not more than once per month nor less than twice per year, a report on continued compliance with applicable pre-treatment standards and other requirements of this Ordinance. The reports shall cover all pertinent activities of the industrial user from the close of the previous reporting period through a date 30 days prior to the report due date specified in the Discharge Authorization issued to the industrial user, and must be served on the District pursuant to Article IX, Section 1 of this Ordinance no later than the report due date. The reports shall conform to the requirements of 40 CFR 403.12(e) and (g), shall comply with the signatory requirements of 40 CFR 403.12(l), and shall be certified by an authorized representative of the industrial user.

Sampling requirements for the completion of reports on continued compliance shall be the same as described in Section 3 above. Notwithstanding any other non-monetary remedies which the District may have by statute, common law or this Ordinance, any person failing to submit a report or submitting a deficient report to the District, as required hereunder, within the filing period established by the District for such report, shall be assessed a late filing fee, as set forth under Article V, Section 17 of this Ordinance.

Any significant industrial user whose total industrial waste discharge does not exceed 5,000 gallons in any calendar month, may request a waiver of the self-monitoring requirements of this section. The request must be submitted to the Director of Monitoring and Research and will not become effective until such determination is issued by the District, in writing. The significant industrial user must continue to submit all reports required under this section as established in the Discharge Authorization issued to said significant industrial user. The reports must be complete and accurate in all aspects, except for self-monitoring data. The District will perform the required sampling on behalf of the significant industrial user and shall insert its data to complete the report. The Director of Monitoring and Research may withdraw a waiver of the self-monitoring requirements granted under this paragraph upon a determination that the significant industrial user discharges greater than 5,000 gallons of industrial waste in any calendar month, or if the significant industrial user is found in significant noncompliance with any provisions of this Ordinance.

Any significant industrial user may request a waiver from the self-monitoring requirements of this section for one continued compliance report, as required hereunder, annually. The significant industrial user must have an acceptable outside control manhole/sampling chamber, as required under the provisions of Article IV of this Ordinance, to enable the District to perform the required monitoring on behalf of the significant industrial user. The request must clearly indicate which annual continued compliance report is the subject of the waiver request, must be submitted to the Director of Monitoring and Research and will not become effective until such determination is issued by the District, in writing. The significant industrial user must continue to submit all reports required under this section as established in the Discharge Authorization issued to said significant industrial user. The District will perform the required sampling on behalf of the significant industrial user and shall provide its data to the significant industrial user to complete the continued compliance report. The reports must be complete and accurate in all aspects. The Director of Monitoring and Research may withdraw a waiver of the self-monitoring requirements granted under this paragraph upon a determination that the significant industrial user is in significant noncompliance with any provisions of this Ordinance.

10) Notification Requirements Regarding a Planned Bypass or Shutdown of Pretreatment Facilities

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 12 of the Ordinance.

**Article V, Section 12. Notification Requirements Regarding a Planned Bypass or Shutdown of Pretreatment Facilities**

In the event of a planned shutdown or bypass of pretreatment facilities installed and operated to maintain compliance with the provisions of this Ordinance or a Discharge Authorization issued to a significant industrial user, such user shall notify the Director of the District's Monitoring and Research Department, in writing, at least ten days prior to the beginning of the shutdown or bypass.

11) Notification Requirements Regarding Spills, Malfunctions, Bypasses, and Slug Loadings

Each person subject to the terms and conditions of this authorization shall comply with the regulations set forth in Article V, Section 13 of the Ordinance.

**Article V, Section 13. Notification Requirements Regarding Spills, Malfunctions, Bypasses, and Slug Loadings**

Each significant industrial user and each industrial user notified of applicability of this section based on said user's use or storage of flammable, volatile, explosive or corrosive materials, shall immediately notify the District, by telephone, in the event of any of the following occurrences:

- a) a mechanical malfunction of any portion of such person's industrial waste pretreatment system, except in cases where (i) no wastewater is discharged to the sewerage system, (ii) in the best professional judgment of the person's certified wastewater pretreatment system operator, the wastewater discharge flow rate or quality is not affected or remains within the normal operating characteristics of the wastewater pretreatment system, or (iii) if the malfunction itself precludes the discharge of wastewater;
- b) an accidental or deliberate discharge without adequate pretreatment of any chemical, product, production residue or other waste into the sewerage system;
- c) an accidental or deliberate discharge which results in a violation of the criteria or applicable discharge standards of this Ordinance; or
- d) a slug discharge.

