Metropolitan Water Reclamation District of Greater Chicago

User Charge Ordinance

As Amended

November 18, 2021

(Amendments effective January 1, 2022)

METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
100 EAST ERIE STREET
CHICAGO, ILLINOIS 60611
(312) 751-5600

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AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE RECOVERY OF EACH USER'S PROPORTIONAL SHARE OF THE OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS INCURRED BY THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO FOR THE TREATMENT AND DISPOSAL OF SEWAGE, INDUSTRIAL WASTE, AND OTHER WASTES GENERATED BY EACH USER, PURSUANT TO THE REQUIREMENTS OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 AND THE CLEAN WATER ACT OF 1977 (33 U.S.C. §§ 1251-1387) AND THE RULES AND REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PROMULGATED PURSUANT THERETO, FOR DISCHARGES OF SEWAGE, INDUSTRIAL WASTES, AND OTHER WASTES MADE TO SEWERS UNDER THE JURISDICTION OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, HEREINAFTER KNOWN AS THE "USER CHARGE ORDINANCE," ADOPTED BY THE BOARD OF COMMISSIONERS, METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, ON OCTOBER 4, 1979 AND AS AMENDED TO, AND INCLUDING, MARCH 19, 1992, OCTOBER 6, 1994, NOVEMBER 3, 1994, OCTOBER 19, 1995, NOVEMBER 7, 1996, NOVEMBER 6, 1997, JULY 9 AND NOVEMBER 5, 1998, FEBRUARY 4, 1999, OCTOBER 7, 1999, FEBRUARY 17 AND DECEMBER 7, 2000, NOVEMBER 15, 2001, NOVEMBER 7, 2002, NOVEMBER 6, 2003, NOVEMBER 4, 2004, NOVEMBER 3, 2005, OCTOBER 19, 2006, NOVEMBER 1, 2007, NOVEMBER 6, 2008, NOVEMBER 5, 2009, NOVEMBER 4, 2010, DECEMBER 15, 2011, DECEMBER 20, 2012, DECEMBER 5, 2013, SEPTEMBER 18, 2014, SEPTEMBER 17, 2015, SEPTEMBER 15, 2016, SEPTEMBER 14, 2017, SEPTEMBER 6, 2018, NOVEMBER 7, 2019, NOVEMBER 19, 2020, AND NOVEMBER 18, 2021.

Section 1. Authority and General Purpose

This Ordinance is promulgated pursuant to the statutory authority contained in 70 ILCS 2605/1, et seq., as amended.

The purpose of this Ordinance is to establish an orderly and fair system whereby the operations, maintenance, and replacement costs incurred by the Metropolitan Water Reclamation District of Greater Chicago in treating and disposing of the sewage, industrial wastes, and other wastes generated by each User is charged to that User for his or her use of the sewage collection and treatment facilities of the Metropolitan Water Reclamation District of Greater Chicago, as required by The Federal Water Pollution Control Act Amendments of 1972 and the Clean Water Act of 1977 (33 U.S.C. §§ 1251-1387) and the rules and regulations of the United States Environmental Protection Agency, promulgated pursuant thereto.

Section 2. Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context specifically indicates otherwise:

"Agent"
A representative of the User who is a third-party individual or company retained to perform environmental services for the User. Such an Agent is not an Authorized Representative as defined herein, unless said Agent has express written authority to bind the User.

"Authorized Representative"
The User's owner, corporate officer, designated employee, or legal counsel with full binding authority of the User, by virtue of their position, or an individual with express written authority to bind the User.

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

"Biochemical Oxygen Demand (BOD)"
The quantity of dissolved oxygen required for biochemical oxidation of decomposable matter under aerobic conditions in a period of five days at a temperature of $20^{o}C$.

"Contaminated Stormwater"
Discharges to the District's sanitary sewers from detention basins or containment facilities, which are designed to collect stormwater contaminated by chemicals from tank farms, or used in the process of deicing airport equipment, or as otherwise permitted or allowed by legal agreement between the User or an Authorized Representative as defined herein, and the District. For purposes of this Ordinance, such wastes are considered industrial wastes as defined herein.

"Director"
The Director of the Monitoring and Research Department of the Metropolitan Water Reclamation District of Greater Chicago.

"District"
The Metropolitan Water Reclamation District of Greater Chicago, a unit of local government, organized and existing under, and by virtue of, the laws of the State of Illinois.

"Domestic Wastes"
Water-carried human wastes from sanitary conveniences such as toilets, wash bowls, bathtubs, and residential laundry facilities.

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

"Facility"
Land, buildings, structures and improvements other than buildings, and permanent fixed equipment attached to or incorporated in any such buildings, that are used as part of a single business establishment and located within a single block. Noncontiguous lands, including lands separated from one another by any public right-of-way, are not considered the same Facility unless physically and permanently connected to one another by central utilities.

"Gross User Charge"
The sum of the Total Wastewater Loading Charge as defined in this Ordinance plus the administrative costs recovered through charges applicable to the User as provided in Appendix E of this Ordinance.

"Industrial Wastes"
Any solid, liquid, or gaseous wastes, including cooling water resulting from any industrial, commercial, or manufacturing process, or from the development, recovery, or processing of natural resources.

"Large Commercial-Industrial User"
Any nongovernmental User engaged in commercial or industrial activities which:
(1) discharges any wastes exceeding any of the following: a flow of 25,000 gallons per day; a BOD loading of 25 pounds per day; or a suspended solids loading of 35 pounds per day, or
(2) is designated as a Significant Industrial User.

"Local Government User"
Publicly owned facilities used to perform local governmental functions which discharge solely domestic waste. Such functions are limited to administration or legislative activities of a local government, such as police and fire departments, public elementary and public high schools, and municipal office buildings. Publicly owned facilities charging an admission fee, or publicly owned facilities leased to non-public entities are not considered Local Government Users.

"Net User Charge"
The balance owed by a User remaining after deducting

the operations, maintenance and replacement portion of the ad valorem taxes paid by that User for the District from the Gross User Charge.

"Operations, Maintenance, and Replacement (OM&R) Costs"
Those funds dedicated by the District to discharge its duty for collection, treatment, and disposal of sewage, industrial wastes, and other wastes.

"Operations, Maintenance, and Replacement (OM&R) Factor"
The ratio of costs incurred by the District for operations, maintenance, and replacement directly related to the collection, treatment, and disposal of industrial wastes, process wastes, domestic wastes, and other wastes to the total tax levy of the District.

"Ordinance"
The User Charge Ordinance as promulgated by the Board of Commissioners of the District.

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

"Residential User"
The nongovernmental, non-tax-exempt owner of any single-family or multi-family residence.

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

"Significant Industrial User"
Any User which:
(1) is subject to categorical pretreatment standards, or
(2) discharges greater than 25,000 gallons per day of process wastewater to the sewerage system, excluding water-carried human wastes from sanitary conveniences such as toilets, wash bowls, bathtubs, showers and residential laundries, noncontact cooling water, boiler blowdown water, and uncontaminated storm water, or
(3) discharges process wastewater in excess of five percent or more of the average dry weather hydraulic or organic capacity of the receiving water reclamation facilities, or
(4) is designated by the District as having a reasonable potential for adversely affecting the operations of the water reclamation facilities or for violating any standard or requirement of the District's Sewage and Waste Control Ordinance.

"Small Nonresidential Commercial-Industrial User"
A nongovernmental User engaged in non-residential activities which discharges any waste not exceeding any of the following: a flow of 25,000 gallons per day, a BOD loading of 25 pounds per day, or a suspended solids loading of 35 pounds per day; and is not a Significant Industrial User.

"Suspended Solids (SS)"
Solids which either float on the surface of or are in suspension in the waste discharge and which are removable by laboratory filtering.

"Tax-Exempt User"
A User, excluding Local Government Users as defined herein, which:
(1) Pays no ad valorem taxes, or
(2) Pays ad valorem taxes on some but not all Facility parcels that do not offset the User's Gross User Charges in its entirety.

"Total Wastewater Loading Charge"
The sum of charges for flow, BOD and SS. These charges are calculated by multiplying the quantities of wastes by the billing rates specified in Appendix F to this Ordinance.

"Unlawful Discharge"
Any discharge of sewage, industrial wastes, or other wastes by any User into the sewers or sewage works of the District, or any sewer connected thereto, wherein such User has not paid to the District its User Charge as provided herein.

"USEPA Approved Methods"
The analytical methods listed in 40 CFR Part 136, effective on the date approved in the Federal Register.

"User"
Any person, firm, corporation, partnership, trust, or any other entity which utilizes the services of the District for sewage collection, treatment, and disposal. In instances where certification of submittals, a notification, or a request is required of the User, the term "User" includes the User's "Authorized Representative" as defined herein.

