

LEGISTAR: 190407  
DISTRICT #: ALL

**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
**For Inclusion on Board Agenda**

  X   Resolution or Ordinance (Blue)   X   Waiver of First Requested  
       Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

**TO:** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott Niehaus, Village Manager

**DATE :** September 18, 2019 (BOT) Date: October 17, 2019

**SUBJECT:** Ordinance Amending Sections 50.035 through 50.049 of the Lombard Village Code

**SUBMITTED BY:** Carl S. Goldsmith, Director of Public Works *g*

**BACKGROUND/POLICY IMPLICATIONS:**

The Department of Public Works transmits for your consideration a proposed ordinance to amend Sections 50.035 through 50.049 of the Village Code. Sections 50.035 through 50.049 pertain to the use of the Village's Sanitary Sewer System. The amendments to the Code are in relation to the FOG and Pretreatment Standards, which will be adopted under a subsequent Ordinance.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



September 18, 2019

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl S. Goldsmith, Director of Public Works *g*

SUBJECT: Ordinance Amending Section 50.035 through 50.049 of the Lombard Village Code

Sections 50.035 through 50.049 of the Village Code provides regulations for the use of the Village's sanitary sewer system. The amendments proposed in the amended Code reflect changes in Federal and State regulations. There are a number of sections of the Code that are amended to clean up sections of the Code for clarity or consistency sake.

A summary of the major points included in the amendment can be found below:

**§ 50.038 (P) – Other prohibited discharges.**

Language has been added to address the disposal of medical waste.

**§ 50.040 (G - I) – Pretreatment standards.**

Language has been added to adopt, by reference, the Illinois Pretreatment Program requires, as well as providing that the Executive Director of the Glenbard Wastewater Authority may enact more stringent regulations and may also require BMPs to be incorporated to implement local limits.

The amendment eliminated a Section of the Code (*Options of Village*) as this language is included in the State Statutes. All other sections of the code have been renumbered to address the elimination.

**§ 50.042 (B) - Fat, oil, grease, sand and petroleum product traps.**

This section has been amended definitions to Gravity Grease Interceptor and Hydromechanical Grease Interceptor.

**§ 50.042 (C) - Fat, oil, grease, sand and petroleum product traps.**

This section has been amended to address the requirement for grease traps in food service establishments that are remodeled versus new construction. The Code also includes revised language for automobile service centers.

**§ 50.042 (D) - Fat, oil, grease, sand and petroleum product traps.**

This section has been amended to define the maintenance requirements for FOG recovery systems.

**§ 50.044 (C -D) - Spill containment requirement.**

This section has been amended to eliminate sections C and D as these sections are addressed in the reporting requirements of § 50.044 (A and B).

**§ 50.046 - Categorical discharges, report requirements.**

This section has been eliminated, as the reporting requirements are covered in Section IV of the Pretreatment Program.

**Recommendation:**

The Public Works Department recommends that the Board of Trustees adopt AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTIONS 50.035 THROUGH 50.049 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE REGULATIONS APPLICABLE TO THE USE OF THE SANITARY SEWER SYSTEM.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 50,  
SECTIONS 50.035 THROUGH 50.049 OF THE  
LOMBARD VILLAGE CODE IN REGARD TO THE REGULATIONS  
APPLICABLE TO THE USE OF THE SANITARY SEWER SYSTEM**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Title 5, Chapter 50, Sections 50.035 through 50.047 of the Lombard Village Code are hereby amended to read in their entirety as set forth on Exhibit A attached hereto and made part hereof.

**SECTION 2:** That Title 5, Chapter 50, Sections 50.048 and 50.049 of the Lombard Village Code are hereby repealed.

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

## **Exhibit A**

### **§ 50.035 - Prohibited waste deposits.**

It shall be unlawful for any person to place or deposit, or permit to be deposited upon public or private property within the Village or in any area under the jurisdiction of the Village, in any unsanitary manner, any human or animal excrement, garbage, or other objectionable waste.

### **§ 50.036 - Illicit discharge detection and elimination rules/regulations/requirements.**

- (A) No person shall place, drain, or otherwise discharge, cause, or allow others under their control to place, drain, or otherwise discharge into the storm drainage system or MS4 any pollutants or waters containing any pollutants, other than normal storm water unless specifically exempted in §50.036(C) of this Code.
- (B) The following discharges into the MS4 or the storm drainage system shall be prohibited: discharges that are not a direct result of precipitation and or snow melt within the drainage area of the MS4; and, an Illicit Discharge as defined in Section 50.001.
- (C) The following discharges are exempt from discharge prohibitions established herein provided the Director determines they do not cause an adverse effect on water quality:
  - (1) Discharges caused by governmental public works and stormwater management units as part of their standard operations in compliance with all applicable regulations.
  - (2) Water line flushing and street wash water.
  - (3) Discharges required by law or authorized by permit, including any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the USEPA and, or, IEPA.
  - (4) Landscape irrigation water.
  - (5) Rising ground waters.
  - (6) Ground water infiltration.
  - (7) Pumped ground water.
  - (8) Discharges from potable water sources.
  - (9) Foundation drains.
  - (10) Air conditioning condensate.
  - (11) Irrigation water (except for wastewater irrigation).
  - (12) Springs.
  - (13) Water from crawl space pumps.
  - (14) Footing drains.
  - (15) Storm sewer cleaning water.
  - (16) Water from any outdoor residential, charitable, or automobile dealership premise car wash.
  - (17) Routine external building washdown which does not use detergents.
  - (18) Flows from riparian habitats and wetlands.
  - (19) Dechlorinated pH neutral swimming pool discharges.
  - (20) Residual street wash water.