Such notification shall be made within one hour of the person's becoming aware of the incident, by telephone, to the Monitoring and Research Department, Industrial Waste Division (312) 751-3044 during normal business hours or to the Systems Dispatcher (312) 787-3575 at all other times. Said notification shall be confirmed in writing and served on the District pursuant to Article IX, Section 1 of this Ordinance within five days explaining the incident and outlining corrective measures to prevent a recurrence.

12) Compliance Schedule

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Appendix C, Article I, Section 2 of the Ordinance.

**Appendix C, Article I, Section 2. Compliance Schedule**

It shall be unlawful for a significant industrial user to continue to discharge process wastewater to a sewerage system under the jurisdiction of the District if the Executive Director has found the person in violation pursuant to Article VI, Section 1 of this Ordinance, or if the person certifies in their Discharge Authorization Request that applicable pretreatment standards or other requirements are not being met on a consistent basis and that additional operation and maintenance or pretreatment facilities are required to meet those standards or requirements, unless the significant industrial user has submitted to the District a compliance schedule which conforms to the

requirements of 40 CFR 403.12(c) and which is acceptable to and approved by the Executive Director. The schedule shall comply with the certification provisions of 40 CFR 403.12(b) and the signatory requirements of 40 CFR 403.12(l) and shall be certified by an authorized representative of the industrial user and certified by a Registered Professional Engineer licensed by the state of Illinois. In the event the compliance schedule is not acceptable, the Executive Director may require re-submittal of a compliance schedule acceptable to the District, or may proceed as set forth under Article VI of this Ordinance.

A compliance schedule for attaining compliance with an applicable categorical pretreatment standard cannot extend beyond the final compliance date for the applicable categorical pretreatment standard contained in the Code of Federal Regulations.

A compliance schedule submitted by a significant industrial user as required herein shall be considered an enforceable requirement of a Discharge Authorization issued to the significant industrial user, and failure to comply with the compliance schedule shall be considered a violation of this Ordinance.

## SECTION G. ADMINISTRATIVE PROCEEDINGS

### 1) Cease and Desist Orders

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 1 of the Ordinance.

#### **Article VI, Section 1. Cease and Desist Orders**

Whenever the Executive Director determines that sewage, industrial wastes, or other wastes are being, have been, or may reasonably be expected to be discharged into any waters or the sewerage system under the jurisdiction of the District, which are not in compliance with the provisions of this Ordinance, or that any person has otherwise acted contrary to the provisions of this Ordinance or to a Discharge Authorization issued to such person under this Ordinance, the Executive Director or his designee shall order such person to cease and desist such action. The Cease and Desist Order shall be served on the offending party pursuant to Article IX, Section 1 of this Ordinance. The Executive Director or his designee may convene a conciliation meeting with the person so ordered to cease and desist for the purpose of establishing a compliance and reporting schedule for the person to come into compliance with the Ordinance or provisions of the Discharge Authorization.

### 2) Compliance Reports

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 2 of the Ordinance.

#### **Article VI, Section 2. Compliance Reports**

After service of a Cease and Desist Order by the District, the offending party shall furnish the District with compliance schedules, interim and final compliance reports, sampling and analysis, and such other information as is reasonably necessary to demonstrate compliance with the applicable discharge standards of this Ordinance. All such reports, data, and information shall be executed by an authorized representative of the person and certified as to accuracy and completeness by a Registered Professional Engineer licensed by the state of Illinois. Interim reports shall be required only when the person fails to achieve compliance within 90 days of service by the District pursuant to Article IX, Section 2 of this Ordinance of a Cease and Desist Order and shall be submitted no more frequently than once per month.

Compliance Schedules (RD-112) required under this section must be served on the District pursuant to Article IX, Section 1 of this Ordinance no later than 15 days of service by the District of a Cease and Desist Order. .

Final Compliance Reports (RD-114) required under this section must be served on the District pursuant to Article IX, Section 1 of this Ordinance no later than 15 days after the final compliance date specified in the RD-112 for a given Cease and Desist Order. Persons submitting RD-114 forms for a Cease and Desist Order pertaining to effluent discharge violations may limit sampling analyses to only the noncomplying pollutants indicated in the Cease and Desist Order.

Representative samples must be obtained at each control manhole/sampling chamber identified in the Cease and Desist Order. At each sampling point where the average discharge flow rate is less than or equal to 200,000 gallons per day (GPD), as established in the user's Discharge Authorization, samples shall be collected for a minimum of three (3) days within a two-week period. At each sampling point where the average discharge flow rate exceeds 200,000 GPD, as established in the user's Discharge Authorization, samples shall be collected for six (6) days within a two-week period. Sample collection shall conform to the requirements of 40 CFR 403.12(g) and all analyses shall be performed in accordance with USEPA Approved Methods.