"User Charge"
The operations, maintenance, and replacement costs incurred by the District to collect, treat, and dispose of the domestic wastes, process wastes, industrial wastes, and other wastes of the User. The User Charge includes the administrative costs for the District's Sewage and Waste Control Ordinance and User Charge Ordinance. The User Charge of any User shall be directly proportional to its use of the District's sewage treatment, collection and disposal services when compared to the total operations, maintenance, and replacement costs incurred by the District in providing the same services to all Users in the District's jurisdiction. A User Charge is a fee, not a tax; therefore, Tax-Exempt Users are not exempt from paying User Charges.

Section 3.

This Section deleted effective January 1, 2013.

Section 4. User Class Determination and Reporting

a. Class Determination

Each User, except a Residential User, shall make an evaluation of its waste discharge in accordance with the requirements of this Ordinance and determine its User classification status on forms supplied by the District. Such User classification determination shall be based on the User's current operation and use of the sewage collection and treatment facilities of the District. Such determination shall be subject to verification by the District.

b. Change in Classification

A User which requires or requests a change in its classification must submit its classification determination forms within 45 calendar days of said change in User classification status.

c. Small Nonresidential Commercial-Industrial Users

A Small Nonresidential Commercial-Industrial User, after the District has verified its User classification status, shall not file any further reports with the District except as specified in Section 4b.

d. Residential Users

Residential Users who pay real estate taxes shall under no circumstances file any reports with the District.

e. Local Government Users

Local Government Users as defined herein are not subject to the payment of User Charges.

f. Tax-Exempt Users

Each Tax-Exempt User shall submit a User Charge Annual Certified Statement, designated as an RD-925 Statement, to the District, as provided herein, on forms supplied by the District, certifying the quantities and concentrations of its sewage, industrial wastes, and other wastes discharged into the sewers and sewage works of the District or into any sewer connected therewith. The quantity of flow and the concentrations reported on the RD-925 Statement shall be for a reporting period of operation during a calendar year and such reports shall be certified by the User and filed with the District on or before February 20 of the following year.

Copies of pertinent corroborative documents, including laboratory reports, water bills, meter readings from municipal and privately owned water meters, direct discharge meter readings, calibration documentation, real estate tax bills, water loss determinations, and other documentation requested by the District in writing shall be submitted with the RD-925 Statement. A separate RD-925 Statement must be filed for each Facility, business establishment, or industrial plant. The total quantities and concentrations of sewage, industrial wastes, and other wastes to be measured and certified by the User shall be:

(1) Liquid in gallons (gal)
(2) 5-day BOD in milligrams per liter (mg/L) and in pounds
(3) SS in milligrams per liter (mg/L) and in pounds

g. Large Commercial-Industrial Users

Each Large Commercial-Industrial User shall submit an RD-925 Statement to the District, as provided herein, on forms supplied by the District, certifying the quantities and concentrations of its sewage, industrial wastes, and other wastes discharged into the sewers and sewage works of the District or into any sewer connected therewith. The quantity of flow and the concentrations reported on the RD-925 Statements shall be for a reporting period of operation during a calendar year, and such reports shall be certified by the User and filed with the District on or before February 20 of the following year. Copies of pertinent corroborative documents, including laboratory reports, water bills, meter readings from municipal and privately owned water meters, direct discharge meter readings, calibration documentation, real estate tax bills, water loss determinations, and other documentation requested by the District in writing, shall be submitted with the RD-925 Statement. A separate RD-925 Statement must be filed for each Facility, business establishment, or industrial plant. The total quantities and concentrations of sewage, industrial wastes, and other wastes to be measured and certified by the User, shall be:

(1) Liquid in gallons (gal)
(2) 5-day BOD in milligrams per liter (mg/L) and in pounds
(3) SS in milligrams per liter (mg/L) and in pounds

h. District Verification of User Reports

The District shall have the right to inspect or otherwise verify any statement of quantities or other information filed by the User. If the District determines that said statement of quantities or other information does not accurately reflect actual conditions, the District shall adjust the quantities and information according to the District's determinations.

To the extent that this adjustment is reflected in the User Charge bill, the User shall have the right to appeal as set forth in Section 9.

i. User Self-Monitoring Reporting Requirements

A User shall notify the District, in writing, no less than 14 calendar 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 User's sampling techniques, sample preservation, flow measurements, and other sampling protocols. The 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, IL 60610; facsimile transmission sent to 312-894-2150; or as a PDF sent via electronic mail to mwrd-ucts@mwrd.org.

The User shall provide the District with split samples of the User-collected samples, provided sufficient volume is available and the District furnishes the sample containers.

A User shall report the results of laboratory analyses and other pertinent information to the District on a current User Charge Certified Sampling Analysis Reporting Statement (RD-920 Report) provided by the District within 45 calendar days of completion of the User's sampling program.

The Director may extend this 45-day period for the submittal of the RD-920 Report upon request of the User and a showing of just cause for the extension. If the User fails to notify the District prior to the sampling or fails to submit the RD-920 Report within the 45-day period or as extended by the Director, the use of the User's data for purposes of User Charge calculation may not be allowed.

RD-920 Report submittals shall be considered "not received" if deficient or incomplete, including for any of the following reasons:

(1) The RD-920 Report has not been signed and dated by the User.

(2) The User has failed to enclose all supporting documents necessary to aid in the District's review of the self-monitoring data, including field sample collection logs/notes, chain of custody reports, certified laboratory reports, daily incoming meter readings, daily direct discharge meter readings, and other documentation requested by the District in writing.

j. All Data Reported and Used in User Charge Determination

A User shall report to the District the results of all measurements of flow and analyses of samples collected pursuant to the requirements of this Ordinance for the period/year being reported regardless of whether or not the data so obtained is in addition to the minimum reporting requirements of this Ordinance. A User shall include all flow measurement and sampling results thus obtained in determining its Gross and Net User Charges. If a User considers any self-monitoring data inappropriate for inclusion in calculating its User Charges, the User must submit such data with its RD-920 Report, together with a written report detailing the basis for the User's assessment that such data were not representative for purposes of inclusion when calculating its User Charges. The District will review all data and the User's detailed report to determine whether reported data are representative.

k. Penalty for Filing Deficient or Incomplete Reports

A User may be subject to a penalty of $1,000.00, as provided under Section 8d of this Ordinance, for filing a deficient or incomplete RD-925 Statement.

A filing shall be deemed deficient or incomplete for any of the following reasons:

(1) The RD-925 Statement has not been signed by the User.

(2) The User has failed to remit, with the RD-925 Statement, all monies owed to the District and reported on the RD-925 Statement.

(3) The User has failed to enclose all underlying documents necessary for the District to verify any representation in the filing, including laboratory reports, water bills, meter readings from municipal and privately owned water meters, direct discharge meter readings, calibration documentation, real estate tax bills, water-to-product determinations, and other documentation requested by the District in writing.

The filing penalty provided under this Section shall be assessed separately from any other penalties assessed against the User under the provisions of this Ordinance. If the User disputes the penalty, the User must notify the Director, in writing, of such dispute within 30 calendar days of receipt of the penalty invoice, together with the reasons why the User disputes the penalty. All disputes regarding filing penalties will be handled in accordance with Section 9(a)(2) through 9(f) of this Ordinance.

When a User, an Authorized Representative of the User, or its Agent knowingly submits false information in any report required under this Ordinance, the District may refer such activity to the Office of the State's Attorney or the United States Attorney for investigation and civil and criminal enforcement action. Any such referral will be made in addition to any appropriate action that the District may take pursuant to this Ordinance, and such referral shall not affect the District's right to pursue relief under this Ordinance.

l. Revised, Resubmitted or Subsequently Refiled RD-925 Statements

Revised, resubmitted or subsequently refiled RD-925 Statements received after the February 20 deadline will supersede the initial submittal and may be considered late submittals, subject to penalty and interest under Sections 8a and 8d, based upon the most recent mail postdate.

Users who wish to revise a timely filed and complete RD-925 Statement after the February 20 due date, due to the User's error or omission in calculating the Net User Charge, may be required to do so under the appeal provisions found in Section 9.

Section 5. Measurement of Wastes

a. USEPA Approved Methods

The District will use USEPA Approved Methods when conducting measurements, tests, sampling and analyses provided hereunder. In the absence of a USEPA Approved Method, the District may use any accepted engineering or scientific practice, method or device which will lead to such a determination.

b. Sampling Chamber

In order to provide for accurate sampling and measurement of wastes discharged by the User, each Large Commercial-Industrial User and Tax-Exempt User shall provide, on each of its final outlet sewers, a large control manhole or sampling chamber. The

sampling chamber should be located outside or near its plant boundary line where feasible.

