

CHAPTER 38

UTILITIES

ARTICLE I – WATER AND SEWER DEPARTMENT ESTABLISHED

3811 DEPARTMENT ESTABLISHED. There shall be two executive departments of the City known as the **Water Department** and the **Sewer Department**.

(A) The Water Department shall consist of the Water Plant Superintendent, the employees of the Water Plant, the Water Distribution Superintendent, water distribution system employees (the employees of the Water Department not employed at the Water Plant), including the meter readers, and the Water and Sewer Committee members of which are appointed by the Mayor.

(B) The Sewer Department shall consist of the Sewer Superintendent, the employees of the Sewer Department and the Water and Sewer Committee members of which are appointed by the Mayor. **(Ord. No. 1460; 06-15-09)**

3812 COMMITTEE ON WATER AND SEWER. The City Council Standing Committee on Water and Sewer shall exercise a general supervision over the Water Department and Sewer Department. It shall ascertain the condition and needs of each department from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department. **(Ord. No. 1363; 05-01-06)**

3813 WATER PLANT SUPERINTENDENT. The Water Plant Superintendent shall have the duties and responsibilities set forth in **Section 1-2-121** of **Division XII** of **Article II** of **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1460; 061509)**

3814 WATER DISTRIBUTION SUPERINTENDENT. The Water Distribution Superintendent shall have the duties and responsibilities set forth in **Section 1-2-138** of **Division XV** of **Article II** of **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1460; 061509)**

3815 SEWER SUPERINTENDENT AND SEWER DISTRIBUTION SUPERINTENDENT. The Sewer Superintendent shall have the duties and responsibilities set forth in **Section 1-2-121**, as amended, in **Chapter 1** of the Revised Code of Ordinances. The Sewer Distribution Superintendent shall have the duties and responsibilities as set forth in **Section 1-2-123** in **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1813; 050724)**

3816 REFERENCES. When reference is made throughout this **Chapter 38** to Superintendent, if the reference relates to the Water Plant, it shall mean the Water Plant Superintendent; if the reference to Superintendent relates to the water distribution system or meter readers, it shall mean the Water Distribution Superintendent; if the reference to Superintendent relates to the Sewer Department, it shall mean the Sewer Superintendent. **(Ord. No. 1460; 061509)**

ARTICLE II RATES AND REGULATIONS

3821 CONTRACT FOR WATER SERVICES CUSTOMER ACCEPTANCE. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water from the Water and Sewer Systems, and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses water or gas shall be held to have consented to be bound thereby.

(A) **Not Liable for Interrupted Service.** The Utility will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted, or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the Utility shall not be liable therefor.

(B) **Using Utilities Without Paying.** Any person using gas or water services from the City without paying therefor, or who shall be found guilty of breaking any gas or water meter, or appurtenances, or bypass the meter, shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum as is provided in **Section 1120** of this Code.

(C) **Destroying or Obstructing Property.** A person found guilty of defacing, obstructing, tampering, injuring or destroying, or in any manner limiting the use or availability of any fixture, meter or any property of the utilities, or erecting signs on the property of the utilities without permission shall, upon conviction of such act, be fined as provided in **Section 1120** of this Code.

(D) **Service Obtained by Fraud.** All contracts for gas or water service must be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. All renters shall provide to the City a statement or other proof, signed by the owner, verifying that he/she is renting a residence at the location where the gas or water service is requested. The City may refuse to provide utility service to any person who is not included on a rental agreement. The City also reserves the right to request a copy of the utility customer's driver's license or other photo identification. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons' or firms' names will be considered a subterfuge and service will be denied. If service has been discontinued because of nonpayment of bills or any unpaid obligation and service again has been obtained through subterfuge, misrepresentation or fraud, that service will be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the proper account. **(Ord. No. 1255; 11-04-02)**

(E) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his or her obligation to pay within the time specified. Should the department be unable to bill a customer for services used during any month, the billing next made shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days**.

(F) **Discontinuing Utility Services.** Utility services shall be deemed to have been supplied to any property connected to the Utility Systems during any month, unless the consumer shall have given written notice to the City Clerk prior to the first of the new billing month. Upon the receipt of such notice, utility service shall be discontinued as provided in paragraph (G).

(G) **Method of Discontinuing Services.**

- (1) No municipal utility service shall be discontinued for nonpayment of the utility bill unless prior to the discontinuation, a shut-off notice has been given to the customer.
 - (2) If any consumer fails to pay his or her municipal utility bill, or submits a check which is returned for insufficient funds as payment, the City shall notify the consumer of such failure by first class mail in the form of a shut-off notice. If the customer is not an owner of the property, the owner shall also receive a copy of the shut-off notice. The shut-off notice shall be mailed after the expiration of one billing cycles and shall state:
 - (a) The name and address of the customer and the amount of the bill.
 - (b) That the customer's utility service will be disconnected **seven (7) days** after the notice has been mailed unless payment is made of the delinquent amount and penalty, or the customer submits a written request for a hearing to question, dispute, or protest the bill. If neither full payment nor a written request for a hearing is received, then service shall be discontinued after **9:00 A.M.** on the date set forth in the notice.
- (Ord. No. 1808; 09-05-23)**
- (3) If the City receives a check in payment of the shut-off notice, which is returned for insufficient funds, then the customer's utility service will be disconnected without further notice to the customer.
 - (4) If the customer submits a written request for a hearing to question, dispute, or protest the bill, the time, date and location of the hearing shall be determined by the Mayor, City Clerk, or designee of the Mayor. The Mayor, City Clerk, or designee of the Mayor shall preside over the hearing. The Mayor, City Clerk, or designee of the Mayor shall make a final determination as to the rights of the customer and the City, based on the information received at the hearing.
 - (5) The customer shall be notified within **five (5) City business days** of the decision rendered by the presiding hearing officer. If service is to be discontinued, a date and

time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first class mail.

- (6) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's municipal utility service which is in default. Should the customer fail to appear at the hearing without just cause, or should the notice be returned nonaccepted, then the City shall also have the right to terminate the customer's municipality utility service, which is in default without further proceedings.
- (7) No arrangements or installment payment plan shall be made or entered into between the City and a customer for payment of a delinquent utility bill.
- (8) In accordance with **65 ILCS 5/11-117-12.1**, no gas furnished to residential users shall be terminated for nonpayment of bills on:
 - (a) any day when the National Weather Service forecast for the following **twenty-four (24) hours** covering the area in which the residence is located includes a forecast that the temperature will be **twenty (20) degrees Fahrenheit** or below; or
 - (b) any day preceding a holiday or a weekend when such a forecast indicates that the temperature will be **twenty (20) degrees Fahrenheit** or below during the holiday or weekend.

(Ord. No. 1255; 110402)

(H) **Removal of Meters.** All meters shall remain the property of the Department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his or her agent, or employee herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(I) **Payment Penalty.** All bills for utility services shall be due and payable upon presentation. If a bill is not paid within **fifteen (15) days** of the date the bill is presented, a penalty equal to **ten percent (10%)** of the amount due on the bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services. However, notwithstanding the foregoing, the owner of the land or premises receiving utility services shall not be liable for the payment of any penalty by reason of the failure of any owner's tenant to timely pay for any utility services of the City. The City expressly reserves the right to collect any penalties assessed to any such tenant notwithstanding the fact that such penalties will not be assessed against the owner thereof. **(Ord. No. 902; 100185) (See 3822) (See 65 ILCS 5/11-117-12)**

(J) **Delinquent Notice Final Notice.** If a utility bill is not paid within **thirty (30) days** after the date the bill has been presented, the customer and the owner of record shall be given a notice that the charges have become delinquent and that the unpaid charges may create a lien on the real estate and services may be terminated.

If the charges remain unpaid **five (5) days** after the notice referred to above then the unpaid charges shall create a lien on the real estate pursuant to **Section 38-2-1(K)** and services may be terminated after notice and hearing referred to in **Section 38-2-1(G)**.

(K) **Lien on Property.** In the event the charges are not paid after the notice sent pursuant to **Section 38-2-1(J)** then such charges and penalties shall constitute a lien upon the real estate for which such services are supplied, and the City Clerk is hereby authorized and directed to file sworn statements showing such delinquent charges in the office of the County Recorder of Deeds and the filing of such statements shall be deemed notice for the payment of such charges and penalties for such services and such lien may be preclosed as in the foreclosure on the real estate.