- (21) Discharges or flows from firefighting activities.
  - (22) Dechlorinated water reservoir discharges.
  - (23) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed).
  - (24) Discharges associated with dye testing of water line, sanitary sewers, storm sewers, private drains or septic systems; however, this activity shall not take place until the discharger, or tester, has provided notification to the Director at least two full business days prior to the test date, unless an emergency situation does not allow time for such notification.
  - (25) Other discharges approved by the Director as being substantially like any of the discharge types enumerated above.
- (D) The construction, use, maintenance, or continued existence of Illicit Discharge to the storm drainage system or MS4 is prohibited. Illicit Discharges made in the past are expressly prohibited, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (E) Connections in violation of this Code must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.
  - (F) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system or MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Director requiring that such locating be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, MS4, sanitary sewer system, or other discharge point be identified. Results of these investigations are to be documented and provided to the Director.
  - (G) Any person operating a facility subject to an industrial activity NPDES stormwater discharge permit shall submit a copy of the Notice of Intent (NOI) to the Director at the same time the operator submits the original Notice of Intent to the IEPA as applicable. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Director.
  - (H) Notwithstanding other requirements of law, as soon as any person owning, leasing or exercising control over a property, or responsible for emergency response for a property, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the MS4 or the storm drainage system, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such spill.
    - (1) In the event of such spill, said person shall immediately notify local emergency dispatch services and act in accordance with Illinois Emergency Management Agency (IEMA) and IEPA regulations.
    - (2) Said person shall notify the Director of the spill in person or by phone, facsimile, or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the phone notice. If the spill emanates from a commercial

or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the spill and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.

- (I) Failure to provide notification of a release as provided above is a violation of this Code. Proper notice, including containment and cleanup shall exempt the notifying parties from applicable fines; notwithstanding that a party causing a spill that contaminates or harms a storm sewer system shall not be relieved of liability for damages resulting from such act.
- (J) A violation of this Code includes when a person: performs any act expressly prohibited by any provision of this Code; or disobeys, neglects, or fails to carry out or comply with any provision of this Code or of any order or notice issued by the Director; or allows any condition or act that violates any provision of this Code to continue unabated on property owned, leased, managed, or under the control of such person; or directs, orders, permits, or allows a second person to do any act expressly prohibited by any provision of this Code, or to maintain or continue unabated any condition or act that violates any provision of this Code on property owned, leased, managed or under the control of the first person.
- (K) The Director may issue a notice of violation ordering a person to take action to achieve compliance with the provisions of this Code and, or to cease and desist from any action conducted in violation of this Code. Failure to comply with the terms and conditions of a notice of violation and order to comply shall constitute a violation of this Code.
  - (1) The Director shall set forth the form and content of any notices issued under this Code.
  - (2) The Director may issue a warning of violation ordering a person to take action to achieve compliance with the provisions of this Code. If a person fails to comply with the terms and conditions of a warning, the Director may, thereafter, issue a notice of violation.
  - (3) The Director may issue a warning of violation and disburse educational materials outlining appropriate measures to minimize the discharge of pollutants.
- (L) If a person fails to comply with an order issued under this Code, the Director may direct the appropriate legal counsel to commence legal proceeding authorized by this Code, under the law or equity, necessary to enforce any provision of this Code and, or, to protect public health and safety.
- (M) When the Director finds that any person has violated, or continues to violate, any provision of this Code, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4, storm drainage system, and an imminent threat of violation is present, the Director may issue an emergency order to the violator directing the violator to:
  - (1) Immediately cease and desist all such violations and comply with all Code requirements; and
  - (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
- (N) Any person notified of an emergency order under this Code shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Director may take such steps as deemed necessary to prevent or minimize harm to the MS4, storm drainage