The sampling chamber shall be safely and directly accessible to the District at all times. 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 User.

District equipment placed in a sampling chamber for the purpose of determining the quantity and/or strength of the User's sewer discharge, or verification of a User's reports with respect thereto, shall not be moved, tampered with, adjusted, relocated, removed, or otherwise damaged by the User.

c. Right of Access

Representatives of the District may, during reasonable hours of all working shifts of the User, enter upon the premises of each User subject to this Ordinance for the purpose of installing, maintaining and inspecting measurement or sampling devices or equipment; for conducting necessary measuring, gauging and sampling operations; for inspecting or examining facilities, premises, installations and processes; and for inspection and copying of records.

Users shall, when required by the District, pump out vaults where water meters are located to provide safe access to District personnel for the purpose of meter reading and meter verification.

d. Liquid Quantity Measurements

Each sampling chamber wherein flow-proportional sampling is or must be performed pursuant to the requirements of Appendices B, C, and D of this Ordinance shall contain an accurate flow measuring device acceptable to the District.

Users shall repair or replace a primary or secondary flow measuring device, to the satisfaction of the District, if said flow measuring device is damaged, unsound or otherwise unsuitable for accurately measuring the existing flow conditions as determined by the District. Users shall, when required by the District, install remote reading devices on flow measuring devices (flow meter, water meter, magnetic meter) so that a User's meter(s) can be verified by District personnel without entering an unsafe or confined space.

e. Sampling

Minimum requirements for determining representative concentrations of BOD and SS shall include evaluation at least once during each calendar year period. The determination of representative concentrations shall be based on composite samples that are representative of the sewage, industrial wastes, or other wastes discharged by a User during normal daily operations. A User which reevaluates its discharge once during the calendar year shall apply the resulting representative concentrations to the entire year.

Reevaluations of discharges by a User when made more than once per calendar year shall be reported and employed in a manner which most reasonably characterizes the User's discharge. The requirements for representative sampling are further defined in Appendix B, Section I.

Users who conduct more frequent (more than 14 consecutive days of sampling) or continuous self-monitoring must submit the RD-920 Report within 45 calendar days of the last day of the month during which the samples were obtained.

Section 6. Billing Rates for Computing the User Charge

The billing rates, the administrative costs recovered through charges, and the OM&R Factor to be used in computing the User Charge are subject to revision. Revisions may be made, not more than once a year, on recommendation of the Executive Director and approval by the Board of Commissioners.

For the purpose of computing the User Charge to be paid to the District by Large Commercial-Industrial Users and Tax-Exempt Users, the billing rates and OM&R Factor found under Appendix F shall be used for reporting the Net User Charge.

Section 7. Calculating, Paying and Billing of User Charges

a. Calculating the Gross and Net User Charge

The Gross User Charge of each Large Commercial-Industrial User and Tax-Exempt User shall be the sum of the Total Wastewater Loading Charge as defined in Section 2 plus the administrative costs recovered through charges applicable to the User as provided in Appendix E. Where applicable, the amount of real estate taxes paid by the User to the District for the particular Facility of the User, as evidenced by the most recently fully paid Cook County real estate tax bill, shall be multiplied by the OM&R Factor and the resulting amount will be deducted from the User Charge.

Irrespective of the identity of the person paying the property taxes, where the User is not the owner of record of the real estate parcel(s) upon which the User is located, the User must provide a certification executed by the owner of the parcel, identifying the portion of real estate taxes paid for the parcel to be assigned to the User for User Charge ad valorem tax credit. The assigned real estate taxes must be attributable to the portion of the parcel utilized by the User. The remainder is the Net User Charge which shall be paid by the User to the District simultaneously with the submittal of the RD-925 Statement.

b. Quarterly Payments

The District will send to Users, whose estimated annual Net User Charge exceeds $12,000.00 for the year, quarterly payment notification. These payments are due and payable 45 days after the date on the invoice. Following the end of the year, such User shall reconcile its actual payments with the calculated Net User Charge as provided in Section 7a when submitting its RD-925 Statement. Additional amounts owed to the District

shall be remitted with the RD-925 Statement.

The quarterly payments shall be automatically updated by the District after processing the most recently submitted RD-925 Statement. A User may request revision of its quarterly payments during the year and, if approved, the quarterly payments may be updated by the District based on the most recent data. It is the obligation of the User to pay the quarterly payments unless notified by the District to do otherwise.

c. Billing

The District shall bill any User who is in any manner delinquent in the performance of its obligations under this Ordinance. The billing frequency shall not be more than once per month nor less than once per year. All such bills shall be due and payable 45 days after the date on the invoice. In the absence of a timely filing, the District reserves the right to bill delinquent Users based on estimated quantities or best available data as determined by the District.

d. Interest

Interest at the rate of 0.75% per month or for any fraction thereof shall be added to any overdue payments as provided in 815 Illinois Compiled Statutes 205/4. Such interest shall accrue from the date any remittance was due until same is paid. Interest shall not be charged upon previously assessed and unpaid interest.

e. Verification of Remitted Amounts – Additional Bills

(1) The District shall verify any and all data and RD-925 Statements submitted to it by a User pursuant to this Ordinance, evaluate its own data, call for more data, or develop additional data as it deems necessary, and subsequently bill the User for any deficiency indicated as due thereafter. The transmittal of any bill to a User shall not stop the District from rebilling for any deficiency determined to exist due to any subsequent reevaluation of User or District data.

(2) The District reserves the right to bill Users subject to this Ordinance for past wastewater treatment services provided. Such billing will commence from the date the District identifies such Users by notification, inspection or certified mailing regarding requirements of this Ordinance.

(3) Requests to revise or otherwise modify an RD-925 Statement that has previously been certified as correct by the User and received by the District, may be subject to the provisions of Section 9a of this Ordinance.

f. Tax-Exempt Users' Reporting Option for Automatic Annual Billing

A Tax-Exempt User whose sewer discharges do not exceed:

(1) A flow of 25,000 gallons per day; and

(2) A BOD of 25 pounds per day; and

(3) A SS of 35 pounds per day

may petition the Director, in writing, to report and pay its User Charges annually on the basis of District-approved estimates for flow or annual consumption based on water bills or water meter readings, if available, BOD concentrations of 119 mg/L and SS concentrations of 168 mg/L.

Should the petition be granted under this option, the District will bill the User annually for the User Charge due. Once approved, a User may petition the Director, in writing, to request withdrawal from reporting under Section 7f, and will be subject to annual reporting on the RD-925 as required.

Should the Director deny this petition, the User shall have the right to appeal this denial to the Board of Commissioners as set forth in Section 9.

Alternatively, the Director may select and approve use of this option for Tax Exempt Users based upon either the User's data and/or District data for discharge quantities and/or concentrations. The Director will not invoke this option if the User objects thereto within 30 calendar days of notification.

g. Large Commercial-Industrial and Tax-Exempt Users' Reporting Option for the Use of Standard Domestic Waste Strength Concentrations

Notwithstanding sampling requirements specified in Section 5e, any Large Commercial-Industrial or Tax-Exempt User whose sewer discharges do not exceed:

(1) A BOD concentration of 119 mg/L and
(2) An SS concentration of 168 mg/L,

may petition the Director, in writing, to report and pay its User Charges on the basis of documented intake water volumes or metered discharge volumes, BOD concentrations of 119 mg/L, and SS concentrations of 168 mg/L. Such petitions may be granted or denied upon such reasonable terms and conditions as may be determined by the Director. Requirements and conditions are outlined in Appendix D of the Ordinance.

Should the Director deny this request, the User shall have the right to appeal this denial to the Board of Commissioners as set forth in Section 9.

Alternatively, the Director may select and approve use of this option for Users based upon either the User's data and/or District data for discharge quantities and/or concentrations. The Director will not invoke this option if the User objects thereto within 30 calendar days of notification.

h. Large Commercial-Industrial and Tax-Exempt Users' Reporting Option for the District's Determination of Representative Concentrations

In lieu of the sampling requirements specified in Section 5e, any Large Commercial-Industrial or Tax-Exempt User whose sewer discharges exceed:

(1) A BOD concentration of 119 mg/L and/or
(2) An SS concentration of 168 mg/L

after approval by the District, may elect to forgo the annual sampling requirements by allowing the District to sample the Facility's discharge outlets and determine the User's representative concentrations. Such requests must be made in writing to the Director. These

requests may be granted or denied upon such reasonable terms and conditions as may be determined by the Director. Once approved, a User may petition the Director, in writing, to request withdrawal from reporting under Section 7h and conduct the required self-monitoring annually. Requirements and conditions are outlined in Appendix D of the Ordinance.