(L) **Reconnect Charge.** If any customer's utility service is disconnected for nonpayment of a bill, service shall not be reconnected for that customer unless all charges, penalties and a reconnect charge of **Fifty Dollars (\$50.00)** for each utility service are paid prior to **3:00 P.M.** in order to re-establish utility service on that same day. **(Ord. No. 1776; 06-06-22)**

(M) **Resale.** No water shall be resold or distributed by the customer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

(N) **Extensions of Mains.** Extensions of mains and service outside the City limits shall be subject to approval of the City Council and it shall be also subject to all of the rules and regulations and provisions as provided herein or as may be amended. **(#770; 081880) (See Subdivision Code, Ch. 35)**

(O) **Fee for Insufficient Fund Check of Debit.** There shall be a fee of **Twenty-Five Dollars (\$25.00)** assessed to a customer for any customer's check or debit account returned for insufficient funds. **(Ord. No. 1802; 07-18-23)**

3822 **LIABILITY FOR CHARGES.** Charges for utility services shall be billed in the name of the user of the services/occupant of the premises; however, the owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the utility services to such lot, parcel of land or premises and all services rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefore to the City. If the consumer of water, sewer or natural gas whose bill is unpaid is not the owner of the premises receiving any such municipal utility service and the Clerk has notice of whom the owner of the premises is, then notice shall be mailed to the owner of the premises if his/her address has been furnished or is otherwise known to the City Clerk whenever such bills for such utility services remain unpaid or delinquent.

Failure of the consumer or owner to receive a delinquent notice shall not excuse the consumer or owner from his/her obligation to pay within the time specified. Failure of the Clerk to learn, ascertain or mail any such delinquent notice to the owner of the premises receiving the utility services shall not relieve the owner of his/her obligation nor in any way affect the right of the City to file a lien claim for unpaid utility services or to foreclose on any lien for any unpaid utility service charges on any such premises.

The City Clerk, upon application being made for any new or future utility services, shall ascertain from the applicant the identity and address of the owner of the premises in the event that the owner of the premises and the consumer are not the same person. **(Ord. No. 1586; 111714)**

3823 ESTIMATED CHARGE. Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the water or gas passing through the same, the customer shall be charged at the rate shown for the corresponding time of the previous year. If no record of the previous year exists, then it shall be the duty of the Superintendent to estimate the amount of water or gas consumed during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. **(Ord. No. 734; 061879)**

3824 CONSUMER LISTS. It is hereby made the Clerk's duty to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant, and the owner of the same. The list shall be kept up to date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. **(Ord. No. 734; 061879)**

3825 METERS TESTED BY REQUEST DEPOSIT. A customer may request a meter to be tested for accuracy, which test will be made by a Meter Shop in accordance with the standard regulations for meter testing as prescribed by the Illinois Commerce Commission. Each request for the testing of a meter for accuracy shall be accompanied by a deposit of **Three Dollars (\$3.00)**. If the meter so tested shall be found to be accurate within the limits prescribed by the Illinois Commerce Commission, the deposit shall be retained by the Water and Sewer Department as compensation for such test. If the error in registration is found to be more than that permitted by the Commission, then the cost of the test shall be borne by the Department, and the amount of the deposit shall be returned to the customer and the customer's bill shall be adjusted in accordance with the result of the tests, if error is established. **(Ord. No. 734; 061879)**

3826 INACCURATE METER. The quantity of water recorded by the meter shall be accepted as correct by both the customer and the Department, except when the meter has been found to be registering inaccurately or has ceased to register. In either case, the meter will be promptly repaired by the Department, and the quantity used will be determined by the registration of the meter in the same period for the preceding year. **(Ord. No. 734; 061879)**

3827 UTILITY DEPOSITS.

(A) **Residential and Commercial.** When any application is made for utility services in accordance with the provisions of this Chapter, if the applicant is not a record owner of the property for which service is requested, the applicant shall deposit the following sums for each utility service:

\$75.00	Water/Sewer
\$150.00	Gas
\$25.00	Garbage

An application for services provided under this Section shall be made on the following form and submitted by the applicant to City Hall. **(See Exhibit "A") (Ord. No. 1807; 09-05-23)**

(B) **Security for Payment No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of water used by the applicant upon the premises to which his or her application pertains, and may be so applied when any default is made in the payment of any utility bill in accordance with this Chapter. The deposit shall earn no interest. **(Ord. No. 1261; 120202)**

3828 BUILDING UNIT DEFINED. All persons or families residing in a building under **one (1) roof**, be it an apartment or homes converted into more than **one (1) dwelling place**, each family or individual resident residing therein shall be deemed an individual customer and such homes or apartments or dwellings shall be billed for at least **one (1) minimum water account**, according to the number of families or individual residents residing therein. **(Ord. No. 734; 06-1879)**

ARTICLE III - WATER SYSTEM

DIVISION I - RATES

38-3-1 WATER RATES. The following monthly charges are hereby established for water consumption for customers inside the City limits of Chester for water bills sent after **August 1, 2023:**

(A)				
	First	2,000 gallons at	\$24.00	per
1,000	gallons			
	From	2,000 - 22,000 gallons at	4.32	per 1,000
gallons				
	From	22,000 - 42,000 gallons at	3.79	per 1,000
gallons				
	Over	42,000 gallons at	2.92	per 1,000
gallons				

(B) The water rates set forth above shall be automatically increased by **three percent (3%)** on **June 1, 2024**, and annually on June 1 of each year thereafter.

(C) However, effective **August 1, 2023**, there shall be a monthly minimum charge of **Twenty-Four Dollars (\$24.00)** for any water consumption of **two thousand (2,000) gallons** or less. This charge shall be automatically increased by **three percent (3%)** on **June 1, 2024** and annually on **June 1** of each year thereafter.

(D) In addition to the monthly charges set forth above, all water customers shall pay the additional monthly charge for water meters set forth in **Section 38-3-2** of the Revised Code of Ordinances of the City of Chester.

(E) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter implement; nor shall these rates and charges be applicable to any other kind of agreement which the City now has or might in the future implement relative to water rates that the City has authority by the law to enter into.

(Ord. No. 1802; 07-17-23)

38-3-2 ADDITIONAL MONTHLY CHARGE FOR WATER METERS. There shall also be charged to all water customers the following additional monthly charge, based upon the meter size. The City reserves the right to determine meter size to any building or premises within the system. A 5/8 x 3/4 meter shall require a **three-fourths (3/4)** service line and all other meters shall be the same size as the service line from the water main to the water meter unless specific permission is obtained from the City. The additional monthly charge for each meter size shall be in the amount set forth below for all meter sizes larger than **three-fourths (3/4) inch:**

<u>Size of Meter</u>		<u>Water Service</u>	
1"	11.00		
1 1/2"	20.75		
2"	33.50	3"	61.98
4"	108.46		
6"	206.08		

(Ord. No. 1355; 01-17-06)

38-3-3 WATER RATES OUTSIDE THE CITY.

(A) The following monthly charges shall be charged for water consumption for customers outside the City limits of Chester for water bills sent after **June 1, 2021**:

First 2,000 gallons (minimum charge)	\$41.00
Next 20,000 gallons	\$6.29 per 1,000 gallons
Over 22,000 gallons	\$5.73 per 1,000 gallons

(B) The water rates set forth above shall be automatically increased by **three percent (3%)** on **June 1, 2024** and annually on **June 1** of each year thereafter.

(C) In addition to the monthly charges set forth above, all water customers shall pay the additional monthly charge for water meters set forth in **Section 38-3-2** of the Revised Code of Ordinances of the City of Chester.

(D) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter enter into; nor shall these rates and charges be applicable to any other kind of agreement for the purchase of water which the City now has or might in the future enter into.

(Ord. No. 1802; 07-17-23)

38-3-4 SPECIAL RATES. The City Council reserves the right to make special charges for water service supplied to properties not covered by the above rates, of which should be charged special rates in the judgment of the City Council. **(Ord. No. 734; 06-18-79)**

38-3-5 ELLIS GROVE RATES. The rates for water service to the Village of Ellis Grove pursuant to the "Intergovernmental Agreement" are hereby spelled out in the most recent Intergovernmental Agreement, and **Appendix "8"** is hereby amended to reflect the most recent Intergovernmental Agreement. **(Ord. No. 1795; 05-16-23)**

38-3-6 RESERVED.

DIVISION II - REGULATIONS

38-3-7 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection and meter and the security deposit hereinafter prescribed; that in the event such application is made by an agent for the owner, the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(Ord. No. 1270; 03-17-03)**

38-3-8 COST OF TAP AND SERVICE CONNECTIONS.