Notwithstanding any other non-monetary remedies which the District may have by statute, common law or this Ordinance, any person failing to submit a report or submitting a deficient report to the District, as required hereunder, within the filing period established by the District for such report, shall be assessed a late filing fee, as set forth under Article V, Section 17 of this Ordinance.

3) Proceedings for Show Cause/Board Order Compliance

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 3 of the Ordinance.

**Article VI, Section 3. Proceedings for Show Cause/Board Order Compliance**

If any person fails or refuses to achieve compliance with this Ordinance within 90 days after notification of a Cease and Desist Order issued pursuant to this Ordinance, the Executive Director may order such person to show cause before the Board of Commissioners of the District or its designee why they have failed or refused to comply with the Cease and Desist Order. In making the determination to order a person to Show Cause why they have failed or refused to comply with the Cease and Desist Order, the Executive Director shall, (i) with respect to the discharge limits contained in Appendix B of this Ordinance, place preponderant weight on monitoring data based on composite samples representative of the discharge of the person, unless the approved analytical method does not allow analysis of composite samples, and (ii) with respect to categorical pretreatment standards contained in Appendix C of this Ordinance, place preponderant weight on monitoring data based on sampling which conforms to sampling requirements specified in the applicable categorical pretreatment standards. A notice shall be served by the District on the offending party pursuant to Article IX, Section 2 of this Ordinance, specifying the time and place of a hearing to be held by the Board of Commissioners regarding their failure to achieve compliance, and directing the offending party to show cause before the Board why an order should not be entered directing the offending party to come into compliance. The notice of the hearing shall be served on the offending party at least ten (10) days before the hearing; service may be had on any agent or officer of a corporation or municipality.

After the Board of Commissioners has reviewed the evidence, it may issue an order to the party responsible for the violation, directing that within a specified time period, the violation be discontinued, and any other such orders as the Board may deem necessary.

The Board shall establish procedures for assessing fines and issuing orders as follows:

- a. In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing on the activities involved and the assessment of civil penalties as shown by the record produced at the hearing.
- b. The Board shall establish a panel of independent hearing officers to conduct all hearings on the issuance of orders and the assessment of civil penalties under this section. The hearing officers shall be attorneys licensed to practice law in the state of Illinois.
- c. The Board shall promulgate procedural rules governing the proceedings, the issuance of orders and the assessment of civil penalties.
- d. All hearings shall be on the record; and testimony taken must be under oath and recorded stenographically. Transcripts so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue, in the name of the Board, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing, and may examine witnesses.
- e. The hearing officer shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses. The hearing officer may also recommend, as part of the order of the Board, that the discharge of industrial waste or other waste be discontinued within a specified period of time. After all evidence has been presented, the hearing officer shall issue a Report based upon the preponderance of evidence in the record, which includes finding of fact, conclusions of law, order, and, if violations are proven, recommended civil penalties. Civil penalties shall be assessed at the level of \$1,000.00 to \$2,000.00 per day of violation. Each day's continuation of such violation or failure to abide by the terms of this Ordinance is a separate offense. A regulatory multiple day average that exceeds acceptable limits constitutes a separate violation.
- f. The Report shall be transmitted to the Board, along with a complete record of the hearing.
- g. The Board shall either approve or disapprove the Report. If the Report is rejected, the Board shall remand the matter to the hearing officer for further proceedings. If the Report is accepted by the Board, it shall constitute the final order of the Board.
- h. The Administrative Review Law of the State of Illinois, and the rules adopted under such law, shall govern all proceedings for judicial review of final orders of the Board issued under this Section.

- i. The civil penalty specified by the Board shall be paid within 35 days after the party on whom it is imposed is served by the District pursuant to Article IX, Section 2 of this Ordinance with a written copy of the order of the Board, unless the person or persons to whom the order is issued seeks judicial review of the order under Article VI, Section 3, Paragraph h of this Ordinance.
  - j. If the respondent seeks judicial review of the order assessing a civil penalty, the respondent shall, within 20 days after the date of the final order of the Board, pay the amount of the civil penalty into an escrow account maintained by the District for that purpose or file a bond guaranteeing payment of the civil penalty if the fines are upheld on review.
  - k. Civil penalties not paid by the times specified above shall be delinquent and subject to a lien recorded against the property of the person ordered to pay the penalty. The foregoing provisions for asserting liens against real estate by the District shall be in addition to and not in derogation of any other remedy or right of recovery, in law or equity, that the District may have with respect to the collection or recovery of penalties and charges imposed by the District. Judgment in a civil action brought by the District to recover or collect the charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.
- 4) Failure to Report is a Violation

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 4 of the Ordinance.