Should the Director deny this request, the User shall have the right to appeal this denial to the Board of Commissioners as set forth in Section 9.

Alternatively, the Director may select and approve use of this option for Users based upon either the User's data and/or District data for discharge quantities and/or concentrations. The Director will not invoke this option if the User objects thereto within 30 calendar days of notification.

i. Large Commercial-Industrial and Tax-Exempt Users' Reporting Option for the District's Determination of Historically Representative Concentrations

In lieu of the sampling requirements specified in Section 5e, any Large Commercial-Industrial or Tax-Exempt User whose sewer discharges have exhibited uniform concentrations of BOD and SS for three consecutive representative years, as verified by the District, may elect, upon approval of the Director, to forgo the annual sampling requirement by allowing the District to determine its representative concentrations based on historical data. Such requests must be made in writing to the Director. These requests may be granted or denied upon such reasonable terms and conditions as may be determined by the Director. Once approved, a User may petition the Director, in writing, to request withdrawal from reporting under Section 7i and conduct the required self-monitoring annually.

Should the Director deny this request, the User shall have the right to appeal this denial to the Board of Commissioners as set forth in Section 9.

Alternatively, the Director may select and approve use of this option for Users based upon either the User's data and/or District data for discharge quantities and/or concentrations. The Director will not invoke this option if the User objects thereto within 30 calendar days of notification.

j. Adequate Measurement Facilities Option

A User presently without adequate individual facilities (sampling chamber, metering of intake water or metering of discharge volumes, if required) for the measurement of wastes as required in Section 5, must request approval of reasonable estimates of concentrations of BOD and SS during the period of construction of such facilities, until such time as adequate facilities for measurement are installed. This reporting option will be granted for a period of no more than one year from the initial request provided that the following requirements are met:

(1) The User proposes estimated wastewater concentrations for each discharge to the District for approval prior to the reporting year;

(2) The Director approves the estimated concentrations for the requested reporting year and notifies the User in writing with a schedule for progress reports and a final date for implementation of the measurement facilities;

(3) The volume of flow used for reporting quantities is based on measured intake water consumed by the User, or a previously approved methodology for flow measurement;

(4) The estimated concentrations are used throughout the year;

(5) A date approved by the Director for the completion of the measurement and sampling facilities, as required in Section 5, is given;

(6) A sampling program, as described in Section 5, is instituted upon completion of the measurement and sampling facilities. The results of this sampling program are to be used to calculate the Gross and Net User Charge liability during the period covered by the approval;

(7) The User pays the District the additional User Charge within 90 calendar days of the measurement and sampling facilities completion date, if the results of the sampling program (as mentioned in the foregoing subsection 6) indicate that the User Charge liability of the company is greater than the amount estimated during the election filing period. If the results of the sampling program indicate that the User's User Charge liability is less than the amount estimated during the election filing period, the District will credit the overcharge to the company's future User Charge liability; and

(8) The User pays interest to be assessed by the District as described in Section 7d of this Ordinance, if the User fails to pay the additional User Charge liability, as set forth in the foregoing subsection (7), within the 90 day period.

k. Residential, Local Government and Small Nonresidential Commercial-Industrial Users

Users in these classifications shall under no circumstances be billed by the District nor be liable to pay User Charges, nor be subject to the annual reporting requirements as described herein.

l. Large Commercial-Industrial and Tax-Exempt Users' Reporting Option for Automatic Annual Billing and Historical or Standard Concentrations

Any Large Commercial-Industrial or Tax-Exempt User that has been approved to report under Section 7g or Section 7i of this Ordinance may request to be automatically billed and pay its User Charge liability annually on the basis of District-approved estimates for flow or annual consumption, and the standard BOD and SS concentrations as defined in Section 7g or the User's approved historical BOD and SS concentrations as defined in Section 7i. The User must demonstrate a consistent historical annual discharge volume over the most recent five-year period, subject to verification by the District.

Such requests must be made in writing to the Director. These requests may be granted or denied upon such reasonable terms and conditions as may be determined by the Director. Once approved, a User may petition the Director, in writing, to request withdrawal from reporting under Section 7l and will be subject to annual reporting on the RD-925 as required.

Should the Director deny this request, the User shall have the right to appeal this denial to the Board of Commissioners as set forth in Section 9.

Alternatively, the Director may select and approve use of this option for Users based upon either the User's data and/or District data for discharge quantities and concentrations. The Director will not invoke this option if the User objects thereto within 30 calendar days of notification.

Section 8. Penalties

a. Failure to Submit Certified Statement

Should any User subject to the Ordinance fail to file its RD-925 Statement as required herein, the District will estimate the amount owed to the District and bill the User for such delinquent amount owed, together with interest and penalties as provided herein. Said bill shall be paid by the User within 45 calendar days after the date on the invoice.

The penalty for failing to file the RD-925 Statement by the due date shall be at a rate of two and one-half percent (2.5%) per month or for any fraction of a month thereof, of such unpaid amounts billed by the District. Such penalty shall accrue on the amounts owed from the date any remittance was due until paid, or the date of filing. In addition to such penalty, interest shall also be assessed as provided under Section 7d, except that no interest shall accrue on any unpaid penalty.

b. Failure to Perform or Report User Data

In the event a User fails to perform and/or report its annual evaluation for representative concentrations as required by Section 5e, the District may assess a penalty against the User of $2,000.00 per day for each sewage outfall that the District samples and performs chemical analyses on the effluents obtained therefrom in order to complete the annual RD-925 Statement, due to such failure to perform or report such data by a User. This penalty shall be in addition to all other penalties and administrative costs imposed by this Ordinance.

c. Failure to Timely Submit Classification Statement

In the event a User fails to file the User Charge Facility Classification Questionnaire, as required under Section 4a and 4b, within 45 calendar days after written demand through a certified mailing, the District may assess a penalty against the User of $200.00 per day for the time required by the District to complete the required filing for the delinquent User. This penalty is in addition to inspection and sampling charges found under Appendix E, which may be required to determine the User's classification.

d. Submittal of Deficient or Incomplete Statements Even If Timely Filed

In the event a User files a deficient or incomplete RD-925 Statement, as defined in Section 4(k) of this Ordinance, the District may assess a penalty against the User of $1,000.00, and such forms shall be considered "not submitted" for purposes of this Section, until the deficiencies have been resolved to the satisfaction of the District.

e. Penalty Conditions

The filing penalty provided under this Section 8 shall be assessed against the User separately from any other penalties assessed against the User under the provisions of this Ordinance. If the User disputes a penalty, the User must notify the Director, in writing, of such dispute within 30 calendar days of receipt of the penalty invoice, together with evidence or reasons why the User disputes the penalty. All disputes regarding filing penalties will be handled in accordance with Section 9a(2) through 9(f) of this Ordinance.

No interest shall accrue on the amount of any penalty imposed hereunder.

Penalties assessed against a User in an amount not to exceed $10,000 will be neither prorated nor abated except by order of the Executive Director upon the recommendation of the Director of Monitoring and Research, Director of Finance or General Counsel, for good cause shown. Penalties assessed against a User in an amount in excess of $10,000 will be neither prorated nor abated except by order of the Board of Commissioners, upon the recommendation of the Executive Director, for good cause shown.

A determination made by the Executive Director or Board of Commissioners relative to proration or abatement of penalties is final and is not subject to the administrative appeal process as set forth in Sections 9a and 9b.

Section 9. User Administrative Appeal Process

Any User subject to this Ordinance, or an Authorized Representative, shall have a right to appeal the amount billed, its User classification, or other matters related thereto as determined by the District. The two levels of the User Administrative Appeal Process include the Director of Monitoring and Research and the Board of Commissioners, which are outlined in this Section.

a. Appeals to the Director of Monitoring and Research

(1) Requesting an Appeal to the Director

(a) All appeals shall be by written request, specifying the reason(s) for the appeal, to the Director within 90 calendar days of the date of the User Charge bill, or notification by the District regarding the User classification, or any other related matter.

(b) In the event the request for an appeal is not made within 90 calendar days, as specified above, but is made within 120 calendar days of the User Charge related action, the District will waive the 90 calendar day requirement, provided the User first pays an amount, which when added to the amount already paid, makes the total payment made

equivalent to 50% of the Net User Charge calculated by the District as a deposit toward the Director's eventual determination of the amount owed. Should the appeal process conclude with an amount less than the deposit paid by the User, the difference shall be refunded to the User, provided there are no outstanding User Charges due the District.