(A) **Water Tap-In Inside City Limits.** For all water taps and service connections inside the City limits, the applicant shall pay the sum of **Four Hundred Dollars (\$400.00).**

(B) **Water Tap-In Outside City Limits.** All water taps and service connections outside the City limits, the applicant shall pay the sum of **One Thousand Dollars (\$1,000.00).**

(C) **Sewer Tap-in Inside City Limits.** For all sewer taps and service connections inside the City limits, the applicant shall pay the sum of **Four Hundred Dollars (\$400.00).**

(D) **Sewer Tap-In Outside City Limits.** For all sewer taps and service connections outside the City limits, the applicant shall pay the sum of **Six Hundred Dollars (\$600.00).**

(D) **Conformity to Illinois Plumbing Code.** All water and sewer taps and service connections made to the mains of the Waterworks System and the Sewer System of the City shall conform to the regulations and standards of the Illinois Plumbing Code and all other applicable laws. All water taps to the mains of the Waterworks System of the City (except for water taps made by a contractor during construction of a water main for the City) up to and including **one (1) inch** in size shall be made by the City, and all water taps in excess of **one (1) inch** in size shall be made by a person contracted to do so by the City and the extra expense shall be paid for by the applicant. All digging and excavation to the water main to allow the tap to be made shall be the responsibility of the applicant. **(Ord. No. 1355; 01-17-06)**

38-3-9 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the City. Water will not be turned on

for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with. **(Ord. No. 346; 10-21-48)**

38-3-10 METERS TO BE OPEN TO INSPECTION. All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

38-3-11 METER DAMAGED. Whenever a meter, meter cover and/or MIU on top of the meter cover is found to have been damaged by any means, or for any cause, within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repairing and replacing of the damaged meter, meter cover, and/or MIU on top of the meter, and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage. **(Ord. No. 1819; 06-17-24)**

38312 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules, or for any other operating reason. In all cases, if possible, as reasonable notice as circumstances allow, will be given to consumers, but in emergencies, the water may be shut off without notice.

All hot water faucets shall be left open during any shutoff to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shutoff of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use will not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut off, or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind, either to adjacent consumers or to other consumers affected thereby.

The City expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City. **(Ord. No. 657; 061074)**

38313 REQUEST FOR BILLING ADJUSTMENT. It is hereby the policy of the Mayor and City Council of the City that no request for adjustment in a water/sewer utility billing of the City shall be considered unless an increased usage in water was occasioned by faulty, deficient water mains or lines which are the responsibility of the City to install and/or maintain, or unless the increased usage, as a result of damage occasioned to the owner's/ customer's service line by act of God or other extraordinary circumstance(s) completely beyond the control of the owner/customer.

The Mayor and City Council hereby expressly reserve unto themselves the power to make determinations in the future as to whether or not a request for adjustment of a water bill is within the policy of the City declared herein. **(Ord. No. 873; 091784)**

38314 INSPECTION. The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water, and the consumer's pipe, fixtures, plumbing, and any other apparatus, in any manner connected to the water system of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would, in any manner, affect the water supply or system of the City or the supply or fixtures of other consumers. **(Ord. No. 657; 061074)**

38315 INSTALLATION. No owner or plumber shall be permitted to install water pipes into any two distinct premises or tenements unless separated and distinct stopcocks shall be placed on the outside of each such premises, nor shall any pipe be constructed to cross lots and/or buildings to adjoining premises. **(Ord. No. 657; 061074)**

38316 DANGEROUS USAGE. The City shall have the right to refuse water service, or to discontinue water service without notice at any time to any consumer, if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer

or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City, or at its option, the City may immediately discontinue the service without notice and without any liability for direct or resulting damages therefrom.

38317 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City. The City will hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after **five (5) days** written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38318 **SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for, or in any manner liable to any person, company, consumer, or public body, for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water supply for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply, or any fire or water damage.

38319 **NONCOMPLIANCE WITH RULES.** If any consumer fails to comply fully with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy same, as the rules provide, and within a reasonable time, the City shall have the right to discontinue service. Except in cases of nonpayment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rules until **five (5) days** after notice has been given and violation has not been remedied.

38320 **FIRE HYDRANTS.** All hydrants shall be owned, maintained and used only by the City. Use of water from fire hydrants by contractors and others shall be only upon permission by the City after approved application to the City.

The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside the City limits, or the pressure or amount of water obtainable therefrom, or any damages, either direct or resultant, because of the condition, pressure, or amount of water available at any fire hydrant.

All public fire hydrants outside the City limits owned by the City will be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition, use or abuse. Such public

fire hydrants shall be used only for the purpose of extinguishing fires, except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38321 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the Water Plant and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer, and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38322 38329 **RESERVED.**

DIVISION III CROSSCONNECTION CONTROL

38330 **REQUIREMENTS.** All plumbing installed within the City shall be installed in accordance with the **Illinois Plumbing Code, 77 Ill. Adm. Code 890.** If, in accordance with the **Illinois Plumbing Code,** or if, in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the **Illinois Plumbing Code, Illinois Environmental Protection Agency** and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the **Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.**

38331 **PRIVATE CONNECTION UNLAWFUL.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City enters the supply or distribution system of the Municipality unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the **Illinois Environmental Protection Agency.**

38332 **INVESTIGATION BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years,** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38333 **CROSSCONNECTION CONTROL INSPECTOR.** The approved crossconnection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of verifying the presence or absence of crossconnections. The Superintendent or his or her designated authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee(s) or occupant(s) of any property so served shall furnish to the Superintendent any information which he may

request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this Code.

38334 **DISCONTINUANCE OF SERVICE.** The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupants thereof, the water service to any property wherein any connection in violation of the provisions of this Code is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Code and until a reconnection fee of **Twenty-Five Dollars (\$25.00)** is paid to the City. Immediate disconnection with verbal notice can be affected when the Superintendent is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or the **Illinois Environmental Protection Agency**, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the Superintendent or agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Code, whether or not the termination was with or without notice. **(Ord. No. 1621; 03-07-16)**

38-3-35 **CONTAMINATION COSTS.** The consumer responsible for backsiphoned material or contamination through backflow must bear the cost of clean-up of the potable water supply system if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device or a device which has been bypassed. **(Ord. No. 4089; 04-11-89)**

38-3-36 - 38-3-39 **RESERVED.**

DIVISION IV - CROSS-CONNECTION CONTROL CODE

38-3-40 **PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

38-3-41 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-42 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent or his or her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his or her own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-43 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

“Fixed Proper Air Gap” means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

“Agency” means Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

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

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

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

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

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

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

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

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

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

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

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

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

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

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

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

“Water Purveyor” means the owner or official custodian of a public water system.

38-3-44 WATER SYSTEM.

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

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

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

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

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

38-3-45 CROSS-CONNECTION PROHIBITED.

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

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-46 SURVEY AND INVESTIGATIONS.

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

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

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

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

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency

personnel in accordance with **Ill. Comp. Stat., Ch. 415, Sec. 5/4(e)**.

- (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
- (d) A maintenance log shall be maintained and include:
 - 1. date of each test;
 - 2. name and approval number of person performing the test;
 - 3. test results;
 - 4. repairs or servicing required;
 - 5. repairs and date completed; and
 - 6. service performed and date completed.

38-3-47 WHERE PROTECTION IS REQUIRED.

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

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

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

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

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

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-48 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-47** of these regulations shall depend on the degree of hazard which exists as follows:

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

(B) The type of protection required under **Section 38-3-47** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply.

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

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

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

38-3-49 BACKFLOW PREVENTION DEVICES.

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

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

38-3-50 INSPECTION AND MAINTENANCE.

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

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation

and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

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

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

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

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-50(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-51 BOOSTER PUMPS.

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

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

38-3-52 VIOLATIONS AND PENALTIES.

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

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

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

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

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

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

ARTICLE IV

SEWER CODE

DIVISION I – GENERAL PROVISIONS

38-4-1 **PURPOSE AND POLICY.** This Code sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Chester ("City") and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251, et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Code are:

(A) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(B) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(C) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(D) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(F) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Code shall apply to all users of the Publicly Owned Treatment Works. The Code authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

38-4-2 **ADMINISTRATION.** Except as otherwise provided herein, the City shall administer, implement, and enforce the provisions of this Code. The City may delegate any powers granted to or duties imposed upon it to other City personnel.

38-4-3 **ABBREVIATIONS.** The following abbreviations, when used in this Code, shall have the designated meanings:

- (A) **BOD.** Biochemical Oxygen Demand.
- (B) **C.F.R.** Code of Federal Regulations.
- (C) **COD.** Chemical Oxygen Demand.
- (D) **EPA.** United States Environmental Protection Agency.
- (E) **gpd.** Gallons per day.
- (F) **MGD.** Million gallons per day.
- (G) **mg/L.** milligrams per liter.
- (H) **NPDES.** National Pollutant Discharge Elimination System.
- (I) **POTW.** Publicly Owned Treatment Works.
- (J) **RCRA.** Resource Conservation and Recovery Act.
- (K) **SIC.** Standard Industrial Classification.
- (L) **TSS.** Total Suspended Solids.
- (M) **U.S.C.** United States Code.

38-4-4 **DEFINITIONS.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Code, shall have the meanings hereinafter designated.

(A) **"Act" or "The Act".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

(B) **"Approval Authority".** The Regional Administrator of EPA.

(C) **"Authorized Representative of the User".**

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than **two hundred fifty (250) persons** or having gross annual sales or expenditures exceeding **Twenty-Five Million Dollars (\$25,000,000.00)** (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

(D) **"Biochemical Oxygen Demand" or "BOD"**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for **five (5) days at 20 degrees centigrade (20°C)**, usually expressed as a concentration (e.g., mg/L).

