

**METROPOLITAN WATER RECLAMATION DISTRICT
OF
GREATER CHICAGO**



Environmental Remediation Wastewater Ordinance

As Amended

February 18, 2010

AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ABATEMENT AND PREVENTION OF POLLUTION BY REGULATING AND CONTROLLING THE QUANTITY AND QUALITY OF ENVIRONMENTAL REMEDIATION WASTEWATERS ADMITTED TO OR DISCHARGED INTO THE SEWERAGE SYSTEMS UNDER THE JURISDICTION OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, HEREINAFTER TO BE KNOWN AS "THE ENVIRONMENTAL REMEDIATION WASTEWATER ORDINANCE" ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO ON JANUARY 5, 1995 AND AS AMENDED TO AND INCLUDING MAY 9, 1996; AND FEBRUARY 18, 2010.

**METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO**

100 East Erie Street
Chicago, Illinois 60611
(312) 751-5600

BOARD OF COMMISSIONERS

Hon. Terrence J. O'Brien, *President*
Hon. Kathleen Therese Meany, *Vice President*
Hon. Gloria Alitto Majewski, *Chairman of Finance*
Hon. Frank Avila Hon. Patricia Horton
Hon. Barbara J. McGowan Hon. Cynthia M. Santos
Hon. Debra Shore Hon. Mariyana T. Spyropoulos

OFFICERS

Richard Lanyon, Executive Director
Harold G. Downs, Treasurer
Joseph P. Sobanski, *Director of Engineering*
Darlene A. LoCascio, *Director of Procurement and Materials Management*
Louis Kollias, *Director of Monitoring and Research*
Keith D. Smith, *Director of Information Technology*
Patrick J. Foley, *Director of Human Resources*
Osoth Jamjun, *Director of Maintenance and Operations*
Frederick M. Feldman, General Counsel
Jacqueline Torres, Clerk/Director of Finance

**METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO
ENVIRONMENTAL REMEDIATION WASTE
WATER ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago that the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as proposed herein, is adopted.

ARTICLE I

Purpose

The purpose of this Ordinance is to regulate and control the quality and quantity of environmental remediation wastewaters from combined sewer areas into the sewerage systems and water reclamation plants (WRP) under the jurisdiction of the Metropolitan Water Reclamation District of Greater Chicago, hereinafter called the District, to ensure that the WRPs of the District do not themselves discharge any pollutants into the environment in such quantities and/or concentrations as may cause or contribute to adverse impact upon the environment or the status of the District's WRPs with regard to any environmental regulations impacting those facilities.

ARTICLE II

Definitions and Abbreviations

The meaning of the terms used in this Ordinance shall be as follows:

"Applicable pretreatment standard" means any criteria, limitation or prohibition upon the discharge of any pollutant into a publicly owned treatment works.

"Best Available Technology" or "BAT" means a level of technology based on the very best (state of the art) control and treatment measures that have been developed, or are capable of being developed.

"Best Practicable Technology" or "BPT" means a level of technology represented by the average of the best existing wastewater treatment performance levels.

"Board of Commissioners" or "Board" means the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund.

"Clean Air Act" means the federal Clean Air Act, and any amendments thereto.

"Code of Federal Regulations" or "CFR" shall mean the codification of the general and permanent rules published in the **Federal Register** by the executive departments and agencies of the United States government.

"Composite sample" means a representative mixture of a minimum of four grab sample aliquots obtained over a period of time.

"Control manhole" or "sampling chamber" means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this Ordinance.

"Director of Monitoring and Research" or "Director" means the Director of Monitoring and Research of the Metropolitan Water Reclamation District of Greater Chicago.

"Environmental Remediation Wastewater" or "ERW" means wastewater in the form of leachate or wastewaters from clean-up actions pursuant to CERCLA, or sites of leaking underground storage tanks which is discharged to and commingled with sewage and conveyed by the sewerage system to WRPs.

"Flow" means the volumetric measure per unit of time of wastewater, water, industrial waste or other flow.

"Executive Director" means the Executive Director of the Metropolitan Water Reclamation District of Greater Chicago.

"Grab sample" means a single aliquot sample.