(c) No request for an appeal will be accepted if it is made beyond 120 calendar days of the issuance of a User Charge-related action as described in Section 9.

(2) Director Appeal Meeting and Determination

(a) The Director or his appointed designee will respond in writing to a request for an appeal within 45 calendar days of the receipt of a request from the User and shall schedule an appeal meeting in the letter responding to this request. The User may, prior to the original scheduled meeting date, request one rescheduling of the appeal meeting. The rescheduled appeal meeting must occur not later than 30 calendar days after the date of the originally scheduled Director Appeal meeting.

(b) When a meeting is scheduled by the Director, the User must submit all data pertinent to the appeal which must include all sampling data taken by or for the User during the year or years under appeal and all data during any prior or subsequent year, on which the User wishes to base the appeal. This data must be submitted to the Director at least 14 calendar days prior to the scheduled appeal meeting.

(c) Failure of the User to provide, on or before the date of the meeting, written, unqualified certification on forms supplied by the District that he/she has provided all relevant technical information, flow data or User Charge sampling data for all samples taken for the year(s) under appeal, shall result in rejection of the appeal by the Director.

(d) The Director or his appointed designee shall attempt to resolve any bona fide claims, disputes, or inquiries which the User may have based on factual or technical information. All determinations made by the Director shall be reduced to a written determination and a copy thereof transmitted to the User. The Director will use his best efforts to transmit these determinations to the User within 60 calendar days of the appeal meeting.

(e) Should the User fail to appear at a scheduled Director Appeal meeting without first notifying the Director, another appeal meeting will not be scheduled unless the User requests such a meeting, in writing, to the Director, not later than 10 calendar days after the date of the scheduled Director Appeal meeting, and the User makes a 50 percent payment of the amount billed by the District as set forth in Section 9a(1)(b). A second Director Appeal meeting may be granted at the discretion of the Director upon a finding of good cause as to why the initial Director Appeal meeting was missed. The rescheduled appeal meeting must occur not later than 30 calendar days after the date of the originally scheduled Director Appeal meeting.

(f) If a properly filed request for a second Director Appeal meeting under this Section is denied by the Director, the User may file an appeal to the Board of Commissioners for the sole purpose of determining the propriety of the Director's denial. If the Board of Commissioners grants the User's appeal request, then the matter shall be remanded for a Director Appeal under the provisions of this Section.

(g) Failure of the User to appear for a second scheduled appeal meeting will result in cancellation of the appeal and the matter will be considered closed.

b. Appeals to Board of Commissioners

(1) Requesting an Appeal to the Board of Commissioners

In the event the User does not concur with the appeal determination of the Director, the User, or an Authorized Representative, may petition the Board of Commissioners for a hearing. Any petition for a hearing by the Board of Commissioners shall be made by the User within 30 calendar days after receipt of the determination by the Director.

(a) This petition must be in writing by the User and sent to the President of the Board of Commissioners, at 100 East Erie Street, Chicago, Illinois 60611, with a copy to the Director. Within 30 calendar days after receipt of this petition, the Director will use his best efforts to advise the User in writing, regarding the date on which the Board of Commissioners would consider the petition made by the User. If the petition to the Board of Commissioners is regarding a User Charge bill, the User shall deposit an amount which when added to the amount already paid, makes the total amount paid equivalent to 75 percent of the Net User Charge calculated by the District as a result of the Director's determination. Should the hearing conclude with an amount less than the deposit paid by the User, the difference shall be refunded to the User, provided there are no outstanding User Charges due the District.

(b) In the event the request for review by the Board of Commissioners is not made within 30 calendar days after receipt of the determination by the Director, the District shall invoke its authority, as granted in Section 11 of this Ordinance, and recover any and all amounts due and owing. However, the District may waive the 30-day requirement, provided the request is made by the User within 90 calendar days after receipt of the determination by the Director and provided the User first deposits an amount which, when added to the amount already paid, makes the total amount paid equivalent to 85 percent of the net

User Charge calculated by the District as a result of the Director's determination. Should the hearing conclude with an amount less than the deposit paid by the User, the difference shall be refunded to the User, provided there are no outstanding User Charges due the District.

(c) No request by the User for review of the Director's determination will be accepted by the Board of Commissioners if such a request is made beyond 90 calendar days after the receipt of the determination by the Director.

(2) The Board of Commissioners shall review this petition and determine whether the petition for an appeal shall be heard by the Board of Commissioners itself or by such persons as it may designate. Within 30 calendar days after the meeting, the Director will use his best efforts to notify the User in writing as to the action taken by the Board of Commissioners regarding said petition.

(3) When such an appeal hearing is conducted by the designee of the Board of Commissioners, the designated appeal officer shall submit a written report of findings to the Board of Commissioners with respect to such appeal.

(4) The scope of the hearing shall be limited to the issues raised by the User in its appeal to the Director. No sampling data or technical information which the User did not submit to the Director under Section 9(a)(2)(b) shall be utilized for any purpose in a hearing before the Board of Commissioners.

(5) All appeal hearings before the Board of Commissioners shall be concluded as soon as practicable.

(6) The Board of Commissioners shall promulgate procedural rules governing the proceedings.

c. Refund of Deposits

In making refunds of deposits, or any portion of a deposit, interest shall be paid for the time the deposit or portion thereof is held by the District at a rate equal to 0.75% per month or for any fraction thereof as provided in 815 Illinois Compiled Statutes 205/4.

d. Bond in Lieu of Cash Deposits for Appeals

Whenever a cash deposit is required to pursue an appeal to the Director or the Board of Commissioners, a User may elect to post a bond for the amount due in lieu of a cash deposit to perfect the appeal. The bond must be issued by a commercial bonding company approved by the District on terms that are acceptable to the District.

e. Accrual of Interest During Appeal

Any monies owed to the District for the reporting year under appeal will accrue interest during the appeal process as provided under Section 8.

f. Administrative Review

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 of Commissioners issued under this Section.

Section 10. Administrative Cost Recovery

Annually, for the most recent year for which complete records are available, the District makes a determination of its costs in administering the Sewage and Waste Control Ordinance (SWCO) and the User Charge Ordinance for the Large Commercial-Industrial User classification, the Small Nonresidential Commercial-Industrial User classification, the Residential User classification and the Tax-Exempt User classification, and includes these administrative costs as part of the User Charge.

The cost for administering the minimum pretreatment requirements (MPR) of the SWCO shall be segregated from the OM&R costs and recovered from the Significant Industrial Users (SIU). Users will be subject to MPR costs for a calendar year if at any time during the calendar year the User was designated as an SIU. MPR costs are for activities which include, but are not limited to the following: review and processing of Discharge Authorization Requests (RD-118), Continued Compliance Reports (RD-115), Spill Prevention, Control and Countermeasure (SPCC) Plans or other pollution control plans; annual SIU inspection and review and annual SIU sampling, laboratory analysis and review; preparation of IEPA/USEPA Pretreatment Program reports; maintenance and quality assurance of electronic and hard copy files; search and identification of new SIUs; and annual evaluation of local limits for the discharge of pollutants. The MPR cost shall be recovered through a series of charges based on the flow volume and number of sample points of SIUs. The series of charges shall reflect the grouping of SIUs by ranges in flow volume and are set forth in Appendix E.

The cost for administering the User Charge Verification (UCV) requirements under this Ordinance shall be included in the OM&R cost. UCV costs are for activities which include, but are not limited to the following: review, evaluation and processing of RD-925 Statements and RD-920 Reports; UCV inspection, sampling, laboratory analysis and review; review, inspection and evaluation of technical proposals for reporting methodologies; preparation of User Charge reports, correspondence and notifications; maintenance and quality assurance of electronic and hard copy files; search and identification of new Users subject to the Ordinance; and the evaluation of User Charge rates and administrative costs.

Section 11. Enforcement

The District may recover any and all amounts due and owing as provided herein and take such other and further legal action as may be necessary to recover all such sums due it hereunder, restrain any unlawful discharge, and compel compliance with the provisions of this Ordinance.

Users who have ceased operations prior to the close of the filing year are required to calculate an estimated User Charge liability for the portion of the year or period of operation and submit payment. The District reserves the right to calculate the User Charge liability and bill the User for any amounts due during the year in which the liability was incurred.

Section 12. Severability Clause

The invalidity of any portion of this Ordinance shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part. Any portion repealed or adjudged invalid or unconstitutional is severable from the remaining provisions and said remaining provisions shall continue in full force and effect.

Section 13. Effective Date

This Ordinance remains in full force and effect and the amendments hereto adopted on November 18, 2021, shall be effective on January 1, 2022.