(E) **"Building Drain"**. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(F) **"Building Sewer"**. The extension from the building drain to the public sewer or other place of disposal.

(G) **"Categorical Pretreatment Standard or Categorical Standard"**. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

(H) **"City"**. The City of Chester, Randolph County, Illinois, or the City Council of Chester. The City may delegate its authorities and/or duties under this Code to the POTW Committee or the City Sewer Superintendent or Water Superintendent, as it deems fit.

(I) **"COD"**. Chemical Oxygen Demand.

(J) **"Chlorine Requirement"**. The amount of chlorine in milligrams per liter, which must be added to sewage to produce a residual chlorine content, or to meet the requirements of some other objective, in accordance with the procedures set forth in "Standard Methods".

(K) **"Combined Sewer"**. A sewer receiving both surface runoff and sewage.

(L) **"Commercial User"**. Shall include transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption and/or rendering services to others.

(M) **"Compatible Pollutant"**. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants, and in fact, does remove such pollutants to a substantial degree.

(N) **"Debt Service Charge"**. Cost per unit of sewage for debt retirement.

(O) **"Depreciation"**. The annual reduction in the fair market value of real estate during its useful life at a standard percentage per year.

(P) **"Domestic User"**. All dwelling units such as row houses, mobile homes, apartments, permanent multi-family dwellings and single-family dwellings. Transient lodging, considered commercial in nature, is not included in this definition.

(Q) **"Environmental Protection Agency or EPA"**. The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(R) **"Existing Source"**. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(S) **"Garbage"**. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food; and from the handling, storage and sale of produce.

(T) **"Governmental User"**. Shall include legislative, judicial, administrative and regulatory activities of Federal, State and local governments, such as courthouses, police and fire stations, city halls and similar governmental users.

(U) **"Grab Sample"**. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed **fifteen (15) minutes**.

(V) **"Hydrogen Ion Concentration"**. See "pH".

(W) **"Incompatible Pollutant"**. Any pollutant which is not a compatible pollutant as defined herein.

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

(Y) **"Industrial Waste"**. The liquid or liquid conveyed waste from industrial manufacturing processes, trades or businesses, cooling water, discharges from industrial pre-treatment facilities and on a case-by-case basis, discharges from business establishments exceeding normal sanitary needs of employees.

(Z) **"Institutional User"**. Shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

(AA) **"Instantaneous Maximum Allowable Discharge Limit"**. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(BB) **"Interference"**. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as

the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(CC) **"Medical Waste"**. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(DD) **"Multi-Family Dwelling"**. A building designed and used as dwelling units for occupancy by **three (3)** or more families, independently of each other.

(EE) **"National Pollution Discharge Elimination System (NPDES) Permit"**. The National System of Issuance of Permits under Section 402 of Federal Water Pollution Act Amendments of 1972 (P.L. 92-500) and includes any state or interstate program that has been approved by the Administrator in whole or in part, pursuant to Section 402 of the above Act.

(FF) **"Natural Outlet"**. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(GG) **"New Source"**.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plan, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or protection equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(HH) **"Noncontact Cooling Water"**. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(II) **"Operation and Maintenance"**. All costs, direct or indirect, (other than Debt Service) necessary to insure the adequate wastewater treatment by the sewage treatment works on a continuing basis in a manner which conforms with all related Federal, State, and local requirements to assure optimal long-term facility management. The term "operation and maintenance" shall include depreciation and routine parts replacement.

(JJ) **"Pass Through"**. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

(KK) **"Person"**. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(LL) **"pH"**. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(MM) **"Pollutant"**. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COPD, toxicity, or odor).

(NN) **"POTW Committee"**. A committee of **three (3) members**, consisting of the City's Sewer Superintendent and such other persons as may be appointed by the Mayor of the City. It is expressly provided that the Mayor may appoint himself to the POTW Committee.

(OO) **"Pretreatment"**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

(PP) **"Pretreatment Requirements"**. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(QQ) **"Pretreatment Standards" or "Standards"**. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(RR) **"Prohibited Discharge Standards" or "Prohibited Discharges"**. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in **Section 38-4-26** of this Code.

(SS) **"Properly Shredded Garbage"**. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one-half (1/2) inch (1.27 centimeters)** in dimension.

(TT) **"Public Sewer"**. A sewer which is controlled by public authority.

(UU) **"Publicly Owned Treatment Works" or "POTW"**. A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(VV) **"Regulatory Agency"**. The Illinois Environmental Protection Agency and United States Federal Environmental Protection Agency.

(WW) **"Replacement"**. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(XX) **"Salvage Value"**. Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way easements shall be considered to have a salvage value not greater than the prevailing market value at the time of analysis. Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straight-line depreciation during the service life of the treatment works. For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structure.

(YY) **"Sanitary Facilities"**. Shall consist of all internal plumbing installed for the sole purpose of discharging water-carried wastes to a disposal source.

(ZZ) **"Sanitary Sewer"**. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(AAA) **"Septic Tank Waste"**. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(BBB) **"Service Charge"**. The user charge as defined above, plus the Debt Service Charge as defined above. Also defined as the cost per unit of sewage made up of the user charge rate, plus the debt service rate.

(CCC) **"Sewage"**. Human excrement and gray water (household showers, dishwashing operations, etc.)

(DDD) **"Sewer"**. A pipe or conduit for carrying sewage.

(EEE) **"Sewage Treatment Plant"**. Any arrangement of devices and structures used for treating sewage.

(FFF) **"Sewage Works"**. All facilities for collecting, pumping, treating, and disposing of sewage.

(GGG) **"Significant Industrial User"**.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of **twenty-five thousand (25,000) gpd** or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up **five percent (5%)** or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard

or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 C.F.R. 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(HHH) **"Slug"**. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in **Section 38-4-26** of this Code.

(III) **"Standard Industrial Classification (SIC) Code"**. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(JJJ) **"Standard Methods"**. The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewerage, and Industrial Wastes, published jointly by the American Public Health Association; the American Waterworks Association and the Water Pollution Control Federation.

(KKK) **"Storm Drain" or "Storm Sewer"**. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than polluted cooling water.

(LLL) **"Storm Water"**. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(MMM) **"Surcharge"**. The assessment in addition to the service or user charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

(NNN) **"Suspended Solids"**. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(OOO) **"Useful Life"**. The estimated period during which a treatment works will be operated.

(PPP) **"User" or "Industrial User"**. A source of indirect discharge.

(QQQ) **"User Charge"**. The charge levied on users of the sewage treatment works for the cost of operating and maintaining such works. This charge shall apply to all users whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

(RRR) **"Wastewater"**. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(SSS) **"Wastewater Treatment Plant" or "Treatment Plant"**. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(TTT) **"Watercourse"**. A channel in which a flow of water occurs, either continuously or intermittently.

38-4-5 **RESERVED.**

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-4-6 **OBJECTIONABLE WASTES UNLAWFUL.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City, any human or animal excrement, garbage or other objectionable wastes.

38-4-7 **SEPTIC TANK UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-4-8 **CONNECTION TO SEWER SYSTEM MANDATORY.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary (or combined) sewer of the City, is hereby required at his or her expense to connect all sanitary facilities therein, existing or new, directly within the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the property line or within **one thousand (1,000) feet** of the property line of any commercial or multi-family dwelling.

38-4-9 **PRIVATE SEWAGE DISPOSAL.** Where a public sanitary or combined sewer is not available under the provisions of **Section 38-4-8**, the sanitary facilities shall be connected to a private sewage disposal system complying with the regulations promulgated by the State of Illinois Environmental Protection Agency and any other unit of government or governmental agency regulating sewage disposal and construction of private sewage disposal systems within the limits of the City.

38-4-10 **RESERVED.**

DIVISION III - BUILDING SEWERS AND CONNECTIONS

38-4-11 PERMIT REQUIRED FOR SEWER CONNECTION. No person other than as directed by the City shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City and upon payment of all fees and assessments.

38-4-12 INSTALLATION COSTS. All cost and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

38-4-13 SEPARATE CONNECTION REQUIRED. A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on the same lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended through a manhole to be constructed between the buildings to the rear building and the whole considered as one building sewer.

38-4-14 EXISTING BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Code.

38-4-15 DESIGN AND SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. All private service lines must be extended on minimum grade from property line to sewer main.

38-4-16 SEWER ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

38-4-17 ILLEGAL CONNECTIONS OF ROOF DRAINS. No person shall connect roof downspouts, interior or exterior foundation drains, area-away drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

38-4-18 STORM WATER – NATURAL OUTLETS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

38-4-19 CONTROL MANHOLE. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

38-4-20 REQUIREMENTS FOR CONNECTION TO SEWER. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the City before installation.