**Article VI, Section 4. Failure to Report is a Violation**

Whenever a person subject to this Ordinance fails to comply with any of the reporting requirements of this Ordinance or with details regarding reporting requirements as directed by the Executive Director, such failure shall be a violation of the Ordinance. If it is necessary for the District to perform inspections and/or sampling of the person's facility, the District may recover the costs of such activity from the person in the same manner as debts are recoverable at law.

5) Penalties

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 5 of the Ordinance.

**Article VI, Section 5. Penalties**

The Board may also order the party responsible for the violation, to pay a civil penalty in an amount specified by the Board which is not less than \$1,000.00 nor more than \$2,000.00 per day for each day on which such person was found in violation. The Board may also order the party responsible for the violation to pay court reporter costs and hearing officer fees in a total amount not exceeding \$3,000.00. Each day's continuance of such violation or failure is a separate offense. Regulatory multiple day averages which exceed acceptable limits shall constitute separate violations.

6) Order to Cease Discharge Upon Violation of Board Order

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VI, Section 6 of the Ordinance.

#### **Article VI, Section 6. Order to Cease Discharge Upon Violation of Board Order**

The Executive Director may order a person to cease the discharge of industrial waste upon a finding by the Executive Director that the final order of the Board, entered after a hearing to Show Cause, has been violated. The District shall serve the offending party with a copy of the order pursuant to Article IX, Section 2 of this Ordinance. The order of the Executive Director shall also schedule an expedited hearing before a hearing officer designated by the Board for the purpose of determining whether the company has violated the final order of the Board. The Board shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than seven days after the person has been served by the District pursuant to Article IX, Section 2 of this Ordinance with the Executive Director's order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her findings and recommendations and transmit it to the Board. If the Board, after reviewing the findings and recommendations, and the record produced at the hearings, determines that the person has violated the Board's final order, the Board may authorize the plugging of the sewer. The Executive Director shall give not less than 10 days written notice of the Board's order to the owner, officer, registered agent, or individual designated in said person's Discharge Authorization, as well as the owner of record of the real estate and other parties known to be affected, that the sewer will be plugged. The Administrative Review Law, and the rules adopted under that Law, shall govern all proceedings for the judicial review of final orders of the Board issued under this section.

The foregoing provision for plugging a sewer shall be in addition to and not in derogation of any other remedy, in law or in equity that the District may have to prevent violation of this Ordinance and orders of the Board.

## SECTION H. COURT PROCEEDINGS

### 1) Violation of Order to be Considered a Nuisance

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VII, Section 1 of the Ordinance.

#### **Article VII, Section 1. Violation of Order to be Considered a Nuisance**

A violation of an Order of the Board shall be considered a nuisance. If any person fails to comply with any Order of the Board, the District, acting through the Executive Director, may commence an action or proceeding in the Circuit Court in and for the county in which the District is located or operates facilities for the purpose of having the violation stopped either by mandamus or injunction, or to remedy the violation in any manner provided by law.

### 2) Penalties

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VII, Section 2 of the Ordinance.

#### **Article VII, Section 2. Penalties**

Whoever violates any provisions of this Ordinance or fails to comply with an order of the Board of Commissioners issued in accordance with the provisions of this Ordinance, shall be assessed a civil penalty of not less than \$1,000.00 nor more than \$10,000.00 for each day the violation continues. If, however, the violation occurs before the entry of an order by the Board, the civil penalty may be reduced to not less than **\$1,000.00** nor more than \$2,000.00 per day of violation. Each day's continuance of such violation or failure is a separate offense. The penalties provided in this section, plus interest at the rate set forth in the Interest Act on unpaid penalties imposed by the Board under Article VI, Section 3 of this Ordinance, the reasonable costs to the District of removal or other remedial action caused by discharges in violation of the Metropolitan Water Reclamation District Act or this Ordinance, reasonable attorney's fees, court costs and other expenses of litigation, together with costs for inspection, sampling, analysis, and administration related to the enforcement action against the person, are recoverable by the District in a civil action.