Approved:

Kari K. Steele
President of the Board of Commissioners of the
Metropolitan Water Reclamation District of
Greater Chicago

Approved as to form and legality:

Christopher M. Murray
Head Assistant Attorney

Susan T. Morakalis
General Counsel

APPENDIX A
TO THE USER CHARGE ORDINANCE

REQUIREMENTS FOR REPORTING
FLOW VOLUME AND ESTABLISHING
DEDUCTIBLE QUANTITIES

SECTION I. REPORTING WASTEWATER FLOW VOLUME

Wastewater flow volume shall be reported in accordance with either Option 1 or 2. Whenever the wastewater flow volume discharged into the District's sewerage system cannot be accurately quantified solely by means of total metered water usage, the User shall report on the basis of direct discharge measurement. In the absence of accurate direct discharge measurement as described herein, the User may be required to report the maximum daily discharge as determined by the District until a means of accurate measurement is provided by the User.

Option 1. Reporting of Wastewater Flow Based on Total Metered Water Usage

Reporting of wastewater flow based on total metered water usage will be allowed as follows:

a. Use of municipally owned meters for water billing purposes: Users must submit copies of water bills with the RD-925 Statement to document the reported flow volume.

b. Use of privately owned water meters for wells, river water, or other water sources or purposes: Water meters must have nonresettable totalizers. Meters must also be calibrated according to the following schedule:

Meter Size (inches)	Frequency of Calibration (Years)
½ to ⅝	10
¾ to 1	6
1½ to 4	4
6 or larger	1

c. Calibration requirements: Users must submit details of the calibration procedure, including the meter reading prior to the calibration date, and certification with the RD-925 Statement for the year in which calibration was performed. Meter calibration and certification documents for newly installed meters, whether new or repurposed, must be submitted.

Calibration procedures must conform to the methods recommended by the American Water Works Association (AWWA) and the American Society for Testing of Materials (ASTM). Where a User can demonstrate to the satisfaction of the District that the requirement for calibration of water meters cannot be reasonably complied with, without undue economic burden and/or disruption to the User's operations, the Director may relax the meter calibration requirements established under this Section. Any such relaxation in calibration requirements shall not apply to incoming water meters or to meters installed for direct discharge measurement.

d. Privately owned meters must be read a minimum of once per week; a log of such readings, including the proper units, must be submitted with the RD-925 Statement.

e. Privately owned meters must be sealed with District seals. Requirements regarding these seals are in Section II.

f. Bypasses around privately owned meters are not allowed unless additional meters are installed and approved to monitor bypass flows.

g. Use of privately owned water meters must receive prior written approval as described in Section III.

Option 2. Reporting of Wastewater Flow Based on Direct Discharge Measurement

Reporting of wastewater flow based on direct discharge measurement will be allowed as follows:

a. Wastewater flow measurement must be continuous.

b. Each wastewater flow measurement device shall be provided with a secure nonresettable totalizer acceptable to the District and with a record of continuous flow data acceptable to the District. The record of continuous flow data must be stored at the User's Facility for not less than three years, and must be made available to the District upon demand. Totalizers must be read a minimum of once per week; a log of such readings, including the appropriate conversion factors, must be submitted with the RD-925 Statement.

c. Flow measurement devices (e.g., bubbler-type, float-type, or ultrasonic-type) must be calibrated monthly. At least annually, the accuracy of the device must also be certified by a factory-authorized representative. Documentation of this certification must be submitted with the RD-925 Statement.

d. Flow measurement systems and facilities and procedures for flow determination must receive the prior written approval of the Director before implementation as described in Section III.

SECTION II. ESTABLISHING DEDUCTIBLE QUANTITIES BY DIRECT METERING

Users reporting on the basis of total metered water usage (Section I, Option 1) may deduct water-to-product and/or water used in other plant processes that is not discharged as wastewater flow to the sewer system. These deductions will be allowed only after receipt of prior written approval. Prior written approval shall be based on water meters installed to measure deducted quantities and other credible evidence as required by the District. Reporting and calibration of these meters (e.g., boiler supply and blowdown meters, water-to-product meters, irrigation supply meters, etc.) to measure deducted quantities must adhere to the requirements of Section I, Option 1b, and the following:

a. Meters must be sealed with District seals. The District must be notified at least one week before the start-up date of the proposed meters in order for District seals to be installed on these meters.

b. When a seal is to be removed for calibration or meter repair, the District must be notified immediately by calling the Pretreatment and Cost Recovery Section at (312) 751-3000 during normal business hours. Such notification shall be confirmed in writing by the User and received by the District within five calendar days by one of the following methods: U.S. mail addressed to the Pretreatment and Cost Recovery Section, 111 East Erie Street, Chicago, IL, 60611; facsimile transmission sent to the Pretreatment and Cost Recovery Section at (312) 894-2150; or by electronic mail sent to mwrd-ucts@mwrd.org.

c. Upon notification, District personnel will, within one week, schedule with the User a date and time to install a new seal. Removal of a District seal without providing the foregoing notification may result in a loss of credit for deducted water volumes for the entire year in which the failure of compliance occurred.

SECTION III. APPROVAL PROCEDURE AND REQUIRED SUBMITTALS

In reference to Section I, Options 1b and 2d, and Section II, use of the metering system and/or methodology outlined will be allowed only after receipt of prior written approval by the Director. This approval will be effective for the year stated in the approval and subsequent years until the approval is revoked by the Director. Upon written request by the User and with written authorization by the Director, the approval will also be effective for a maximum of one prior year immediately preceding the approval provided operations at the User's Facility ~~in~~ if the preceding year remained identical to those of the year when approval is granted.

To obtain approval, the User must submit an acceptable written proposal to the Director which specifies the measures which will be taken to comply with these requirements. The proposal must be signed by the authorized representative of the User, and certified as accurate and complete by a Registered Professional Engineer licensed by the state of Illinois. Proposals should include the following information as appropriate:

a. Description of the methodology for total metered water usage, direct wastewater flow measurement or measurement of deductible quantities, water-to-product, or other water losses.

b. Plans for wastewater measurement and/or sampling facilities which include a site plan showing the location of municipal water supply lines and private wells and other water sources such as rivers, lakes, and ponds; discharge points to water sources; layout of sewers and sampling locations; details of primary measuring devices; a system for identifying sampling locations; onsite wastewater treatment facilities; and any other information affecting the measurement and sampling of wastewater discharges.

c. Specifications for wastewater flow measurement equipment.

d. Locations, manufacturer, model, serial number, and size, if appropriate, for all water meters and flow measurement equipment.

Once a proposal is found acceptable, the User will be notified to proceed with the installation of the metering equipment as stated in the proposal. It is incumbent upon the User to notify the District, in a timely manner, upon completion of the installed equipment. The District will inspect the installed metering equipment for conformity with the proposal and will notify the User in writing of approval to use the methodology when reporting its User Charge liability. Until the approval of the installation is granted, the User must use metered intake or a current, approved metering methodology when reporting its User Charge liability, unless otherwise approved by the District. The User must notify the Pretreatment and Cost Recovery Section immediately upon finding that the approved meters are either no longer being used, broken, or removed.

APPENDIX B
TO THE USER CHARGE ORDINANCE

REQUIREMENTS FOR
WASTEWATER SAMPLING TO
DETERMINE REPRESENTATIVE
CONCENTRATIONS

SECTION I. Representative Sampling

Sampling of a Facility's wastewater flow(s) must be performed at a time, or at times, such that the resulting BOD and SS concentrations obtained are representative or typical of normal operating conditions either throughout the calendar year or for that portion of the year for which concentrations are applied. Sampling during periods of reduced production (e.g., vacation periods, holiday periods, post-holiday periods, plant start-up or shake-down operations, etc.) or any other periods that affect the normal character of the User's effluent is not considered representative of normal operating conditions.

Daily composite samples are used to determine the representative concentrations for BOD and SS during the workday. Composite samples may be collected by one of the following methods:

Time Composite Sampling is used to provide representative samples when the flow rate of the sampled stream is relatively constant. Time composite samples are composed of constant volume discrete samples collected at constant time intervals.

Flow-Proportional Sampling is used to provide representative samples when the flow rate of the sampled stream varies by more than ten percent over the workday. The primary measuring device used for flow-proportional sampling for User Charge reporting purposes must receive prior written approval by the Director. Temporary primary measuring devices are not permitted.

Variable Volume Flow-Proportional Sampling is used to provide representative samples when the time between samples is constant, and the volume of each sample is proportional to the flow at that given moment in time (i.e., the volume of the sample varies over time as the flow changes). This method requires that discrete samples be collected over the operating day and then composited.