system, or waters of the United States, and, or, endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Director may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Code. A person 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 discharge and the measures taken to prevent any future occurrence, to the Director within 15 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- (O) Any condition caused or permitted to exist in violation of any provision of this Code shall constitute a threat to public health and safety and is declared and deemed a public nuisance.
- (P) Any person violating any provision of this Code shall be fined not less than \$250.00 nor more than \$750.00 for each day, or portion of a day, during which such violation is committed, continued or permitted, with each day, or portion of a day, that said violation is committed, continued or permitted constituting a separate and distinct offense.
- (Q) In emergency situations involving an immediate threat to public health and safety, the Director may direct legal counsel to immediately commence any legal equitable proceeding necessary to restrain, abate and/or remedy said situation. The Director may take such action without having to first issue a notice of violation to the person(s) having control of, or acting as agent for, such premise where the nuisance is located, or, waiting for such person(s) to abate or remove such nuisance as previously ordered by the Director. Further, the Director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4, storm drainage system, or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to prevent or minimize damage to the MS4, storm drainage system, or waters of the United States, or to minimize danger to public health and safety.
- (R) The Director shall obtain an emergency court order authorizing such termination.
- (S) In all other cases the Director may notify, in writing, the person(s) having control of, or acting as agent for, such premise where the nuisance is located and directing such person(s) to abate or remove such nuisance within such time as is stated on the notice. Upon the failure or refusal of such person(s) to comply with the notice, the Director may direct that appropriate proceeding commence to compel the abatement, or removal, of such a nuisance in any manner allowed by law, equity, or this Code and, or, authorizing the Director to act to abate, or remove, such nuisance. The person(s) having control of such premises, in addition to the other remedies provided by this Code, shall be liable to the Director for any costs incurred by the Director to effect such abatement, or removal, including reasonable attorney's fees and other costs of enforcement, to be recovered by a court of competent jurisdiction.
- (T) Where the conditions imposed by any provision of this Code are either more restrictive or less restrictive than comparable conditions imposed by any other applicable statute, law,



code, regulation, or rule, the provision that is most restrictive or imposes the higher standards or requirements shall apply. The provisions of this Code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other laws, codes, and regulations, in existence or which may be passed governing any subject matter of this Chapter. To the greatest extent possible, the provisions of this Code shall be construed to be consistent with, and not in conflict with, the provisions of such other laws, codes, and regulations, and with each other, to the end that all such provisions may be given their fullest application.

- (U) The Village is a willing participant in DuPage County's Illicit Discharge Detection and Elimination Program, subject to an annual intergovernmental agreement.
- (V) Any person aggrieved by any decision, ruling, or determination by the Director, or by any interpretation or application of any provision of this Code may appeal such matter to the Public Works and Environmental Concerns Committee. A written appeal of any decision made by the Director shall be made within seven (7) days of the decision contested, excepting an appeal involving the assessment charge or calculation of any fine or penalty in which cases which an appeal shall be brought before said amount becomes thirty (30) days past due. Upon receipt of such notice of appeal, the Director shall set a date for a hearing. Such hearing shall take place no fewer than fourteen (14) days nor more than thirty (30) days from the date that the Director receives such Notice of Appeal unless the Director and party requesting the hearing agree to a different schedule. The Director shall notify the person making the appeal of the date of such hearing. At the hearing the person making the appeal may appear in person or represented by counsel, or submit his case in writing. The decision concerning the appeal shall be in writing shall be communicated to the person making the appeal, and shall state a finding upon which the decision is based. The Village Board of Trustees shall have the authority to reverse, modify, or affirm any decision, ruling, or determination by the Director."

#### **§ 50.037 - Discharge of storm water.**

No person shall discharge or cause to be discharged into the sanitary sewer system any storm water, unless specifically allowed per Village Code.

#### **§ 50.038 - Other prohibited discharges.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary or combined sewers:

- (A) Any pollutant, whether solid, liquid, or gas which may create a fire or explosion hazard in the collection system or the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 Degrees Centigrade), using the test methods specified in 40 CFR art 261.21
- (B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to cause pass through or interference or to injure or interfere with any sewage treatment process, so as to constitute a hazard to humans or animals, or equipment of the POTW or create any hazard in the receiving waters of the sewage treatment plant.

- (C) Any waters or wastes having a pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.
- (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and flashings, entrails, paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.
- (E) Any liquid or vapor having a temperature greater than 150 degrees Fahrenheit (65 degrees Centigrade), or which will inhibit or interfere with biological activity at the POTW, but in no case which causes the temperature upon introduction to the POTW to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- (F) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in amounts that may cause interference or pass-through or containing substances which may solidify or become viscous at temperatures between 32 F. and 150 F. (0 and 65 C.).
- (G) Any garbage except shredded garbage, as defined herein. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Building Commissioner and/or his/her designee.
- (H) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (I) 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, per Occupational Safety and Health Administration (OSHA) and or any State or Federal regulatory authority.
- (J) Any pollutant, including but not limited to oxygen demanding pollutants (BOD5, etc.), discharged at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (K) Trucked or hauled pollutants, except at discharge points designated by the POTW.
- (L) Wastewater which, either alone or in conjunction with other sources, will cause the receiving POTW's effluent to fail a toxicity test.
- (M) Detergents, soaps, surfactants or other substances which may cause excessive foaming in the POTW or pass through its effluent.
- (N) Any discharge which, either at the point of discharge into the POTW, or at any point within the POTW, causes two readings on an explosion meter of more than ten percent (10%), or any single reading in excess of twenty percent (20%) percent of the lower explosive limit (LEL) of the meter.
- (O) Hazardous wastes as defined under 40 CFR Part 261, unless specifically authorized by the Director
- (P) Medical Wastes, except as specifically authorized by the Director in a wastewater discharge permit. This prohibition includes, but is not limited to, unused or expired prescription or non-prescription drugs;

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

**§ 50.039 - Limitations on certain discharges.**

Discharges from each separate discharge of a User, as measured under the provisions of this Chapter, shall not contain in excess of the following concentrations based upon a 24-hour composite sample, or from a grab sample, where indicated. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance with the following limitations.