### 3) Injunctive Relief

Each person subject to the terms and conditions of this authorization is subject to the regulations set forth in Article VII, Section 3 of the Ordinance.

#### **Article VII, Section 3. Injunctive Relief**

In addition to the penalties provided in the foregoing Section, whenever a person violates any provision of this Ordinance or fails to comply with any Order of the Board of Commissioners, the District, acting through the Executive Director, may apply to the Circuit Court of Cook County for the issuance of an injunction restraining the person violating the Ordinance or failing to comply with the Board Order from making any further discharges into the waterways or sewerage system of the District.

Notwithstanding any other remedies which the District may have by statute, common law or this Ordinance, when, in the determination of the Executive Director, any person's discharge presents an imminent danger to the public health, welfare or safety, presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the sewerage system or a water reclamation facility under the jurisdiction of the District, the District, acting through the Executive Director, may apply to the Circuit Court of Cook County for injunctive relief to cease and desist such discharge, without first exhausting administrative procedures.



## SECTION I. CONFIDENTIALITY AND PUBLIC ACCESS TO INFORMATION

### 1) Confidentiality and Information Available to the Public

Rules governing confidentiality and information available to the public are described in Appendix E, Section 1 of the Ordinance.

#### **Appendix E, Section 1. Confidentiality and Information Available to the Public**

All information submitted to the District pursuant to the reporting provisions of this Ordinance, with the exception of data as described below, may be claimed as confidential by the submitter and may not be released to the public without prior written approval of the person submitting such information. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, the District may make the information available to the public without further notice.

Information and data provided to the District relative to Article V, Sections 3 and 4, Appendix C, and Appendix D of this Ordinance, which describe the concentration and/or mass loading of pollutants discharged, physical characteristics of discharge, general description of the location and nature of the source of pollutants, and analyses of samples of discharge, shall be available to the public in accordance with 40 CFR 403.14. Cease and Desist Orders, Notices of Show Cause, and other notices of enforcement action taken by the District pursuant to this Ordinance shall be available to the public upon written request to the Director of Monitoring and Research. Information regarding enforcement actions taken against persons in violation of this Ordinance is routinely provided to officials of municipalities in which the persons in violation are located or have indicated they plan to relocate.

All information regarding industrial users shall be made available to the USEPA, the IEPA and any other unit of government subject to the confidentiality provisions found at 40 CFR 2.302 and 40 CFR 403.14.

### 2) Annual Publication of Persons in Significant Noncompliance

Rules governing annual publication of persons in significant noncompliance are described in Appendix E, Section 2 of the Ordinance.

#### **Appendix E, Section 2. Annual Publication of Persons in Significant Noncompliance**

In accordance with the public participation requirements of 40 CFR 403.8(f)(2)(viii), the District, at least annually, will publish the identity of each person in significant noncompliance with this Ordinance, along with the nature of such significant noncompliance, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction of the District. Prior to publication, each such person will be advised in writing of the District’s intent to publish the identity of the person and will be granted an opportunity to provide comment to the District regarding the appropriateness of such publication.

“Significant Noncompliance” means any instance of non-compliance by any person exhibiting any of the following: (i) chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l); (ii) Technical Review Criteria (TRC) violations (Acute violations), defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils, and greases, and 1.2 for all other pollutants except pH; which will have a TRC of less than 3.5 units or greater than 11.5 units); (iii) any single effluent discharge analysis that exceeds the product of the maximum daily limit multiplied by 5.0 or if pH falls below 3.0 or above 12.0; (iv) any violation of an effluent discharge standard or prohibition which causes or contributes to pass-through or interference, the imminent threat of fire, explosion or other damage to the sewerage system, imminent endangerment to human health or the environment or which results in the District exercising its emergency authority to halt such violation; (v) failure to submit a completed and certified report within 45 days of a report due date; (vi) failure to meet, within 90 days after the schedule date, a compliance milestone date or final compliance date contained in a compliance schedule or Discharge Authorization; (vii) failure to provide access to the industrial user’s premises to representatives of the District for the purposes of inspection and sampling; (viii) failure to comply with the spill containment and notification requirements regarding spills, malfunctions, bypasses, and slug loadings contained in Article V, Sections 4 and 13 of this Ordinance; (ix) failure to report any instance of noncompliance of which the person becomes aware by self-monitoring, as required under Article V, Section 8 of this Ordinance; or (x) noncompliance with any of the terms or conditions of the Ordinance, upon the determination of the Executive Director.