Constant Volume Flow-Proportional Sampling involves collecting a constant sample volume for each fixed volume of waste stream flow (e.g., 200 ml sample collected for every 5,000 gallons of waste stream flow).

SECTION II. Sample Collection

A. General Sampling Methodology

Users whose wastewater discharge throughout a calendar year is consistent in volume and concentration are required to sample based on wastewater discharge volume and/or characteristics as follows:

1. Users discharging an average wastewater volume of more than 200,000 gallons per day (gpd) must comply with the following requirements:
   a. Such Users must sample said outfalls in proportion to flow during normal daily operations for one normal workweek at least once per calendar year. Users may use either of two methods referenced in Section I above for obtaining flow-proportional samples.
   b. Such Users must provide a primary flow measurement device (i.e., accurate weir or flume), found acceptable and approved in writing by the District, on each outfall for which flow- proportional sampling is required.
2. Users discharging an average wastewater volume less than 200,000 gpd must sample during normal daily operations for two consecutive, normal workdays at least once per calendar year. These Users may use the time composite sampling method referenced in Section I above, provided the flow rate is relatively constant, and the wastewater discharged throughout a calendar year is consistent in volume and concentration.
3. Each User's sampling installation(s) and program(s) are subject to District verification. The District may impose additional requirements on a case-by-case basis.

B. Sampling Requirement for Users with Wide Fluctuations in Quantity and/or Concentration of Wastes

Users whose discharge flow and/or BOD and SS concentrations are subject to wide fluctuations during a calendar year due to seasonal or cyclical operational variations are required to sample as often as is necessary to establish representative data for its waste streams for specific time periods. The frequency of sampling may be increased and/or the duration of sampling may be extended, but each sampling program must adhere to the methodology and the minimum consecutive day requirements. Random day sampling during a calendar year is not acceptable for reporting purposes.

Any change in a User's sampling methodology shall be approved by the District. The User shall demonstrate, to the District's satisfaction, by a written proposal and adequate documentation, that the change in sampling methodology is proper to obtain representative concentrations. Any combination of the forgoing sampling methodologies may be imposed by the District to establish representative concentrations for a User's discharge.

C. Sampling of Multiple Outfalls

Users whose wastewater discharges through more than one outfall of a Facility must sample all outfalls simultaneously during each sampling program.

D. Automatic Sampling Devices

Users may utilize automatic sampling equipment for performing sampling requirements. These devices must be properly installed, adjusted, and maintained, have refrigeration capability, and comply with USEPA Approved Methods. Refrigeration must be used, when required, to maintain the temperature of the sample as specified in Section III.

E. Use of Standard Concentrations for Sanitary Waste and/or Non-Contact Cooling Water

Users with multiple outfalls who have one or more outfalls which discharge strictly domestic wastes and/or noncontact cooling water may elect to sample such discharge(s) on a onetime-only, two-day, time-composite basis (Sections II.A.2) to characterize such discharge(s). If analyses indicate that BOD and SS concentrations are less than standard domestic waste concentrations of 119 mg/L for BOD and 168 mg/L for SS, then these outfalls need not be sampled again and standard concentrations of 119 mg/L for BOD and 168 mg/L for SS may be used for subsequent reporting purposes, unless operational changes affect the nature of the representative discharges. However, the volume of domestic wastes and/or non- contact cooling water wastes must be determined by measurement at the outfalls or by in-plant installation of water meters. Alternatively, a User may elect to sample these outfalls during each sampling program.

SECTION III. Preservation and Compositing of Samples

Individual samples obtained by the methodology of either Section II.A.1 or II.A.2 or by automatic sampling devices must be kept at or below 40°F, but above freezing, during collection and compositing. Individual samples must be composited daily (compositing period must not be less than 22 hours or more than 26 hours). Composite samples should be refrigerated in transit to the laboratory and analysis should begin within six hours of compositing.

SECTION IV. Analyses of Samples

All analyses for BOD and SS must be in accordance with USEPA Approved Methods. Special attention to the procedures stipulated for the BOD analysis is stressed, specifically relative to the seeding of samples and to the technique of preparing an adequate number of dilutions. (Note: Upon written request to the Director, seed material may be obtained free of charge at the District's Monitoring and Research Laboratory in Stickney, Illinois.)

SECTION V. Independent Sampling

The User Charge system is a self-reporting one; therefore, unless otherwise approved by the Director, the User must conduct flow measurement and/or sampling of the Facility independently of the District in accordance with the notification requirements under Section 4i and the sampling requirements under Section 5e of this Ordinance. The District may provide the User with split samples, upon the User's request, provided sufficient sample volume is available and the User furnishes sample containers.

However, the District shall not allow the use of analytical results of these split samples in the computation of User Charges.

If a User is precluded from conducting independent sampling of its discharge because access to the User's control manhole or sampling chamber is prevented by the presence of the District's monitoring equipment, the User may make a request for, and obtain splits of District samples and, following proper chain of custody procedures, analyze these samples, and use the data for the purpose of completing and submitting the RD-925 Statement required under Section 4 of this Ordinance. However, in such cases, the User shall obtain prior written permission from the District.

SECTION VI. Calculation of Representative BOD and SS Concentrations

Users must calculate the representative BOD and SS concentrations that are to be used for reporting purposes either by performing flow-proportional sampling or by performing equal-volume, time-composite sampling as required herein. Users must submit the daily flows (intake and/or discharge volumes) corresponding to the BOD and SS analyses for each day of the sampling period with the RD-920 Report. Irrespective of whether a User performs flow-proportional sampling or equal-volume, time-composite sampling, the average BOD and SS concentrations, for the period of sampling, must be computed by weighted average using the representative concentrations and the corresponding daily flows. Arithmetic averaging of daily BOD and SS concentrations obtained during the sampling period is not permissible for reporting purposes. Users must submit this data in the RD-920 Report.

SECTION VII. Application of BOD and SS Concentrations for Multiple Samplings per Calendar Year

Users conducting sampling more frequently than the minimum requirement of once per calendar year must apply BOD and SS concentrations to discharge volumes for the specific time frames (e.g., two months, six months, etc.) for which the wastewater concentrations are considered representative. The User's methodology for applying sampling data must be identified in the User's sampling proposal and approved by the District.

APPENDIX C
TO THE USER CHARGE ORDINANCE

REQUIREMENTS FOR REPORTING
WASTEWATER DISTRIBUTION
ACROSS MULTIPLE OUTFALLS

SECTION I. MONITORING OPTIONS

A User with multiple outfalls from its Facility may report the wastewater flow volume distributed through each outfall individually on the RD-925 Statement, provided the quantity of wastewater is determined by continuous measurement of each outfall. Continuous measurement of discharge flows will be allowed by either Option 1 or Option 2 (below), and in accordance with the Ordinance and Appendices A and B, thereto.

Option 1. Use of Water Meters for Continuous Measurement

Municipal or privately owned water meters that continuously measure intake water to a Facility or building may be used for documenting the discharge volume from the Facility or building subject to the following conditions and requirements, as applicable:

a. The Facility or building has a single outfall.

b. Privately owned water meters are approved and sealed by the District as per applicable portions of Appendix A. Procedural provisions of Appendix A must be implemented.

Option 2. Use of Direct Discharge Flow Measurement Devices

Wastewater discharged through any outfall may be measured continuously with a flow measurement device and the quantity reported accordingly, subject to the following conditions and/or requirements:

a. The outfall contains an accurate primary flow measurement device (e.g., weir or flume) located in an adequate sampling chamber or manhole which has been approved by the District.

b. The flow measurement system has been approved by the District, in writing, and the applicable procedural provisions of Appendix A are implemented.

SECTION II. ALTERNATE REPORTING

In accordance with Section I of this Appendix, a User with multiple outfalls, who does not have a flow-distribution methodology approved by the District, must report on the basis of total metered water intake to its Facility (minus any in-plant water losses approved by the District) and apply the highest values of the BOD and SS concentrations obtained by sampling each of its outfalls to that volume of water, unless otherwise warranted.

APPENDIX D
TO THE USER CHARGE ORDINANCE

REQUIREMENTS FOR LARGE COMMERCIAL- INDUSTRIAL AND TAX-EXEMPT USERS' REPORTING OPTIONS AND DETERMINATION OF REPRESENTATIVE CONCENTRATIONS

Sections 7g, 7h and 7i of the Ordinance provide a User with options to report and pay its User Charge on the basis of application of approved wastewater concentrations to the documented intake water volumes or metered discharge volumes. These options relieve the User from performing annual sampling of wastewater flows to determine representative concentrations for BOD and SS. This Appendix is intended to clarify requirements and conditions of the District which govern the implementation of the provisions of Sections 7g, 7h and 7i of the Ordinance.