<i>Pollutant</i>	<i>Maximum</i>	<i>Concentration</i>
Arsenic	0.60	mg/l
Cadmium	5.0	mg/l
Chromium (tot)	1.5	mg/l
Copper	2.0	mg/l
Lead	0.50	mg/l
Manganese	2.0	mg/l
Mercury	0.0005	mg/l
Nickel	2.0	mg/l
Selenium	1.30	mg/l
Silver	0.1	mg/l
Zinc	7.0	mg/l

Data for the parameters listed above shall be obtained from a 24 hour composite sample.

<i>Pollutant</i>	<i>Maximum</i>	<i>Concentration</i>
Chromium (hex)	0.1	mg/l
Cyanide	0.34	mg/l
Fats, Oil & Grease (hexane soluble or equivalent)	100.0	mg/l
pH	<5.5	STD
	>10.0	UNITS

Data for the above listed parameters shall be obtained from a grab sample.

Compliance with the limits listed herein is mandatory for all Industrial Users. The POTW shall make annual reports to the Village recommending amendments to the specific limitations, as necessary to protect the POTW.

**§ 50.040 - Pretreatment standards.**

- (A) The National Categorical Pretreatment Standards of the USEPA as listed in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- (B) Upon promulgation and incorporation of a National Categorical Pretreatment Standard for a particular industrial category, said standard, when effective, shall be enforceable under the provisions of this Chapter. The POTW shall notify all known affected Users of the applicable reporting requirements listed under 40 CFR Part 403.12.
- (C) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or concentration of a pollutant in wastewater, the POTW may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).
- (D) Where a wastewater discharge subject to a categorical Pretreatment Standard is mixed with a wastewater discharge not regulated by the same standard, the POTW shall impose alternate limits using the Combined Wastestream Formula contained in 40 CFR 403.6 (e).
- (E) A variance from a categorical Pretreatment Standard may be obtained, pursuant to the procedural and substantive provisions contained in 40 CFR 403.13, if a User can prove that factors related to its discharge are fundamentally different from the factors used by USEPA in the development of the categorical Pretreatment Standard.
- (F) A net/gross adjustment to a categorical Pretreatment Standard may be granted if a categorical Industrial User meets the applicability and criteria outlined in 40 CFR 403.15.
- (G) The Illinois Pretreatment Program requirements, found in Title 35 of the Illinois Administrative Code, Parts 307 & 310, are hereby incorporated.
- (H) The POTW reserves the right to establish, by regulation or in wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Chapter.
- (I) The POTW may develop best management practices (BMPs), by regulation or in individual and general wastewater discharge permits, to implement local limits and the requirements of § 50.038 of this Code.

**§ 50.041 - Fat, oil, grease, sand and petroleum product traps.**

- (A) Purpose. The purpose of this section is to establish certain minimum reasonable rules and regulations for any automotive service facility or food processing food sales, or food service facility or User connected to, or applying to connect to, the Village's sanitary sewer system regarding the collection and disposal of fats, oils, greases, sand or petroleum products in wastewater, not otherwise required to obtain and hold an Industrial Wastewater Discharge Permit from the U.S. Environmental Protection Agency and/or the Illinois Environmental Protection Agency. This section also establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils, greases, sand and petroleum product wastes.
- (B) Definitions.  
The following words, terms and phrases shall have the following meanings for purposes of this section:

*Director.* The Village's Director of Public Works or his/her designated agent or representative.

*FOG.* Fats, oils, greases, sand, starch, proteins, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, motor oil, gasoline, and certain other materials from animal, vegetable and petroleum origins. FOG may originate from discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where the aforementioned materials may exist.

*FOG producing facility.* A food processing, food sales or food service facility, or motor vehicle repair facility, as herein defined.

*Food.* Any raw, cooked, processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter or exchange, in whole or part for human consumption.

*Food processing facility.* A commercial facility in which food is manufactured or packaged for human consumption. The term does not include a food service facility, retail food store or commissary.

*Food sales facility.* A retail and wholesale grocery store(s); retail seafood store(s); food processing plants(s); bakeries; confectionaries; fruit, nuts and vegetables store(s), and places of business; and, similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

*Food service facility.* Any facility for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending and operations connected therewith, and similar facilities by whatever named called or by whomever operated.