"Hazardous air pollutant" or "HAP" means any pollutant listed in Section 112(b)(1) of the Clean Air Act, or any pollutant subsequently added to the list of pollutants under said section, through procedures established pursuant to Sections 112(b)(2) and (3) of the Clean Air Act.

"Hazardous waste" means any industrial waste, production residue, sewage or sludge which is classified as a hazardous waste pursuant to 40 CFR 261.

"Illinois Environmental Protection Agency" or "IEPA" means the Environmental Protection Agency of the state of Illinois.

"Incompatible pollutant" means a pollutant or waste characteristic which causes, or has the potential to cause, interference with the operation of a WRP or which is not amenable to treatment by a WRP, passes through such WRP and is contained in the discharged final effluent.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits, disrupts or has the potential to disrupt the normal operation of any treatment processes, including sludge processes, use or disposal, which causes a violation of any requirement of a regulation, National Pollutant Discharge Elimination System (NPDES) permit or other permit issued to the District by the IEPA or the USEPA.

"Other wastes" means all decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

"Pass-through" means a discharge which exits the District's WRPs into waters in quantities, or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or has the potential to cause a violation of any requirement of a NPDES permit or other permit issued to the District by the IEPA or the USEPA.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or its legal representative, agent or assigns.

"Pretreatment" means any method, construction, device, arrangement or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of environmental remediation wastewater prior to the discharge of such environmental remediation wastewater into the sewerage system under the jurisdiction of the District, or for the recovery of by-products from such environmental remediation wastewater.

"Production residue" means any liquid, solid, or gas which is residual source material, waste product, or production by-product capable of being disposed in the sewerage system under the jurisdiction of the District.

"Registered Professional Engineer" or "P.E." means a professional engineer licensed by the state of Illinois Department of Registration and Education.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, office buildings, institutions, and industrial establishments, together with such ground, surface, storm or other waters as may be present.

"Sewerage system" means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, constructed drainage ditches, sur-

face water intercepting ditches, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage, industrial waste or other wastes to a point of treatment or ultimate disposal.

"Sludge" means liquid and precipitated or suspended solid material therein contained, generated from the treatment of environmental remediation wastewater.

"Slug" means any pollutant, released in a discharge at a flow rate and/or concentration which will cause or has the potential to cause interference or pass through the District's WRPs.

"Special Discharge Authorization" or "SDA" means the document issued by the District to a person granting permission to discharge environmental remediation wastewater into the sewerage system of the District.

"Special Discharge Authorization Request" or "SDAR" means the document submitted by a person, on forms supplied by the District, requesting permission to discharge environmental remediation wastewater into the sewerage system of the District.

"**Standard Methods**" means the most recent edition of **Standard Methods for the Examination of Water and Wastewater**, published by the American Public Health Association.

"United States Environmental Protection Agency" or "USEPA" means the Environmental Protection Agency of the United States government and its designated agents.

"Water reclamation plant" or "WRP" means any method, construction, device, arrangement or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial wastes or other wastes, or for the recovery of by-products from such sewage, industrial waste, or other wastes.

"Waters" means all accumulations of water, surface and underground, natural or artificial, public or private or parts thereof, which are wholly or partially under the jurisdiction of the District or which flow through the territory of the District.

ARTICLE III
Prohibitions

Section 1. Unlawful Discharges

It shall be unlawful for any person to cause or allow the discharge of environmental remediation wastewater from combined sewer areas into any sewerage system under the jurisdiction of the District, unless such person is in possession of a current and valid SDA issued expressly and exclusively for the purpose of discharging said environmental remediation wastewater.

Section 2. Pollutant Concentration Limits

The pollutant concentration limits applicable to discharges into sewerage systems under the jurisdiction of the District, permitted under this Ordinance, are contained in Appendix A to the Environmental Remediation Wastewater Ordinance.

Section 3. Exclusion of Areas Served by Separate Sewerage Systems

ERWs from facilities located in areas not served by combined sewers will not be accepted.