SECTION I. USER REPORTING OPTION REGARDING REPRESENTATIVE CONCENTRATIONS

A. Use of Standard Concentrations

A User seeking approval to report under Section 7g of the Ordinance must sample wastewater discharges from all of its outfalls, or provide relevant data from prior years which characterize such discharges. If such analyses indicate that BOD and SS concentrations at all of its outfalls are less than the standard domestic waste concentrations of 119 mg/L for BOD and 168 mg/L for SS, then the User may petition the Director for approval to report based on standard concentrations.

Future sampling will not be required unless directed by the District or until operational changes occur that affect the nature of the wastewater discharges. The User must report any changes in the character of its discharge to the Director and provide new sampling data when changes in waste discharge occur. A User may not report under Section 7g for User Charge purposes without written approval from the Director.

B. Use of Representative Concentrations Determined by the District

If the sampling analyses, previously submitted by a User and on file with the District, or submitted by a User as a part of the petition to the Director, indicate that either the BOD or SS concentrations at any outfall exceed the standard domestic waste strength concentrations of 119 mg/L for BOD and 168 mg/L for SS, then according to Section 7h of the Ordinance, the User may petition the Director for permission to forgo the required annual sampling, and allow the District to sample the Facility. The User would apply the resulting BOD and SS concentrations to User- documented intake water volumes or metered discharge volumes when filing the RD-925 Statement.

Any sampling that the User utilizes as a basis for a petition to the Director must conform to the following requirements:

1. Users discharging an average wastewater volume of more than 200,000 gpd, or having wide fluctuations in volume and waste loadings, must sample all outfalls in proportion to flow during normal daily operations for at least one normal workweek. Additional sampling, if not provided, must be submitted if required by the Director.
2. Users discharging an average wastewater volume of 200,000 gpd or less must sample during normal daily operations for at least two consecutive, normal workdays. An equal volume of sample must be obtained no less frequently than once per hour during each day in the sampling period. Sampling durations exceeding two consecutive days may be required on a case-by- case basis.

C. Use of Historical Concentrations

Users seeking approval to report under Section 7i of the Ordinance for any final outfall must have sampled wastewater discharges from those specified outfalls in accordance with the requirements under Section 5e. All valid and relevant data from a minimum of three consecutive, prior years will be used to characterize such discharges. If such analyses indicate that BOD and SS concentrations at the specified outfall remain consistent over a consecutive, historical period, the User may petition the Director for approval to be allowed to report based on the historically representative average flow-weighted concentrations. The District will review all available data obtained by both the User and the District when making its determination. The approved BOD and SS concentrations, applied to a specific outfall, will be valid for the reporting year as stated in the approval and thereafter, unless revoked by the District.

Future sampling will not be required unless directed by the District or until operational changes occur that affect the nature of the wastewater discharges. The User must report any substantial changes in the character of its discharge to the Director and provide new sampling data when changes in waste discharge occur. The District may perform inspection and/or verification sampling programs periodically to verify that the approved historical concentrations remain valid.

SECTION II. APPROVAL PROCEDURE AND REQUIRED SUBMITTALS

Users must receive prior written approval from the Director before implementation of any User reporting option specified in Sections 7g, 7h or 7i of the Ordinance. To obtain approval, a User must submit a written request to the Director. Adequate documentation must accompany such request.

A. A User discharging an average wastewater volume of 200,000 gpd, or less, and who has never sampled its Facility, must submit the following documentation with the request:

1. Laboratory data sheets listing individual analytical results and signed by the User's consulting engineer and/or authorized laboratory supervisor.
2. A completed, certified RD-920 Report.

B. A User discharging an average wastewater volume exceeding 200,000 gpd, who never previously sampled its Facility, must submit:

1. Documents under item A of the section.
2. Log of flowmeter totalizer readings, including appropriate conversion factors and flow meter recorder charts, that pertain to the sampling period.

C. A User who has prior years' data for information requested in A and B above may submit this information with its petition to the Director or certify that the data submitted with previous annual filings is appropriate for its current discharge. If this existing information is determined not to be representative of the User's Facility at the time of the petition to the Director, the User must conform to the requirements of A and B above.

D. Upon receipt of a User's written request for approval to report under Section 7g, Section 7h or Section 7i, the District will do the following:

1. Acknowledge a User's request, in writing, within 30 calendar days of receipt of the request.
2. Render the Director's determination, in writing, within 90 calendar days of receipt of a User's request, for a User who petitions to report under Section 7g or Section 7i of the Ordinance.
3. Render the Director's determination, within 90 calendar days after receipt of a User's request, for a User who petitions to report under Section 7h of the Ordinance. Factors which will be considered by the Director in the evaluation of a User's request, include, but are not limited to, the following:
   a. Suitable sampling/flow measurement chambers exist on all the outlets of the User's Facility which will accommodate the use of the District's automatic sampling apparatus in a safe and secure manner.
   b. The wastewater discharges from all outlets of the User's Facility are amenable to sampling via the use of the District's automated sampling equipment.
   c. The User's operation is fairly consistent throughout the year such that the representative concentrations obtained from a sampling study over one normal workweek are adequate to determine the User's User Charge liability for the reporting year.

E. All applications for the Section 7g option approved during a given year apply for that entire year and subsequent years until revoked.

F. All applications for the Section 7h option approved prior to and including June 30 of a given year are effective for that year and for subsequent years until revoked.

G. All applications for the Section 7h option approved after June 30 of a given year are effective for January 1 of the following year and for subsequent years until revoked.

H. A User who is approved for sampling by the District under Section 7h will receive a written report of the field and laboratory analytical data and the representative concentrations to be used in calculating its User Charge liability within 60 calendar days of completion of the District's sampling program.

I. Participation in this program by a User does not in any way alter the right of said User to appeal under Section 9 of the Ordinance. However, any User who appeals the District's representative concentrations for two consecutive years will be disqualified from reporting under Sections 7g and/or Section 7h of the Ordinance.

J. A User who wishes to appeal the representative concentrations established by the District under the Section 7h option must do so within 90 calendar days of receipt of this data from the District. After 90 calendar days, no appeals will be accepted by the District.

K. Users approved to report under Section 7g or Section 7h or Section 7i of this Ordinance may not submit self-monitoring data for a reporting year or a portion thereof in lieu of the standard concentrations, the District-supplied concentration data or the approved historical concentration data, respectively, for the year when an approval under any reporting option was in effect. Such data will not be accepted for use when calculating the annual RD-925 Statement.

APPENDIX E

TO THE USER CHARGE ORDINANCE
RECOVERY OF PRETREATMENT PROGRAM
ADMINISTRATIVE COSTS

SECTION I. Minimum Pretreatment Requirement (MPR) Charges

In accordance with Section 10, the charges for annual account administration and review of mandatory reports, and charges for annual inspection and verification of discharges permitted under the District's Pretreatment Program and the Sewage and Waste Control Ordinance shall be recovered from Significant Industrial Users (SIU) based on the following schedule:

SIU Annual Flow Volume (gallons)	Charge
<1,296,760	$1,000
1,296,760 to 3,478,200	$2,000
3,478,200 to 6,036,040	$4,000
6,036,040 to 10,464,520	$6,000
10,464,520 to 18,613,980	$8,000
18,613,980 to 28,329,770	$10,000
28,329,770 to 56,498,000	$12,000
>56,498,000	$14,000

Activity	Charge
Inspection	$400
Each sample point specified in the SIU's Discharge Authorization	$600

SECTION II.

This section deleted effective January 1, 2014.

SECTION III. Charge Assessment and Payment

The MPR charges, where applicable, will be included in the estimated User Charge and notification will be provided to the User. Payment shall be included in the quarterly or annual remittance submitted to the District.

APPENDIX F

TO THE USER CHARGE ORDINANCE
USER CHARGE RATES

SECTION I LARGE COMMERCIAL-INDUSTRIAL USER AND TAX EXEMPT USER RATES

In accordance with Section 6, for the purpose of computing the User Charge to be paid to the District by Large Commercial-Industrial Users and by Tax-Exempt Users, the following billing rates shall be used for the 2022 reporting year:

1) Volume: $277.48 per million gallons
2) 5-day BOD: $181.07 per thousand pounds of BOD
3) SS: $123.05 per thousand pounds of SS

SECTION II

This section deleted effective January 1, 2014.

SECTION III OM&R FACTOR FOR TAX CREDIT

In accordance with Section 6 and Section 7, for the purpose of computing the allowed deductible portion of ad valorem taxes paid to the District, the following OM&R Factor shall be used for the 2022 reporting year:

OM&R Factor: 0.341