38-4-21 INSPECTION BY THE CITY. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City.

38-4-22 EXCAVATIONS BARRICADED. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-4-23 **CAPACITY DOWNSTREAM.** No new connections shall be made to the sewage system unless adequate capacity, as determined by the City, is available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and Suspended Solids.

38-4-24 - 38-4-25 **RESERVED.**

DIVISION IV – GENERAL SEWER USE REQUIREMENTS

38-4-26 PROHIBITED DISCHARGE STANDARDS.

(A) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(B) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than **140°F (60°C)** using the test methods specified in 40 C.F.R. 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than **two (2) inches** in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a low rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than **150°F (65°C)**, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed **104°F (40°C)**;
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with **Section 38-4-7** of this Code.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other

- wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (14) Medical wastes, except as specifically authorized by the City in a wastewater discharge permit;
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 - (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
 - (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L, or any water or wastes containing substances which may solidify or become viscous at temperatures between **32° and 150°Fahrenheit (0° and 65° Celsius)**;
 - (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than **five percent (5%)** or any single reading over **ten percent (10%)** of the Lower Explosive Limit of the meter;
 - (19) Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas;
 - (20) Any waters or wastes containing iron, chromium, copper, or any other metals to such degree that any such material received in the composite sewage as the POTW exceeds the limits established by the City for such materials;
 - (21) Any waters or wastes containing any materials exerting an excessive chlorine requirement, to such degree that any

such material received in the composite sewage at the POTW exceeds the limits established by the City for such materials.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

38-4-27 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

The categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 402.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 C.F.R. 403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15.

38-4-28 STATE PRETREATMENT STANDARDS. State pretreatment standards located at Title 35, Subtitle C, Chapter 1, Part 307 are hereby incorporated.

38-4-29 LOCAL LIMITS. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.25	mg/L arsenic
0.2	mg/L cadmium
0.1	mg/L trivalent chromium
0.3	mg/L hexavalent chromium
0.3	mg/L copper
0.005	mg/L cyanide
0.1	mg/L lead
0.0005	mg/L mercury

0.3	mg/L nickel
1.0	mg/L selenium
0.1	mg/L silver
0.5	mg/L total phenols
0.7	mg/L zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

38-4-30 CITY'S RIGHT OF REVISION AND SPECIAL AGREEMENTS.

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.13.

38-4-31 DILUTION. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard of requirement. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

38-4-32 - 38-4-33 RESERVED.

DIVISION V – PRETREATMENT OF WASTEWATER

38-4-34 PRETREATMENT FACILITIES. Users shall provide wastewater treatment as necessary to comply with this Code and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in **Section 38-4-26** of this Code within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Code.

38-4-35 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Code.

(B) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

38-4-36 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS. The City may require any significant industrial user to develop, submit for approval, and implement an accidental discharge/slug control plan. At least once every **two (2) years**, the City shall evaluate whether each significant industrial user needs such a plan. Alternatively, the City may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the City of any accidental or slug discharge, as required by **Section 38-4-63** of this Code; and
- (D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

38-4-37 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate **Division IV** of this Code or any other requirements established by the City. The City may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Code

(C) Industrial waste haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

38-4-38 - 38-4-39 RESERVED.

DIVISION VI – WASTEWATER DISCHARGE PERMIT APPLICATION

38-4-40 WASTEWATER ANALYSIS. When requested by the City, a user must submit information on the nature and characteristics of its wastewater within **thirty (30) days** of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to submit this information shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Code.

38-4-41 WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to **Section 38-4-42** of this Code may continue to discharge for the time period specified therein.

(B) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Code.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Code and subjects the wastewater discharge permittee to the sanctions set out in **Divisions XII through XIV** of this Code. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

38-4-42 WASTEWATER DISCHARGE PERMITTING; EXISTING CONNECTIONS.

(A) Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Code and who wishes to continue such discharges in the future, shall, within **thirty (30) days** after said date, apply to the City for a wastewater discharge permit in accordance with **Section 38-4-45** of this Code, and shall not cause or allow discharges to the POTW to continue after **ninety (90) days** of the effective date of this Code except in accordance with a wastewater discharge permit issued by the City.

(B) Any Significant Industrial User operating on the effective date of this Code pursuant to a valid wastewater discharge permit issued by any state or federal authority, may continue to operate pursuant to a permit issued under this Code during the time specified in said permit for it to design and implement a program to achieve compliance with a permit issued under this Code.

(1) Within **sixty (60) days** from the issuance of the permit issued under this Code, a Significant Industrial User may notify the City that it intends to continue to operate as provided hereinabove.

- (2) Within **sixty (60) days** from the issuance of the permit under this Code, a Significant Industrial User operating under this subsection, shall submit to the City a proposed compliance plan prepared by a qualified industrial wastewater engineer, which when implemented will achieve compliance with the permit issued under this Code.
- (3) The City may review this compliance plan and provide any comments, suggestions, or requirements within **thirty (30) days** of receipt. The affected Significant Industrial User shall review the comments, suggestions or requirements of the City, if any, and shall implement those requirements of the City.
- (4) Failure of the City to provide comments or suggestions shall not preclude implementation of the compliance plan.
- (5) The City may, upon good cause shown, grant an extension of time to implement a program to achieve compliance with a permit issued under this subsection.

38-4-43 WASTEWATER DISCHARGE PERMITTING; NEW CONNECTIONS. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with **Section 38-4-45** of this Code, must be filed at least **ninety (90) days** prior to the date upon which any discharge will begin or recommence.

38-4-44 WASTEWATER DISCHARGE PERMITTING FOR EXTRAJURISDICTIONAL INDUSTRIAL USERS.

(A) Any existing significant industrial user located beyond City limits shall submit a wastewater discharge permit application, in accordance with **Section 38-4-45** below, within **thirty (30) days** of the effective date of this Code. New significant industrial users located beyond the City limits shall submit such applications to the City **ninety (90) days** prior to any proposed discharge into the POTW.

(B) Alternately, the City may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

38-4-45 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit, as part of an application, the following information:

- (A) All information required by **Section 38-4-58(B)** of this Code;
- (B) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (D) Each product produced by type, amount, process or processes, and rate of production;
- (E) Type and amount of raw materials processed (average and maximum per day);
- (F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (G) Time and duration of discharges; and
- (H) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

38-4-46 APPLICATION SIGNATORIES AND CERTIFICATION. All

wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

38-4-47 WASTEWATER DISCHARGE PERMIT DECISIONS. The City will

evaluate the data furnished by the user and may require additional information. Within **sixty (60) days** of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City may deny any application for a wastewater discharge permit.

38-4-48 RESERVED.

DIVISION VII – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

38-4-49 WASTEWATER DISCHARGE PERMIT DURATION. A wastewater discharge permit shall be issued for a specified time period, not to exceed **five (5) years** from the effective date of the permit. A wastewater discharge permit may be issued for a period less than **five (5) years**, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire.

38-4-50 WASTEWATER DISCHARGE PERMIT CONTENTS. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed **five (5) years**;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with **Section 38-4-53** of this Code, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(B) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

- (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the City to ensure compliance with this Code, and State and Federal laws, rules, and regulations.

38-4-51 WASTEWATER DISCHARGE PERMIT APPEALS. The City shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within **thirty-five (35) days** of notice of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If the City fails to act within **ninety (90) days**, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking administrative review of the wastewater discharge permit decision must do so by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the wastewater discharge permit decision. If the POTW Committee fails to act on the request within **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review a wastewater discharge permit decision shall be considered a final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of the Twentieth Judicial Circuit, Randolph County, Illinois, within **thirty-five (35) days**.

38-4-52 WASTEWATER DISCHARGE PERMIT MODIFICATION. The City may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;

(H) To correct typographical or other errors in the wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.

38-4-53 WASTEWATER DISCHARGE PERMIT TRANSFER. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least **ninety (90) days** advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(B) Identifies the specific date on which the transfer is to occur; and

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

38-4-54 WASTEWATER DISCHARGE PERMIT REVOCATION. The City may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

(B) Failure to provide prior notification to the City of changed conditions pursuant to **Section 38-4-62** of this Code;

(C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(D) Falsifying self-monitoring reports;

(E) Tampering with monitoring equipment;

(F) Refusing to allow the City timely access to the facility premises and records;

(G) Failure to meet effluent limitations;

(H) Failure to pay fines;

(I) Failure to pay sewer charges;

(J) Failure to meet compliance schedules;

(K) Failure to complete a wastewater survey or the wastewater discharge permit application;

(L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Code.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

A decision of the City to revoke a wastewater discharge permit shall be considered a final administrative action for purposes of review. A party seeking review of the City's revocation of a wastewater discharge permit must do so by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the permit revocation. If the POTW Committee fails to act on the request within **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review a wastewater discharge permit revocation shall be considered a final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of final administrative wastewater discharge permit revocation must do so by filing a complaint with the Circuit Court of the Twentieth Judicial Circuit, Randolph County, Illinois, within **thirty-five (35) days**.