ARTICLE IV

Special Discharge Authorizations

Section 1. Applicability

As provided under Article III, Section 1 of this Ordinance, and except as provided elsewhere in this Article it shall be unlawful for any person, as defined herein, to cause or allow the discharge of environmental remediation wastewater into the sewerage system under the jurisdiction of the District unless such person is in possession of and in conformance with all terms and conditions of a current valid Special Discharge Authorization (SDA) issued to said person by the District and required permits issued by the IEPA, USEPA, or other regulatory agencies.

Section 2. Special Discharge Authorization Document

The SDA document issued by the District shall contain, at a minimum, the following conditions:

- a. Statement of limited term not to exceed one year, as provided for in Section 7 of this Article.
- b. Non-transferability provision, as provided in Section 8 of this Article.
- c. Effluent discharge limitations applicable to all effluent discharge monitoring points.
- d. Self-monitoring, sampling, reporting, notification and recordkeeping requirements,

including identification of the pollutants to be monitored, sampling points, sampling frequency and sample type.

Section 3. Special Discharge Authorization Request

Any person seeking permission to discharge environmental remediation wastewater shall complete and submit to the District (on forms supplied by the District) a Special Discharge Authorization Request (SDAR). Sampling requirements for the completion of the SDAR shall be specified on the SDAR form supplied by the District. Sample collection and analysis shall conform to the requirements specified by the Director.

The SDAR shall disclose the name and address of the person, as defined herein, seeking the SDA and identify the name(s) of all officers or principal owners of said person, including the owners of the real property from which the ERW originates which is to be discharged upon issuance of the SDA. The SDAR shall be executed by an authorized representative of the person and certified as accurate and complete by a Registered Professional Engineer licensed in the state of Illinois. The SDAR shall also identify names of agents of the person who will be responsible for operation of the facilities authorized by the SDA and to be named as copermittees.

Any person who plans to commence new or changed activities must notify the District of such activities and must submit to the District (on forms supplied by the District) an SDAR at least 30 days prior to commencement of such activities and discharges to the sewerage system, and must receive written approval from the District prior to commencement of such new or changed activities.

Section 4. Acceptance By Local Municipality

SDARs shall be reviewed by the municipality or other unit of local government having jurisdiction over the geographical location for which the SDA is requested, and must be certified acceptable to such municipality or other unit of local government prior to submittal to the District.

Section 5. Issuance of Special Discharge Authorization By District

Within 30 days of receipt of a completed SDAR and providing that all fees required in Article VII have been paid to the District in the form of a certified check, the District shall notify the person submitting said SDAR of approval or denial of the SDAR and the reason(s) for denial. In the event of nonpayment or partial payment, the Dis-

trict will not complete its review of the SDAR until all fees are paid.

The SDA document shall be issued by the District to the owner of the real property from which the ERW originates as permittee and to the agents of the owner authorized by the SDA as copermittees who will be responsible for operation of the facilities.

No person, as defined in this Ordinance, who is the subject of an unresolved enforcement action initiated by the District pursuant to this Ordinance or the District's Sewage and Waste Control Ordinance, or who has failed to pay to the District all monies owed to the District under the District's User Charge Ordinance, shall be issued an SDA under this Ordinance until all such outstanding actions have been resolved.

Section 6 Review of Denial of Special Discharge Authorization or Special Condition in Special Discharge Authorization

Any person whose SDAR has been denied by the District, or who wishes to have reviewed any special condition of a Special Discharge Authorization issued to such person prior to the commencement of discharge under the SDA, may request a review of the District's determination. Such request must be made in writing, to the Director of Monitoring and Research and must be received by the District within 30 days of the date of notification that the SDAR has been denied or of notification of the special condition. The request for review must clearly state the reason(s) why the District's denial of the SDAR, or the special condition should be reviewed, and must be accompanied by payment of the appropriate fee. The District shall notify the person of its decision on the request for review within 90 days of receipt thereof.

- a. Any person whose SDAR for a new discharge has been denied by the District is prohibited from commencing the discharge of environmental remediation wastewater into the sewerage system of the District until such time as a Special Discharge Authorization is issued to said person.
- b. Any person who requests a review of a special condition contained in an SDA issued to said person subsequent to the

commencement of discharge under the SDA, may continue to discharge environmental remediation wastewater into the sewerage system of the District, only in accordance with all conditions of the SDA issued to said person, including the special condition under review, and not otherwise in violation of all other terms and conditions of the SDA, during the review and until a final administrative decision is rendered by the District.