*FOG quarterly maintenance report.* A document submitted to the Village pursuant to subsection (D) (4) below, along with the Manifest when applicable, to certify that maintenance was performed by the business in accordance with the requirements of subsection (D) below.

*FOG recovery system.* A system of interceptors, separators, traps or FOG recovery devices, which prevents free floating FOG from entering the sewage system by recovering and removing the FOG from the wastewater. Such systems may be inside a building (typically less than 100-gallon capacity) or outside a building (typically 1,000 gallon or greater capacity).

*Gravity grease interceptor.* Any relatively large in ground or above-ground tank, with internal plumbing and baffling intended to act as a grease recovery system to serve one or more fixtures.

*Hydro mechanical grease interceptor.* Any relatively small appurtenance, generally of fabricated steel or polyethylene, with internal configuration and internal or external flow control, intended to function as a grease recovery system.

*Hauler.* A waste disposal or rendering business or firm, licensed by the Illinois Environmental Protection Agency, that hauls and disposes of FOG as described in this section.

*Manifest.* A log or document record of the hauler name, address and State license/permit number; and, the volume, date of removal and disposal destination of pumped materials or wastes from a FOG trap, FOG recovery system, or other interceptor device. (See, 415 ILCS 5/22.30(d) and (e)).

*Motor vehicle repair facility.* Any facility which provides motor vehicle repair or motor vehicle service, as defined in § 155.802 of this Code, which has floor or other drains that are required to be equipped with a FOG trap or a FOG recovery system pursuant to the Illinois Plumbing Code.

*Pump and return method.* The method of recanting or discharging removed waste or wastewater back into the FOG recovery system from which waste was removed or to any other FOG recovery system or sewer connection.

*Twenty-five percent rule (25 percent rule).* All FOG traps and/or FOG recovery systems shall be cleaned based on the 25 percent rule. ; b1;For example: If the total depth (TD) of a FOG trap or FOG recovery system is 40 inches, the maximum allowable depth (d) of floatable and settled FOG equals 40 inches multiplied by 0.25 or  $d=TD \times 0.25 = 10$  inches. Therefore, the maximum allowable depth of floatable and settled FOG in the FOG trap or FOG recovery system should not exceed ten inches.

*User.* Any FOG producing facility, its owner(s) or operator(s), or their agent(s), that contributes to the Village's wastewater collection system.

- (C) System required. All food processing, food sales or food service facilities constructed or remodeled after June 1, 2018 effective date of this ordinance shall have a FOG recovery system sized at a minimum in accordance with the State of Illinois Plumbing Code, as locally adopted and amended by the Village. The FOG recovery system shall produce a continuous effluent quality of 100 mg/l FOG or less in accordance with the local limit for FOG found at § 50.039 of this Code. In addition, food processing, food sales or food service facilities must exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the collection system and the POTW.
- (D) New Construction or Remodeled Facilities
- (1) No person shall construct, modify or install a FOG recovery system without the prior approval of, and issuance of a building permit by, the Village.
  - (2) All kitchen drains and any other drains that may carry grease-laden waste shall be connected to a FOG recovery system, this includes but is not limited to; vegetable

sinks, preparation sinks, hand sinks, mop basins, floor drains, dishwashers and bar sinks. No domestic sewage shall be routed to the FOG recovery system.

- (3) All new construction or remodeled food processing, food sales or food service facilities that discharge to the collection system or the POTW shall be required to install, operate, clean and maintain a FOG recovery system of appropriate size and design to achieve compliance with requirements of this Chapter.
- (4) All new construction food processing, food sales or food service facilities shall have a control manhole or sampling chamber installed and located at a point downstream of the FOG recovery system.

(E) Existing Users

- (1) Any existing food processing facility, food sales facility or food service facility without a FOG recovery system or a functional FOG recovery system shall be required to install one sized at a minimum in accordance with the State of Illinois Plumbing Code, as locally adopted and amended by the Village. The FOG recovery system shall be installed in an expedient manner in an agreed upon timeframe. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this FOG recovery system, this includes but is not limited to; vegetable sinks, preparatory sinks, wok lines, hand sinks, mop basins, floor drains, dishwashers and bar sinks. No domestic sewage shall be routed to the FOG recovery system.
- (2) Any existing food processing facility, food sales facility or food service facility with a FOG recovery system that is not meeting the discharge limits for FOG as set forth in § 50.039 of this Code shall be given the period of one year to implement additional staff training and best management practices as defined by the Village to come into compliance with this Chapter. If the discharge does not consistently comply with the limits after one year, the food processing facility, food sales facility or food service facility shall be required to upgrade to a FOG recovery system that will produce a continuous effluent compliant with the limits found in § 50.039 of this Code. The new FOG recovery system shall be installed in an expedient manner in an agreed upon timeframe. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this FOG recovery system, this includes but is not limited to; vegetable sinks, prep sinks, wok lines, hand sinks, mop basins, floor drains, dishwashers and bar sinks. No domestic sewage shall be routed to the FOG recovery system.
- (3) Any existing food processing facility, food sales facility or food service facility that is found to have caused or contributed to significant grease deposits in the sanitary sewer or a combined sewer overflow (CSO) or sanitary sewer overflow (SSO) shall be given the period of one year to implement additional staff training and best management practices as defined by the Village to come into compliance with this Chapter. If the discharge does not consistently comply with the limits after one year, the food processing facility, food sales facility or food service facility shall be required to upgrade to a FOG recovery system that will produce a continuous effluent compliant with the limits found in § 50.039 of this Code. The new FOG recovery system shall be installed in an expedient manner in an agreed upon timeframe. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this FOG recovery system, this