38-4-55 **WASTEWATER DISCHARGE PERMIT REISSUANCE.** A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with **Section 38-4-45** of this Code, a minimum of **one hundred eighty (180) days** prior to the expiration of the user's existing wastewater discharge permit.

38-4-56 **INTERMUNICIPAL AGREEMENTS.**

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by paragraph (A) above, the City shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the City may deem necessary.

(C) An intermunicipal agreement, as required by paragraph (A) above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Code and local limits which are at least as stringent as those set out in **Section 38-4-30** of this Code. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;
- (4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

- (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the City access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
 - (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
- (D) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in **Divisions XII – XIV.**

38-4-57 RESERVED.

DIVISION VIII – REPORTING REQUIREMENTS

38-4-58 **BASELINE MONITORING REPORTS.**

(A) Within either **one hundred eighty (180) days** after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (B) below. At least **ninety (90) days** prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listed in paragraph (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

- (1) **Identifying Information.** The name and address of the facility, including the name of the operator and owner.
- (2) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
- (3) **Description of Operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. 403.6(e).
- (5) **Measurement of Pollutants.**
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be

representative of daily operations and shall be analyzed in accordance with procedures set out in **Section 38-4-67** of this Code.

- (c) Sampling must be performed in accordance with procedures set out in **Section 38-4-68** of this Code.
- (6) **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in **Section 38-4-59** of this Code.
- (8) **Signature and Certification.** All baseline monitoring reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

38-4-59 COMPLIANCE SCHEDULE PROGRESS REPORTS. The following conditions shall apply to the compliance schedule required by **Section 38-4-58(B)(7)** of this Code:

- (A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (B) No increment referred to above shall exceed **nine (9) months**;
- (C) The user shall submit a progress report to the City no later than **fourteen (14) days** following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (D) In no event shall more than **nine (9) months** elapse between such progress reports to the City.

38-4-60 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE. Within **ninety (90) days** following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in **Section 38-4-58(B)(4)-(6)** of this Code. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

38-4-61 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, in June and December, unless required more frequently in the pretreatment standard, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. The City may require a more detailed reporting of flows. At the City's discretion, and in consideration of such factors as local high or low flow rates, holidays and budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the City, using the procedures prescribed in **Section 38-4-68** of this Code, the results of this monitoring shall be included in the report.

(D) Where the City has imposed mass limitations on industrial users as provided by 40 C.F.R. 403.6, paragraph (d), the report required by **Section 38-4-6**, paragraph (A) of this report and 40 C.F.R. 403.12, paragraph (e)(1), shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(E) For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 C.F.R. 304.6, paragraph (C), the report required by **Section 38-4-61**, paragraph (A) of this report

and 40 C.F.R. 403.12, paragraph (e)(1), shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutants discharge per unit of production (or other measure of operation), the report required by **Section 38-4-61**, paragraph (A) of this report and 40 C.F.R. 403.12, paragraph (e)(1), shall include the user's actual average production rate for the reporting period.

38-4-62 **REPORTS OF CHANGED CONDITIONS.** Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least **ninety (90) days** before the change.

(A) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under **Section 38-4-45** of this Code.

(B) The City may issue a wastewater discharge permit under **Section 38-4-47** of this Code or modify an existing wastewater discharge permit under **Section 38-4-52** of this Code in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of **twenty percent (20%)** or greater, and the discharge of any previously unreported pollutants.

(D) No user shall implement the planned changed condition(s) until and unless the City has responded to the user's notice.

38-4-63 **REPORTS OF POTENTIAL PROBLEMS.**

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, including a violation of the prohibited discharge status in **Section 38-4-26**, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within **five (5) days** following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Code.

(C) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Code.

(D) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

38-4-64 REPORTS FROM UNPERMITTED USERS. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may require.

38-4-65 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING. If sampling performed by a user indicates a violation, the user must notify the City within **twenty-four (24) hours** of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within **thirty (30) days** after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

38-4-66 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 2651, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than **ten (10) kilograms** of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following **twelve (12) months**. All notifications must take place no later than **one hundred eighty (180) days** after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under **Section 38-4-62** of this Code. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of **Sections 38-4-59, 38-4-60, and 38-4-61** of this Code.

(B) Dischargers are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than **fifteen (15) kilograms** of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than **fifteen (15) kilograms** of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261/33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within **ninety (90) days** of the effective date of such regulations.

(D) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Code, a permit issued thereunder, or any applicable Federal or State law.

38-4-67 ANALYTICAL REQUIREMENTS. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

38-4-68 SAMPLE COLLECTION.

(A) Except as indicated in Section (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of **four (4)** grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

38-4-69 **DETERMINATION OF NONCOMPLIANCE.** The City may use a grab sample to determine noncompliance with pretreatment standards.

38-4-70 **TIMING.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

38-4-71 **RECORD KEEPING.** Users subject to the reporting requirements of this Code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Code and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least **three (3) years**. This period shall be automatically extended for the duration of any litigation concerning the user of the City, or where the user has been specifically notified of a longer retention period by the City.

38-4-72 - 38-4-74 **RESERVED.**

DIVISION IX – COMPLIANCE MONITORING

38-4-75 RIGHT OF ENTRY: INSPECTION AND SAMPLING. The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Code and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where a user has security measures in force which require identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.

(B) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(C) The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.

(E) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this Code.

38-4-76 ENTERING PREMISES. The Mayor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-4-77 SEARCH WARRANTS. If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program

of the City designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the Circuit Court for the Twentieth Judicial Circuit, Randolph County, Illinois. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

38-4-78 RESERVED.

DIVISION X – CONFIDENTIAL INFORMATION

38-4-79 CONFIDENTIAL INFORMATION. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data”, as defined by 40 C.F.R. 2.302, will not be recognized as confidential information and will be available to the public without restriction.

DIVISION XI – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

38-4-80 PUBLICATION. The City shall publish annually, in the largest daily newspaper published in the Municipality where the POTW is located, a list of the users which, during the previous **twelve (12) months**, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which **sixty-six percent (66%)** or more of wastewater measurements taken during a **six (6) month** period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which **thirty-three percent (33%)** or more of wastewater measurements taken for each pollutant parameter during a **six (6) month** period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within **ninety (90) days** of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within **thirty (30) days** after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

38-4-81 RESERVED.

DIVISION XII – ADMINISTRATIVE ENFORCEMENT REMEDIES

38-4-82 NOTIFICATION OF VIOLATION. When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written Notice of Violation. Within **thirty (30) days** of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

38-4-83 CONSENT ORDERS. The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to **Sections 38-4-85 and 38-4-86** and shall be judicially enforceable.

38-4-84 SHOW CAUSE HEARING. The City may order a user which has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user shall be served personally or by registered or certified mail (return receipt requested) at least **fourteen (14) days** prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

38-4-85 COMPLIANCE ORDERS. When the City finds that a user has violated, or continues to violate, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address

the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-86 **CEASE AND DESIST ORDERS.** When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-87 **ADMINISTRATIVE FINES.**

(A) When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed **One Thousand Dollars (\$1,000.00)**. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as may be available for other service charges and fees.

(C) Unpaid charges, fines, and penalties shall, after **thirty (30) calendar days**, be assessed an additional penalty of **ten percent (10%)** of the unpaid balance, and interest shall accrue thereafter at a rate of **ten percent (10%)** per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(D) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within **thirty (30) days** of being notified of the fine. Where a request has merit, the City may

convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(E) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-88 EMERGENCY SUSPENSIONS. The City may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in **Section 38-4-89** of this Code are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under **Sections 38-4-84 or 38-4-89** of this Code.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

38-4-89 TERMINATION OF DISCHARGE. In addition to the provisions of **Section 38-4-54** of this Code, any user who violates the following conditions is subject to discharge termination:

- (A) Violation of wastewater discharge permit conditions;
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (C) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, and sampling; or

(E) Violation of the pretreatment standards in **Division IV** of this Code.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under **Section 38-4-84** of this Code why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

A user may have review of the administrative enforcement remedies of the City under this Section, by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the imposition of the remedy. If the POTW Committee fails to act on the request within the **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review an enforcement remedy shall be considered a final administrative action for purposes of judicial review. A user seeking review of the final administrative action must do so by filing an appeal with the Circuit Court of the Twentieth Judicial Court, Randolph County, Illinois, within **thirty-five (35) days** of the enforcement remedy. An appeal shall not delay the enforcement remedies.

38-4-90 **RESERVED.**

DIVISION XIII – JUDICIAL ENFORCEMENT REMEDIES

38-4-91 INJUNCTIVE RELIEF. When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Circuit Court of the Twentieth Judicial Court, Randolph County, Illinois, through the City's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Code on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

38-4-92 CIVIL PENALTIES.