The Director of Monitoring and Research will inform the Executive Director of all requests for review. The Executive Director shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VIII, Section 3 of this Ordinance. The final administrative decision on each review will be made by the Board of Commissioners after it receives a report with recommendations from the Review Hearing Officer.

Section 7. Request For Renewal or Modification of Special Discharge Authorization

SDAs issued pursuant to this Ordinance shall be valid for a period not exceeding one year. Not less than 90 days prior to the expiration date of a special discharge authorization issued by the District, the person to whom said SDA was issued shall submit to the District, on a form supplied by the District, a request for renewal of the SDA together with the appropriate fees. 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 SDA, until such time as the District issues a determination with regard to such person's request for renewal of the SDA. Any person whose request for renewal of an SDA has been denied may seek review of such denial, as provided in Section 6 of this Article.

During the period of review of any denial of a request for renewal of an existing SDA, the person may continue to cause or allow the discharge of environmental remediation wastewater into the sewerage system under the jurisdiction of the District only in conformance with all terms and conditions of this Ordinance and the SDA previously issued said person. The District shall notify the person of its decision on the request for review within 90 days of receipt thereof.

Section 8 Non-transferability of Special Discharge Authorization to Another Person

Special Discharge Authorizations shall be issued to the specific person, as defined in Article II of this Ordinance, and for the specific location identified in the SDAR submitted to the District. Any change in the person to whom an SDA has been issued shall render the SDA null and void.

Continued discharge of environmental remediation wastewater into a sewerage system under the jurisdiction of the District, in the absence of a current and valid SDA, may be considered a knowing and willful violation of this Ordinance, and may subject the person found in violation to enforcement action as provided for in Article VIII of this Ordinance.

Section 9. Additional Terms and Conditions

The Director is authorized to prescribe the terms and conditions of SDAs issued to persons under this Ordinance based upon reasonable application of accepted engineering practice, and best professional judgment to properly regulate and control the discharge of environmental remediation wastewater to the sewerage system. Such terms and conditions shall include, but not be limited to:

- a. Installation and operation of BAT for pretreatment of environmental remediation wastewater prior to discharge.
- b. Installation and operation of monitoring equipment to fulfill self-monitoring and reporting requirements.
- c. Limitations on instantaneous maximum flow rate, flow volume for time periods, and/or flow rate based on hydraulic conditions in the sewerage system.
- d. Limitations on flows other than environmental remediation wastewater flow introduced into the sewerage system.
- e. Requirements for cessation of discharge based upon a determination of imminent danger to the public or to the sewerage system, or significant chronic or acute noncompliance with the terms or conditions of this Ordinance or any SDA issued pursuant hereto.
- f. Limitations or prohibitions on the concentration or mass of specific or categorical chemical elements or compounds in the environmental remediation wastewater discharge.

- g. Self-monitoring and reporting requirements.
- h. Sampling and analytical protocols and frequencies.
- i. Installation, operation and periodic testing of alarm and/or shutdown systems.
- j. Installation of a secure discharge control valve, pump electrical supply disconnect switch or similar device for exclusive use by the District to halt the discharge when such discharge has been determined by the District to constitute a threat to the public, the District's facilities or the environment or when the person's SDA has been revoked or suspended pursuant to Article VIII.
- k. Requirements for operation and maintenance manuals, procedures, checklists, schedules, spare parts inventory and other best management practices.

Section 10. Prequalified Pretreatment Systems

The Director is authorized to prequalify pretreatment systems for designations in SDARs where specific pretreatment systems have been proven, based on actual operating data, to meet the discharge limits prescribed in Appendix A for specified characteristic untreated ERWs.

ARTICLE V

Monitoring Methods and Facilities

Section 1. Compliance Determination

In order to determine whether or not the environmental remediation wastewater discharged by any person into any sewerage system conforms to the criteria of the District, the District may use any accepted engineering or scientific practice, method or device which will lead to such a determination. When practicable, all measurements, tests and analyses shall be conducted in accordance with USEPA approved methods or, in the absence thereof, the latest edition of Standard Methods.