includes but is not limited too; vegetable sinks, preparatory sinks, wok lines, hand sinks, mop basins, floor drains, dishwashers and bar sinks. No domestic sewage shall be routed to the FOG recovery system.

- (4) Any existing food processing facility, food sales facility or food service facility that is found to have fixtures not routed to the FOG recovery system in compliance with this version of the Code in effect at the time the fixtures were installed shall be required to re-route the fixtures to the existing FOG recovery system.

(F) New Businesses-Existing Facility

- (1) Any new food processing facility, food sales facility or food service facility which will occupy a space previously occupied by a food processing facility, food sales facility or food service facility may use the previously installed FOG recovery system provided that the FOG recovery system is in good working order. Should drainage fixtures be added or increased in size, the FOG recovery system shall be subject to upgrade to the adopted code requirements. Use of a previously existing FOG recovery system does not relieve the food processing facility, food sales facility or food service facilities of the requirement to comply with the limits found in §50.039 of this Code.

- (2) All motor vehicle repair facilities shall install a FOG recovery system as required by, and in accordance with, the provisions of the State of Illinois Plumbing Code, any adopted local amendments and this Code.

(G) System maintenance.

- (1) *General.* All FOG recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, in compliance with all applicable laws, rules and regulations.

- (2) *Maintenance responsibility.* The owner(s) of the FOG recovery system, and any designated agents for the owners, shall be responsible for the maintenance of the FOG recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

- (3) Property owner, business owner or tenant, whichever is applicable of any buildings that are used as a FOG producing facility are ultimately responsible for the payment of any fees required or fines imposed under this Code.

(H) Maintenance requirements.

- (1) All Users shall maintain any FOG recovery system so that the discharges are in compliance with all applicable laws, rules and regulations in relation thereto. At a minimum, a gravity grease interceptor shall be cleaned at least once every ninety (90) days and hydro-mechanical -style FOG recovery system shall be cleaned at least once per week. The minimum frequency may be increased in order for the FOG recovery system to be compliant with the Twenty-Five Percent Rule. Cleaning frequencies may be extended with the approval of the Director.

- (2) Gravity grease interceptors must be fully emptied at a minimum of twice per year. At other required cleaning intervals, skimming of the interceptor is acceptable. In addition, all internal plumbing must be inspected for damage and corrosion. If repairs are required, they shall be performed within thirty (30) days of noting that the repair is required.



- (3) Hydro-mechanical FOG recovery systems may be maintained by the FOG producing facility. When cleaned, the FOG recovery system must have surface grease, oil and settled solids removed. These contents must be disposed of properly in accordance with Federal, State, County and Local laws, rules and regulations. In addition, the interior sides must be scraped and removable parts removed and cleaned. The hydro-mechanical FOG recovery system shall be inspected for damage and corrosion, and be properly reassembled. If repairs are required, they shall be performed within thirty (30) days of noting the need for a repair. A cleaning log must be kept and available for the Director to review during the FOG recovery system inspection.
  - (4) The material that is removed in the process of cleaning a FOG recovery system shall not be discharged into any part of the collection system of the POTW , any private sewer, any drainage piping, or storm sewer system. All materials removed shall be handled and disposed of in accordance with Federal, State, County and Local laws, rules and regulations.
  - (5) All motor vehicle repair facilities FOG traps, and all other motor vehicle repair facilities FOG recovery systems, shall be completely pumped out annually or when the content thereof exceeds the 25 percent rule. Semi-annual maintenance, annual maintenance and maintenance due to exceeding the 25 percent rule shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. The frequency of maintenance may be increased to comply with the applicable daily maximum discharge limit(s), the manufacturer's recommendation or the 25 percent rule. The frequency shall be as often as necessary to prevent overflows of FOG from entering the Village's wastewater collection system.
  - (6) The pump-and-return method of decanting or discharging of removed waste or wastewater back into the FOG recovery system is prohibited.
  - (7) Any removal and hauling of FOG as a result of the complete pumping of a FOG trap and all other FOG recovery systems shall be performed by a hauler licensed by the State of Illinois.
  - (8) If any FOG recovery system discharge wastes fail to meet the applicable daily maximum limit(s), the Director is authorized to require that the User repair, replace or upgrade its FOG recovery system, at the sole expense of the User.
  - (9) No User may place an additive of any type into the FOG trap or FOG recovery system without the prior written approval of the Director.
- (I) Maintenance records. Each User, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility's FOG recovery system, and shall file copies of same with the Village's Public Works Director on a quarterly basis (April 15<sup>th</sup>, July 15<sup>th</sup>, October 15<sup>th</sup> and January 15<sup>th</sup>) with said maintenance records to cover the three full calendar months preceding the filing date. The following records shall be kept on-site at the FOG producing facility for a minimum two year period:
- (1) Haulers. The hauler shall provide the FOG producing facility , at the time of service, a manifest conforming to all State statutes and regulations (see, 415 ILCS 5/22.30(e)), and the provisions of this Code.