(A) A user who has violated, or is violating, any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of **One Thousand Dollars (\$1,000.00)** per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

38-4-93 CRIMINAL PROSECUTION.

(A) A user who willfully or negligently violates any provision of this Code, a wastewater discharge permit, or order hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

(B) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than **One Thousand**

Dollars (\$1,000.00), or be subject to imprisonment for not more than **one (1) year**, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Code, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

(D) In the event of a second conviction, a user shall be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

38-4-94 REMEDIES NONEXCLUSIVE. The remedies provided for in this Code are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may also be taken concurrently.

38-4-95 RESERVED.

DIVISION XIV – SUPPLEMENTAL ENFORCEMENT ACTION

38-4-96 PERFORMANCE BONDS. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

38-4-97 LIABILITY INSURANCE. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

38-4-98 WATER SUPPLY SEVERANCE. Whenever a user has violated or continues to violate any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

38-4-99 PUBLIC NUISANCES. A violation of any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

38-4-100 RESERVED.

DIVISION XV – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

38-4-101 UPSET.

(A) For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) below, are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the City within **twenty-four (24) hours** of becoming aware of the upset (if this information is provided orally, a written submission must be provided within **five (5) days**);
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

38-4-102 PROHIBITED DISCHARGE STANDARDS. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in **Section 38-4-26(A)** of this Code or the specific prohibitions in **Section 38-4-26(B)** of this Code if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

38-4-103 BYPASS.

(A) For purposes of this Section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

(C) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least **ten (10) days** before the date of the bypass, if possible.

(2) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within **twenty-four (24) hours** from the time it becomes aware of the bypass. A written submission shall also be provided within **five (5) days** of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case

- basis if the oral report has been received within **twenty-four (24) hours**.
- (D) (1) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this Section.
- (2) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

38-4-104 RESERVED.

DIVISION XVI – RATES AND RATE DISCHARGE

38-4-105 PRETREATMENT CHARGES AND FEES. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (A) Fees for wastewater discharge permit applications including the cost of processing such application;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Code and are separate from all other fees, fines, and penalties chargeable by the City.

38-4-106 RATE ADJUSTMENTS FOR VOLUME AND STRENGTH. In order that the rates and charges may be equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and wastes which it is required to treat. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly and by such method(s) as it may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge.

38-4-107 DEFINITIONS. For the purpose of this Section and **Division XVII**, the following definitions shall apply:

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees Celsius (20°C)**, expressed in milligrams per liter.

"COD" denotes Chemical Oxygen Demand.

"Industrial Cost Recovery" shall mean recovery by the City from all industrial users of the City's sewage treatment works of the amount of all federal grant monies expended on such sewage treatment works subsequent to **June, 1978**, allocable to the treatment of sewage wastes from such industrial users.

"Industrial Cost Recovery Period" shall mean that period during which the grant monies allocable to the treatment of wastes from industrial users is recovered from the industrial users of such sewage treatment works.

“Industrial User” shall mean any non-governmental user of publicly-owned treatment works identified in the following divisions of the SIC Code:

Agriculture, Forestry and Fishing; Mining; Manufacturing; Transportation, Communications, Electric, Gas and Sanitary Services;

A user in the divisions listed above may be excluded if it is determined by the City that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

“Industrial Waste” shall mean the liquid or liquid conveyed waste from industrial manufacturing processes, trades or businesses, cooling water, discharge from industrial pretreatment facilities, and on a case-by-case basis, discharges from business establishments exceeding normal sanitary needs of employees.

“Major Contributing Industry”. An industrial user of the publicly-owned treatment works that:

(A) Has a flow of **fifty thousand (50,000) gallons** or more per average work day;

(B) Has a flow greater than **five percent (5%)** of the flow carried by a municipal system receiving the waste;

(C) Has in its waste, a toxic pollutant in toxic amounts as defined under Section 307a of the Federal Water Pollution Act of 1972 (P.L. 92-50); or

(D) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluence from that treatment works.

“mg/L” denotes milligrams per liter.

“Non-Industrial User” shall mean all sewage users, except those defined as Industrial Users herein.

“Regional Administrator” shall mean the Regional Administrator of the United States Environmental Protection Agency, Chicago, Illinois.

“Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Suspended Solids (SS)” shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which is removable by laboratory filtering.

“Useful Life” shall mean the estimated period during which a treatment works will be operated.

38-4-108 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance, plus replacement; a debt service charge; and a surcharge, if applicable.

(A) **Debt Service Charge.** The Debt Service Charge shall be computed by dividing the annual debt services of all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges can be computed.

(B) **Basic User Charge.** The Basic User Charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- (1) A 5-day, 20 degree Celsius biochemical oxygen demand (BOD) of 205 mg/L.
- (2) A Suspended Solids content of 250 mg/L.

The Basic User Charge shall consist of operation, maintenance, plus replacement costs and shall be computed as follows:

- (1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- (2) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids, and BOD, if possible.
- (3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (4) Proportion the estimated costs to non-industrial and industrial users by volume, SS, and BOD.
- (5) Compute costs per **one thousand (1,000) gallons** for normal sewage strength.
- (6) Compute surcharge costs per **one thousand (1,000) gallons** per mg/L in excess of normal sewage strength for BOD and SS.

(C) **Surcharge.** A Surcharge will be levied to all users whose waters exceed the normal concentration for BOD (205 mg/L) and SS (250 mg/L). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 205 mg/L and 250 mg/L concentrations for BOD and SS, respectively. The procedure to compute a surcharge is as follows:

These calculations are based on the principal that **twenty-five percent (25%)** of the cost of operating is attributable to the removal of BOD, and **fifty percent (50%)** to the removal of SS, and **twenty-five percent (25%)** to flow.

B_c = Surcharge on cost per pound of BOD in excess of 205 mg/L.

S_c = Surcharge on cost per pound of SS in excess of 250 mg/L.

O&M = Operational and maintenance cost of sewage treatment plant.

Design Average Daily Flow = 1,400,000 gal./day or 1.4 MGD.

$$B_c = \frac{(\text{O\&M}) 25\%}{\text{BOD}} \frac{(\text{243,382.01}) 25\%}{205 \frac{\text{mg}}{\text{L}} \times 8.34 \frac{\text{lbs.}}{10^6 \text{ gal.}} \times 1.4 \frac{\text{MGD}}{\text{day}} \times 365 \frac{\text{day}}{\text{year}}}$$

$$B_c = \frac{60,845.50}{873,656.70}$$

$$B_c = 0.0696/\text{lb.}$$

O&M = Cost of operation of plant + 1/2 Superintendent + depreciation + replacement cost + debt service = 243,382.01

BOD = 205 mg/L = normal domestic sewage

$$S_c = \frac{(\text{O\&M}) 50\%}{\text{SS}} = \frac{(\$243,382.01) 50\%}{250 \text{ mg/L}}$$

$$S_c = \frac{121,691.00}{250 \text{ mg/L} \times 8.34 \frac{\text{lbs.}}{10^6 \text{ gal.}} \times 1.4 \frac{\text{MGD}}{\text{day}} \times 365 \frac{\text{day}}{\text{year}}}$$

$$S_c = \frac{121,691.00}{1,065,435.00} = 0.1142/\text{lbs. SS}$$

Base rates will be considered on 50 mg/L increments as per **one thousand (1,000) gallons**. Therefore, the rate for BOD and SS surcharge will be:

$$50 \frac{\text{mg}}{\text{L}} \times 8.34 \frac{\text{lbs.}}{10^6 \text{ gal.}} \times .001 \text{ gal.} = .417 \text{ lbs.}$$

$$B_c = \$0.0696/\text{lb.} \times 0.417 \text{ lbs.} = 0.029$$

0.03

$$S_c = \$0.1142/\text{lb.} \times 0.417 \text{ lbs.} = 0.048$$

0.05

Therefore, the surcharge for BOD will be \$0.03 per 50 mg/L excess and **one thousand (1,000) gallon** usage, and SS will be \$0.05 per 50 mg/L excess and **one thousand (1,000) gallon** usage.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

38-4-109 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons.**

(A) If the person discharging wastes into the public sewers procures any part or all of his or her water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewer, the person shall install and maintain, at his or her expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City.

38-4-110 RESERVED.

38-4-111 SEWER RATES. There shall be and there is hereby established a charge for the use of and for sewer service supplied by the Wastewater Facilities of the City of Chester based on water consumption as follows:

(A) **Sewer Rates Inside City Limits.** Sewer charges for users inside the City Limits shall be based on water consumption per month and shall be as follows:
 First 1,000 gallons of water consumed per month (minimum charge): \$20.00
 Over 1,000 gallons: \$4.74 per 1,000 gallons and this charge shall be automatically increased by **three percent (3%)** effective **August 1, 2023** and annually on **June 1** of each year thereafter.