Section 2. Control Manhole/ Sampling Chamber – Installation Requirements

Each person subject to the terms of this Ordinance shall install and maintain, at its own expense, a control manhole or sampling chamber for each separate discharge which shall have ample room in each control manhole or sampling chamber to allow the District to perform inspection.

tions, sampling, and flow measurement operations. All flows shall, at all times, pass through a control manhole installed in conformance with this Ordinance and no 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 constructed outside of any building or other structure of the person, shall be accessible to representatives of the District without restriction of any kind, and shall be constructed and accepted by the District prior to commencement of discharge under the SDA.

Section 3. Right of Access

Representatives of the District may, during reasonable hours of all working shifts of the person, enter upon the premises of each person to whom an SDA has been issued under this Ordinance for the purpose 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 spill prevention and control plans of such person to determine compliance with the terms and conditions of the SDA.

Section 4. Control Manhole/Sampling Chamber – Access Requirements

Each control manhole or sampling chamber installed and maintained pursuant to the issuance of an SDA shall be safely and directly accessible to representatives of the District at all times, without restriction of any kind.

Access to each control manhole or sampling chamber shall not be obstructed by temporary or permanent construction, manufacturing operations or activities, landscaping, parked vehicles, or any other activities of the person.

Section 5. Flow Metering

Each person subject to this Ordinance shall install and maintain, at his or her own expense, flow metering instrumentation that measures the discharge of all environmental remediation wastewaters entering the sewerage system under the District's jurisdiction. Flow metering shall conform with one of the following methodologies:

a. Primary Measurement Device

1. A nonresettable totalizer is required for each flow-measurement device installed. All nonresettable totalizers must be equipped with recorder charts. Totalizers must be read a minimum of once per week and a log of such readings, with the appropriate conversion factors, and recorder charts must be maintained at the ERW site for the term of the SDA and shall be made available to the District upon request.
2. Flow-measurement devices (e.g., bubbler type, float type or sonic type) must be calibrated monthly. The accuracy of the device must be certified by a factory-authorized representative with documentation of this certification submitted to the District within the first 30 days after the issuance of an SDA and/or renewal thereof.

b. In – Line Water Meters

1. Water meters must have nonresettable totalizers.
2. Water meters must be calibrated and details of the calibration procedure, including meter readings prior to calibration, must be submitted within the first 30 days after the issuance of an SDA and/or renewal thereof.
3. Meters must be read at least weekly and a log of such readings, including the proper units of measure, must be maintained at the ERW site and made available to the District upon request.
4. Meters must be sealed by the District. The District must be notified at least one week before the start-up date of the proposed meter for the purpose of installing District seals. When a seal is to be removed for calibration or repair, the District must be notified immediately by calling the Monitoring and Research Department, Industrial Waste Division at (312) 751-3044. Upon notification, District personnel shall install a new seal within two business days. Said notification shall be confirmed in writing and received by the Director within five business days.

ARTICLE VI

Reporting Requirements

Section 1. Volatile/Hazardous Materials

All persons to whom an SDA has been issued and who, at any time, use, consume, produce or store on their business premises, any volatile/hazardous materials as defined herein, shall certify monthly, in writing, to the District, the type and estimated quantities of these materials on forms supplied by the District. The monthly certified report is to be signed by an authorized representative of the person.

Volatile/hazardous materials are identified as wastes under the Resource Conservation and Recovery Act, and defined by the USEPA in 40 CFR 261 or those pollutants under the Clean Water Act identified as priority pollutants and defined by the USEPA in 40 CFR 403 Appendix B.

Section 2. Reporting of Production Residue or Sludge

Each person to whom an SDA has been issued shall report to the District monthly, on forms supplied by the District, each production residue or sludge generated from each and every process, and environmental remediation wastewater treatment device operated or located upon the property for which the SDA has been issued. Such report shall include the type and quantity of each production residue or sludge, the method of reuse, recycling, reclamation or disposal, and the name and address of the person to whom said production residue or sludge was delivered for transport, reclamation, and/or disposal.