- (2) Manifest(s). The removal of FOG recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes, and whether collected from an interior or an exterior FOG recovery system.
- (3) Manifest information. Each manifest shall contain the following information and such other information as may be required by State statute:
  - (i) User information, including name, address, the volume pumped from each FOG recovery system, and date and time of the pumping;
  - (ii) Hauler information, including company name, address, State license/permit number and disposal/receiving facility location information; and
  - (iii) Receiving facility information, including the facility name and address, date and time of receiving, and EPD number.
  - (iv) A certification that the FOG trap or FOG recovery system was in working order.
  - (v) A certification that the maintenance requirements, as set forth in subsection (D)(3) above, are being complied with by the User relative to the FOG trap or FOG recovery system.
- (4) Manifest/maintenance log. The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests, FOG quarterly maintenance reports (and other similar record(s) regarding each cleaning or maintenance of the FOG recovery system for the previous 24 months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his/her designated agent(s) or representative(s)
- (J) Repairs. Any repair that is required in regard to a FOG trap or FOG recovery system shall be made by the User within thirty (30) days of the User receiving notice of the need for a repair from either the hauler or the Director.
- (K) Inspections.
  - (1) The Director or his/her designated agent(s) or representative(s), shall make or conduct an inspection of each FOG producing facility as the Director may deem necessary, to evaluate and enforce compliance with the provisions of this Section.
  - (2) The Director, or his/her authorized agent(s) or representative(s), shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Section and any other applicable provisions of this Code relating to the wastewater system. The Director may also make any necessary tests, measurements or sampling to determine compliance with the requirements of this section and any other applicable provisions of this Code relating to the wastewater system.
  - (3) The User shall make sure that the FOG trap and/or FOG recovery system are accessible for inspection at all times, and shall make sure that no obstructions block access to any FOG trap or FOG recovery system.
  - (4) The User shall, upon request by the Director or his/her authorized agent(s) or representative(s), open the access to the FOG trap or FOG recovery system for inspection, including, but not limited to, unbolting and removing covers and/or manholes.

- (5) A User charged with a Notice of Violation (an "NOV"), issued by the Director, shall be re-inspected at any time within thirty (30) days of the date of the issuance of the NOV. Subsequent re-inspection(s) may occur at any time for as long as the User is non-compliant under the original NOV. The User shall be responsible for payment of a re-inspection fee for all re-inspections in the amount of \$250.00, which shall be added to the sanitary sewer bill of the User.
- (6) When a sewer overflow or blockage occurs at or downstream of a FOG producing facility, a demand inspection may be made or conducted by the Director, or his/her designated agent(s) or representative(s). If the User of the FOG producing facility is found to be in violation of any provision of this section, or any other applicable provision of this Code relating to the wastewater system, and that violation(s) is believed to have caused or resulted in the sewer overflow or blockage, the User shall be responsible for the payment of the demand inspection fee in the amount of \$250.00, as well as the labor, equipment and material cost(s) to correct the sewer overflow or blockage, which amounts shall be added to the sanitary sewer bill of the User.

(L) Notice of violation.

- (1) Whenever the Director determines that there are reasonable grounds to believe that there is, or has been, a violation of this section, the Director shall give notice of the alleged violation(s) to the User and/or the person in control of the FOG trap or FOG recovery system, as herein provided. Such notice shall:
  - (i) Be in writing;
  - (ii) Include a statement of the reason(s) for issuance of the notice;
  - (iii) Allow a reasonable time for the performance of any act it requires;
  - (iv) Be served upon the User or operator of the FOG producing facility, as the case may require; provided that such notice shall be deemed to have been properly served upon such User or operator when a copy thereof has been sent by first class mail, postage prepaid, to his/her last known address as furnished to the Village, or personally delivered to the Executive Director or other person in charge of the FOG producing facility; and
  - (v) Contain an outline of remedial action which is required to affect compliance.
- (2) Whenever an emergency exists which requires immediate action to protect the public health, safety or welfare, or to protect public or private property from damage or destruction, the Director may, without any administrative notice or procedure, seek an injunction to require that such action be taken as may be deemed necessary to meet the emergency.