(B) **Sewer Rates Outside City Limits.** Sewer charges for users outside the City Limits shall be based on water consumption per month and shall be as follows:
 First 1,000 gallons of water consumed per month (minimum charge): \$36.00
 Over 1,000 gallons: \$5.28 per 1,000 gallons and this charge shall be automatically increased by **three percent (3%)** effective **August 1, 2023** and annually on **June 1** of each year thereafter.

(C) **Additional Monthly Charge for Sewer Service.** There shall also be charged to all sewer customers the following additional monthly charge for sewer service based on the size of the water meter. The additional monthly charge for sewer service shall be in the amount set forth below:

<u>Size of Water Meter</u>	<u>Sewer Service</u>
1"	\$6.98
1 1/2"	13.10
2"	21.23
3"	39.25
4"	68.70
6"	130.54

(D) All sewer rates provided in this Section shall become effective and begin with the sewer bills sent after **August 1, 2023**.

(E) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter implement; nor shall these rates and charges be applicable to any other kind of agreement which the City now has or might in the future implement relative to water and/or sewer rates that the City has authority by law to enter into.

(Ord. No. 1801; 07-17-23)

38-4-112 NON-PAYMENT OF UTILITY BILLS. All non-payment of utility bills will be administered according to the provisions set forth in **Section 38-2-1(G)** of this Code.

38-4-113 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges.

38-4-114 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM (Vu-X) + CS$$

Where	CW	=	Amount of wastewater service charge (\$) per bill period.
	CD	=	Debt Service Charge.
	CM	=	Minimum Charge for Operation, Maintenance and Replacement.
	Vu	=	Wastewater Volume for the billing period.
	X	=	Allowable consumption in gallons for the minimum charge.
	CU	=	Basic User Rate for Operation, Maintenance and Replacement.
	CS	=	Amount of Surcharges.

38-4-115 RESERVED.

38-4-116 DELINQUENT BILLS. If a utility bill is not paid within **thirty (30) days** after the bill has been presented, the customer and owner of record shall be given a notice that the charges have become delinquent and that the unpaid charges may create a lien on the real estate and services may be terminated.

If the charges remain unpaid **five (5) days** after the notice referred to above then the unpaid charges shall create a lien on the real estate pursuant to **Section 38-2-1(K)** and services may be terminated after notice and hearing referred to in **Section 38-2-1(G)**.

38-4-117 LIEN – NOTICE OF DELINQUENCY. Whenever a bill for monthly sewer service remains unpaid for **thirty (30) days** after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever such bill remains unpaid for the period of **forty-five (45) days** for a monthly bill after it has been rendered.

The failure of the City Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned herein.

38-4-118 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay for the charges, after deducting costs, as is the case in the foreclosure of statutory liens.

Such foreclosure shall be by bill-in-equity in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid **thirty (30) days** in the case of a monthly bill after it has been rendered.

38-4-119 REVENUES. All revenues and monies derived from the operation of the sewage system shall be deposited in the sewage account of the Sewage Fund. All such revenues and monies shall be held by the City Clerk separate and apart from his or her private funds and separate and apart from other funds of the City, and all of said sum, without any deductions whatsoever, shall be delivered to the City Clerk not

more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Mayor and City Council.

The City Clerk shall receive all such revenues from the sewage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewage Fund" of the City. The Clerk shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-120 ACCOUNTS. The City Clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewage system, and at regular annual intervals, the Clerk shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-121 NOTICE OF RATES. A copy of this Section, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewage system of the City on their properties.

38-4-122 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-4-123 - 38-4-124 RESERVED.

DIVISION XVII – RECORDS AND EVALUATIONS

38-4-125 NEW SANITARY SEWAGE SYSTEM CONSTRUCTION. Any new sewer construction or sanitary sewage system construction tributary to and with final discharge into the sewage treatment plant shall be limited solely to sanitary sewers constructed under and approved by the terms and conditions of this Code.

38-4-126 USER CHARGE REVIEWED ANNUALLY. The user charges provided herein shall be reviewed annually and revised periodically to reflect actual treatment works operation and maintenance costs; and to assure that the user charge system will generate sufficient revenue to offset the costs of all treatment works operation and maintenance.

38-4-127 REJECTION OR REDUCTION OF INDUSTRIAL DISCHARGES. The City is hereby authorized to reject or reduce industrial discharges in emergencies in order to meet the requirements of the NPDES Permit and is further authorized to reject any new sewage service connections when the total capacity of the sewage system is exceeded and no longer capable of treatment of sewage which would be placed into the sewage treatment system as a result of said connections.

38-4-128 ANNUAL AUDIT OF COST ACCOUNTING SYSTEM. An audit of the sewage treatment works' cost accounting system shall be conducted on an annual basis by a qualified and licensed Certified Public Accountant.

38-4-129 MAINTENANCE OF RECORDS. The City shall establish a proper system of accounts and shall keep accurate and detailed books, records and accounts of the City in which complete and correct entries shall be made of the cost of operation, maintenance, depreciation and routine parts replacement relating to the sewage treatment works.

38-4-130 DEPRECIATION AND REPLACEMENT. The sewage treatment works will be depreciated upon a straight line basis with a useful life of **thirty (30) years** with a salvage value established under the definition contained herein.

All personal property shall be depreciated upon the basis of a useful life of **thirty (30) years**; and a replacement value at the end of said useful life of **one hundred percent (100%)** of its existing fair market value when purchased and installed as a part of the total sewage treatment works.

38-4-131 RESERVED.

DIVISION XVIII – EXTENSIONS

38-4-132 APPLICATION. Any person, firm or corporation within the service areas of the Water and Sewer Systems and desiring the extension of the mains to the premises shall make application therefor to the City Clerk, and in making the application, shall present to the City Clerk a plat showing the area to be served by the main extension. **(See Chapter 35, Subdivision for Water and Sewer Extensions)**

38-4-133 PLAT OF PROPOSED EXTENSION. The plat shall be submitted by the City Clerk to the City Engineer and the Water and Sewer Committee of the City Council for determination of the size and lengths of sewer and water main installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following requirements:

(A) Mains shall be sized so that fire protection service may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrants shall be so located so that no premise will be more than **four hundred (400) feet** from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersecting street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The City may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the City to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines may be installed by the City at no cost to the developer, however, lots or properties fronting directly thereon which may be served by a service connection to the main will be charged the average amount per connection as found in subdivisions currently being constructed.

(E) The City reserves the right to further extend its water mains from and beyond the terminus of each water main extension made under this Chapter. The applicant or the applicant’s agent paying for the extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extensions made under this rule shall be and remain the property of the City.

(G) Before the City mains will be laid hereunder in any new subdivision, it is understood and agreed that the road surface will be brought to the extended subgrade and the applicant/developer of such new subdivision shall furnish the City with a right-of-way agreement in suitable form to the City, unless the streets of the new subdivision have been dedicated to public use.

(H) When a pipe line is to be installed in a paved or unpaved street, a service line of **three-fourths (3/4) inch** Type "K" Copper is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box.

When a business or an apartment house is to be serviced, the Water Department shall be contacted to obtain the proper size for the service.

38-4-134 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing, and with specifications for water main extensions from time to time adopted by the City Council. The plans and specifications shall be prepared by the City Engineer or a Civil Engineer acceptable to the City Council.

38-4-135 SEALED BIDS – LARGER PIPE REQUIRED. Sealed bids shall be received by the City Council after advertisement not less than **ten (10) days** prior to the date of the receiving of the bids and after receipt thereof, the applicant shall deposit with the City Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the City should require the installation of a size of pipe larger than is found by the City Engineering standard to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the City standing the additional cost for a larger line.

38-4-136 CONTRACT. Upon deposit of the monies by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the City, as follows:

UTILITY EXTENSION CONTRACT

AGREEMENT made and entered into this ____ day of _____, by and between the Utility System of the City of Chester, Illinois, hereinafter called the Utility Department and _____, hereinafter called the Depositor.

FIRST: That the Utility Department contracts and agrees to have installed by contract, in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of _____ Dollars, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid _____
- (B) Engineering and inspection charge _____
- (C) Total _____

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk of the City of Chester.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above.

**UTILITY DEPARTMENT
CITY OF CHESTER, ILLINOIS**

By: _____
Mayor

ATTEST:

CITY CLERK

WITNESSES

(SEAL)

38-4-137 RESERVED.

DIVISION XIX – EFFECTIVE

38-4-138 COMPLIANCE DATE. Compliance with all of the terms and provisions of this Code, excepting those matters pertaining to wastewater discharge permits and additional pretreatment measures, shall commence on the effective date of this Code. Compliance with all of the terms and provisions of this Code pertaining to wastewater discharge permits shall be deemed to have occurred when a wastewater discharge permit has been issued, even though such permit shall require the user to whom said permit was issued to undertake certain additional pretreatment measures within a time certain as provided in said permit.

(Ord. No. 1160; 10-19-98)