If a production residue or sludge is classified as a Hazardous Waste under the Uniform Hazardous Waste Manifest System, pursuant to regulations promulgated by the USEPA under the Resource Conservation and Recovery Act of 1976, and such production residue or sludge is transported from the place of generation with a completed Uniform Hazardous Waste Manifest form as required by those regulations or by the state of Illinois, the identification number of the Uniform Hazardous Waste Manifest form accompanying the production residue or sludge shall be included in the monthly report submitted to the District, as required herein.

Section 3. Self-Monitoring Requirements

Each person to whom an SDA has been issued shall sample the environmental remediation wastewater effluent discharge monthly for all priority pollutants and report the results to the District (on forms supplied by the District), along with

effluent flow data, within 20 days after the end of each month.

Upon completion of the initial three months of self-monitoring, said person may, in accordance with Article IV, Section 7 of the Ordinance, request a modification of these self-monitoring requirements to the extent that future self-monitoring reports be limited to those priority pollutants that were detected, at any time, during the first three months.

Section 4. Spill Containment and Notification Requirements Regarding Spills, Malfunctions, Bypasses, and Slug Loadings

Each person to whom an SDA has been issued shall provide protection from accidental discharge to the sewerage system of all flows and chemical constituents therein which are not limited by the SDA. Facilities to prevent such discharge shall be provided and maintained at the person's own cost and expense. Additionally, each such person shall prepare and submit to the District detailed plans showing facilities and operating procedures to provide this protection.

Plans shall contain all elements required under 40 CFR 403.8(f)(2)(v), and shall be approved by the District prior to construction of the facilities. Modifications to the facilities and procedures without the prior approval of the District are grounds for revocation of the SDA. In the event of a planned shutdown or bypass of pretreatment facilities, the person 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. In the event of a malfunction or an accidental or deliberate discharge resulting in a violation of the limitations in the SDA, or in the event of a slug discharge, the person shall immediately telephone the District's Monitoring and Research Department, Industrial Waste Division, (312) 751-3044 during normal business hours, or the Systems Dispatcher (312) 787-3575 at all other times. Said notification shall be confirmed in writing, and received by the District within five calendar days explaining the incident and outlining corrective measures to prevent a recurrence.

Section 5. Reporting on Discharges of Hazardous Wastes to the Sewerage System

Each person to whom an SDA has been issued 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 USEPA and the IEPA pursuant to 40 CFR 403.12(p).

Section 6. Maintenance of Records

Each person to whom an SDA has been issued shall maintain copies of reports and records 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. All records pertaining to an incident of noncompliance with the SDA and the person's actions taken to return to compliance shall be retained for a minimum of three years following the return to compliance.

ARTICLE VII

Fees

Section 1. Applicability and Method of Payment

Persons subject to the provisions of this Ordinance for the discharge of environmental remediation wastewater into the sanitary sewerage system under the jurisdiction of the District are subject to fees and charges as provided herein. The fees shall be paid by certified check prior to the issuance or renewal of an SDA or review of an SDAR. Prepaid fees shall be returned to the person in the event of denial of the SDAR. The charges incurred during the term of an SDA shall be paid by check and by the due date required. Nonpayment thereof shall be cause for the District to deny a renewal of the SDA, issuance of a new SDA to the same person or for suspension of an SDA.

Section 2. SDAR Application Fee

A nonrefundable administrative fee of \$1,000 for the review and processing of the SDAR form is payable at the time of SDAR submittal. An additional fee of \$250 will be charged for each subsequent review of an SDAR form.

Section 3. SDA Renewal Fee

There shall be no fee for renewal of an SDA which is in compliance with the terms and conditions of the SDA and of this Ordinance.

Section 4. Discharge Fee

The person in possession of a valid SDA shall pay to the District a fee for discharge of environ-

mental remediation wastewater at the rate of \$0.08 per gallon for the first 1,000,000 gallons discharged annually. Thereafter, the rate is reduced to \$0.03 per gallon for each additional gallon discharged annually. Payments shall be made monthly by the tenth day of the month following the month for which payment is made. The payment shall be accompanied by a statement certified by the person or their designated agent as to the quantity of discharge in gallons.