(M) Enforcement penalties/remedies.

- (1) Any person or User, who violates any provision of this Section, shall be fined not less than \$100.00 or more than \$750.00 for each violation, with each day that a violation has existed or continues to exist constituting a separate offense.
- (2) In addition to (1) above, any sewer or manhole overflow, or sewer back-up, resulting from a violation(s) of any provision of this Section, or an inadequately operating FOG recovery system, or lack of an approved FOG recovery system, shall result in the imposition of a charge to the responsible owner(s) or User(s) equal to the costs incurred by the Village in cleaning the blockage out of the

immediately adjacent Village wastewater collection system. Imposition of a charge under this subsection (2) shall not preclude other enforcement action(s). In addition, the responsible owner(s) or User(s) shall be responsible for payment of any fine levied by the Illinois Environmental Protection Agency against the Village as a result of any overflow or blockage in the Village's wastewater collection system, or NPDES permit discharge violations attributable to the owner(s)' or User(s)' violation of any provision of this Section, or an inadequately operating FOG recovery system, or lack of an approved FOG recovery system. Any such charges as referenced in this subsection (2) shall be added to the sewer bill of the User.

- (3) The Director may also take any other available legal action necessary to prevent or to remedy any violation, including, but not limited to, appropriate equitable or injunctive relief or discontinuation of wastewater treatment service to the FOG producing facility."

#### **§ 50.042 - Dilution prohibited.**

No User shall increase the use of process water or in any way attempt to dilute a discharge or a partial or complete substitute for adequate pretreatment to achieve compliance with any applicable Federal, State and/or local pretreatment standards or requirement, unless expressly authorized by an applicable pretreatment standard or requirement. The POTW may impose mass limitations on Users who use dilution to meet applicable pretreatment standards or requirements or in cases where mass limitations are deemed appropriate.

#### **§ 50.043 - Spill containment requirement.**

- (A) Each Industrial User whose wastewater includes or could include compatible or incompatible pollutants in amounts or concentrations great enough to cause interference or pass through at the POTW or to otherwise violate the provisions of this Chapter shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Chapter. Slug control plans and/or facilities to prevent such accidental discharge shall be provided and maintained at the owner's or User's expense.
- (B) Each significant Industrial User, and other Industrial Users as deemed necessary by the POTW, shall be evaluated at least once every two (2) years to determine the necessity for a slug control plan and/or facilities to prevent the accidental discharge of compatible or incompatible pollutants. The POTW may require the User to develop, submit for approval, and implement a slug control plan. At the POTW's discretion, such a plan may be developed for any User for which it is deemed necessary. Such a plan shall be developed in accordance with the requirements outlined in 40 CFR Part 403.8 (f)(2)(v) (A)-(D) and shall contain the following:
  - (1) A description of discharge practices, including non-routine batch discharges;
  - (2) A description of stored chemicals;

- (3) Procedures for immediate notification to the POTW of slug discharges, including any discharge that would violate a prohibition under 40CFR 403.5.(b), with procedures for follow-up written notification within five (5) business days;
  - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (C) The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its accidental facility, until the facility is restored or an alternative method is provided. This requirement includes the situation where, among other things, the primary source of power of the facility is reduced, lost, or fails.
- (D) In cases where violations of discharge standards have occurred, the Industrial User shall, in addition to providing notice of violation to the POTW, resample and submit the results its discharge within thirty (30) days.
- (E) A notice in English and the language of common use shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or illegal discharge. Employers shall ensure that all employees who are in a position to cause, discover, or observe such discharges are advised of the emergency notification procedures.

#### **§ 50.044 - Responsibility of Intermediate User.**

Any Intermediate Users shall be primarily responsible for complying with all provisions of this Chapter. If any User serviced by an Intermediate User is violating any provision of this Chapter, it shall be the responsibility of the Intermediate User to compel compliance by the User and, if necessary, disconnect the User from the Intermediate User's collection system. Any enforcement procedures provided in §§ 50.080 through 50.088, including fines, costs and disconnection, may be instituted by the Director directly against the Intermediate User, as well as the end User. In addition, the Intermediate User shall be responsible for providing monitoring facilities as set forth in § 50.056 where such facilities are deemed to be required or necessary by the Director.

#### **§ 50.045 - Failure to pay sewer charges.**

Any User, whether non-industrial, Intermediate, or industrial, who fails to pay the sewer charges provided by this Chapter, shall be subject to late penalties, possible termination of service, and a lien for delinquent charges upon the real estate to which the service is supplied (or upon an Intermediate user's collection system).

#### **§ 50.046 - Maximum inflow-infiltration.**

The maximum inflow-infiltration for sanitary sewers is 200 gallons per inch diameter per day per mile for all sewers up to and including 24 inches in diameter, and 5,000 gallons per day per mile for any sewer larger than 24 inches in diameter.

**§ 50.047 - Interference with the POTW.**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will result in interference with the operation or performance of the POTW or will pass through the POTW.