Section 5. Reinstatement Fee

In the event the District has revoked or suspended an SDA pursuant to Article VIII of this Ordinance, the fee for reinstatement of such SDA shall be \$1,000, payable in advance of reinstatement of the SDA by the District.

Section 6. Revision of Fees

Fees and charges herein provided are subject to annual revision by amendment of this Ordinance.

ARTICLE VIII

Enforcement

Section 1. Revocation of SDA

An SDA may be revoked by the Director for violation of any provision of the SDA, except for nonpayment of discharge fees, but only after written notice has been given to the person holding the SDA indicating the nature of the violation. Upon receipt of such notice, the person shall cease and desist from any further discharges under the SDA within five calendar days, and the SDA shall be null and void unless the person requests a review as provided in this Article, Section 2.

Section 2. Revocation Appeal

Any person whose SDA has been revoked may request a reconsideration of the Director's decision. Such request must be made in writing, to the Director, and must clearly state the reason(s) why such person believes that the revocation of the SDA should be reversed. Any request for reconsideration must be submitted to the Director within ten calendar days of receipt of the notification that the SDA has been revoked. The Director will render his determination, in writing, within 30 calendar days of receipt of the request for reconsideration. If the Director's decision supports the original notice, then the person shall cease the discharge within 48 hours of receipt of the Director's decision, and the SDA shall be null and void.

Any person who disagrees with a determination made by the Director, pursuant to this Section, may request a review of the Director's determination. Such request must be made in writing to the Executive Director and must be received by the District within 30 days of the person's receipt of the Director's determination. The request for review must clearly state the reason(s) why such person believes that the Director's determination should be reviewed. The Executive Director shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VIII, Section 3 of this Ordinance. The final administrative decision on each review will be made by the Board of Commissioners after it receives a report with recommendation from the Review Hearing Officer.

Section 3. Proceedings for Board Review

The Board shall establish procedures for review hearings 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 as shown by the record produced at the hearing.
- b. The Board shall establish a panel of independent hearing officers to conduct all hearings under this Section. The hearing officers shall be attorneys licensed to practice law in the State of Illinois.
- c. 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.
- d. 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 shall issue findings of fact, conclusions of law and an order based solely on the record.
- e. The findings of fact, conclusions of law and order shall be transmitted to the Board, along with a complete record of the hearing.

- f. The Board shall either approve or disapprove the findings of fact, conclusions of law and order. If the finding of fact, conclusions of law, or order are rejected, the Board shall remand the matter to the hearing officer for further proceedings. If the order is accepted by the Board, it shall constitute the final order of the Board.
- g. 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.

Section 4. Suspension of SDA

An SDA may be suspended for nonpayment of the discharge fee as provided for in Article VII, Section 4, when the period of nonpayment exceeds ten calendar days following the due date for receipt of payment. Suspension shall be effected by written notification by the Director to the person and their agent, where applicable, identifying the reasons for suspension and ordering the person and their agent to cease the discharge of environmental remediation wastewater under the SDA. If the person or their agent does not effect the cessation of discharge or remedy the nonpayment by the fifth day following notification by the Director, then the Director or his designee shall effect the cessation of discharge by operation of the device provided for in Article IV, Section 9(j). The suspension shall remain in effect until the Director determines that payment of all discharge fees has been made in full and the reinstatement fee has been paid in full. The Director's actions to suspend the SDA and to cause cessation of the discharge for nonpayment is not appealable.

Section 5. Emergency Cessation of 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 WRP under the jurisdiction of the District, upon the written direction of the Executive Director, the Director or his designee shall effect the cessation of discharge by operation of the device provided for in Article IV, Section 9(j). Resumption of discharge may not occur until such time as the Executive Director has determined that the imminent danger or interference no longer exists and the reinstatement fee has been paid. The

action by the Executive Director provided in this Section is not appealable.

ARTICLE IX

**Termination of SDA Pursuant to
Clean Air Act Implementation**

Pursuant to Section 112(e)(5) of the Clean Air Act, emission standards for HAPs, applicable to publicly owned treatment works, including the District's WRPs, shall be promulgated by the Administrator of the USEPA not later than November 1995. Pursuant to Section 112(d)(10) of the Clean Air Act, such emission standards for HAPs shall become effective immediately upon promulgation.

Immediately upon promulgation of emission standards for HAPs or other requirements under the Clean Air Act which are applicable to the District's WRPs, each and every SDA issued under this Ordinance, authorizing discharge into the sewerage system of the District any HAP subject to said emission standards or other requirements, shall be null and void, unless the Director shall have determined that continued discharge of each and every HAP authorized under such SDA shall not cause or contribute to a violation of said emission standards or other requirements, nor cause or contribute to an adverse impact upon the status of the District's WRPs with regard to said emission standards or other requirements.

Each person whose SDA is rendered null and void pursuant to this Article shall be notified of such rendering by the District, in writing, and such person shall cease and desist discharge of ERW into the sewerage system of the District within five calendar days of receipt of said notification.

Persons whose SDAs are rendered null and void pursuant to this Article may seek a review of the District's action under the provisions of Article VIII of this Ordinance.

**APPENDIX A
to the
ENVIRONMENTAL REMEDIATION WASTEWATER ORDINANCE**

Section 1. Pollutant Concentration Limits

The following are the maximum concentrations acceptable for discharge of ERW into sewerage systems under the jurisdiction of the District at any time:

Waste or Chemical	Concentration (mg/L)
Cadmium.	0.11
Chromium (total)	2.77
Copper.	2.07
Cyanide (total)	1.20
Fats, Oils and Greases (FOG)(total) . . .	250.0
Iron.	250.0
Lead.	0.5
Mercury.	0.0005
Nickel.	3.98
Zinc.	2.61
Dichloromethane.	0.294
Chloroform.	0.309
1,1,1-Trichloroethane.	0.193
Trichloroethylene.	0.242
Benzene.	0.278
Tetrachloroethene.	0.225
Toluene.	0.247
Ethylbenzene.	0.329
Volatile Organic Compounds (total)* . .	0.567
Total Toxic Organics**	2.13
pH Range—Not lower than 5.0 or greater than 10.0	

Temperatures of liquids or vapors at point of entrance to the sewerage system shall not exceed 150°F.

*Total Volatile Organic Compounds shall be the arithmetic sum of the concentrations of:

- dichloromethane
- chloroform
- 1,1,1-trichloroethane
- trichloroethylene
- benzene
- tetrachloroethene
- toluene
- ethylbenzene
- acrolein
- acrylonitrile
- 1,3-butadiene
- carbon tetrachloride
- chlorobenzene
- dichloroethane
- dichlorobenzene
- 1-ethyl 2-methylbenzene

naphthalene
styrene
1,3,5-trimethylbenzene
vinyl chloride
xylenes
1,4-dioxane
ethylene dibromide
methyl ethyl ketone

** Total Toxic Organics shall be the arithmetic sum of the concentrations of those pollutants found under Title 40 Part 413.02(i) of the Code of Federal Regulations.

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 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 wastestream having a closed cup flash-point 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 the Atomic Energy Commission Act of 1954 (68 Stat. 919 as amended and part 20, Sub-Part D-Waste Disposal, Section 20.303 of the Regulations issued by the Atomic Energy Commission, or amendments thereto).
- f. Solid or viscous wastes which cause obstruction to the flow in sewers or other in-

terference 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.

- 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. Pollutants which will cause corrosive structural damage.
- j. Pollutants including, but not limited to, petroleum oil, non-biodegradable cutting oil, and products of mineral origin, which cause interference or pass-through.
- k. Hauled or trucked wastes, except at discharge points designated by and under valid written authorization of the District.

This Ordinance shall become effective immediately upon the passage thereof.

Dated: This eighteenth day of February, 2010.

Approved:

TERRENCE J. O'BRIEN
President
Board of Commissioners of
Metropolitan Water
Reclamation District
of Greater Chicago

Approved as to Form and Legality:

ALAN J. COOK
Deputy General Counsel

FREDERICK M. FELDMAN
General Counsel