

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 R. Niehaus, Village Manager

DATE: May 13, 2016 (COW) (B of T) **Date:** June 16, 2016

TITLE: UPDATE of Ordinances § 50.010 – Connection Required; § 50.027 – Sump Pump, Downspout and Other Stormwater Discharges; and Addition of § 50.034 – Sewer Construction Within a Combined Sewer System

SUBMITTED BY: Brian M. Jack, Utilities Superintendent 

BACKGROUND/POLICY IMPLICATIONS:

A recommendation to amend the Village Code Sections 50.010, 50.027, and the addition of 50.034 to meet the requirements of Glenbard Wastewater Authority's CSO Stormwater Facility NPDES Permit Special Condition 12 Part F10.

FISCAL IMPACT/FUNDING SOURCE:

N/A

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ 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.



MEMORANDUM

To: Scott R. Niehaus, Village Manager

Through: Carl S. Goldsmith, Director of Public Works *CJ*

From: Brian M. Jack, Utilities Superintendent *BR*

Date: May 13, 2016

Subject: UPDATE of Ordinances § 50.010 - Connection Required; § 50.027 - Sump Pump, Downspout and Other Stormwater Discharges; and the Addition of § 50.034 - Sewer Construction Within a Combined Sewer System

Background

The Village of Lombard has a network of combined sewers that are tributary to the Glenbard Wastewater Authority (GWA) that requires a NPDES (National Pollutant Discharge Elimination System) CSO Stormwater Permit. As part of the requirements for the permit (No. IL 0022471), the Village of Lombard in conjunction with the Village of Glen Ellyn and GWA are required to review and where necessary, modify existing language within the Villages' sewer user ordinance (SOU). The cover page of the NPDES permit and relative section has been enclosed with this memo for your reference.

The Glenbard Wastewater Authority contracted with Baxter & Woodman Consulting Engineers to assist with the compliance tasks for updating the special conditions requirements of GWA's new NPDES permit. Baxter & Woodman with consultation from the Village of Lombard Department of Public Works Staff have provided the recommendations to update the Village of Lombard's Sewer Use Ordinance. Their recommendation letter to GWA along with the Certification of Sewer Use Ordinance Review form have been enclosed for your reference and the modifications to Lombard's Village Code is stated as currently written with the recommended modifications added as strikethrough and underline.

§ 50.010 - Connection Required

- (B) In the event the proper sanitary or ~~combined sewer~~ storm sewer is within 250 feet (76.2 meters) of any property line and said sewer is constructed as part of a special assessment, property owners of any pre-existing building as stated in division (A)

above served by a private sanitary disposal system shall have 90 days from the date of the first due payment of any special assessment affecting the property to make the necessary connection unless the below occur:

- (1) Significant health reasons exist that the current sanitary disposal system is inadequate to handle the sewage from the building; or
- (2) The property is sold, transferred or conveyed to another party. A connection shall be made concurrent or in close proximity to the date of sale and in no event more than 90 days after notice from the Village to do so.

(C) In the event a storm sewer is constructed within 250 feet (76.2 meters) to a parcel of property that currently discharges inflow into a combined sewer, the property owner shall re-route the inflow connection to the newly constructed storm sewer. Said connection shall be completed within 90 days after completion of the new storm sewer.

§ 50.027 (E)(2) - Sump Pump, Downspout and Other Stormwater Discharges

(E) Notwithstanding the requirements of 50.026, any person, but only one person from the area tributary to the common depressional storage area, may pump stormwater run-off from a common depressional storage area on private property toward a combined sewer subject to the following restrictions:

- (1) Pumping may not commence or continue during a rainfall event;
- (2) Pumping may not commence until 72 hours after a rainfall event or until the ~~Lombard Combined Sewage Treatment Facility~~ Glenbard Wastewater Authority CSO Stormwater Facility has stopped discharging effluent to the East Branch of the DuPage River, whichever is longer;

The addition of the following language to the Village Code will fully satisfy the requirements for new construction connections to combined sewer areas.

§ 50.034 - Sewer Construction Within a Combined Sewer System

A) New Residential, or Non-residential building construction in areas served by combined sewers or areas whose storm water drainage or wastewater or both are tributary to areas served by combined sewers are subject to the following additional construction specifications:

- (1) Storm sewer connections to combined sewers shall be designed in such a way as to minimize and/or delay inflow contribution to the combined sewer system. This may be accomplished by constructing storage facilities or alternative drainage systems.**
- (2) New building construction shall be designed in such a way that the building wastewater and/or industrial waste collection system is distinct from the storm water discharges. The building sump pump, downspout and other**

storm water discharges shall be meet the requirements of Section 50.027.
The storm sewers may connect in the public right-of-way to the combined sewer if no storm sewer is available.

Recommendation

Staff recommends that the Board of Trustees approve these amendments to Village of Lombard Ordinances: § 50.010 - Connection Required; § 50.027 - Sump Pump, Downspout and Other Stormwater Discharges; and the Addition of § 50.034 - Sewer Construction Within a Combined Sewer System. Please submit this recommendation to the Board of Trustees for approval at the June 2, 2016 meeting.

NPDES Permit No. IL0022471

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: August 31, 2020

Issue Date: September 23, 2015
Effective Date: September 23, 2015

Name and Address of Permittee:

Glenbard Wastewater Authority
21 W 551 Bernis Road
Glen Ellyn, Illinois 60137

Facility Name and Address:

GWA CSO Stormwater Facility
Illinois Route 53 and Hill Avenue
Lombard, Illinois 60148
(DuPage County)

Receiving Waters: East Branch of DuPage River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the Permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

SAK:KKD:12020201.bah

Special Condition 12.F.10**Special Conditions****F. Sewer Use Ordinances**

10. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed, adopted, and implemented within six (6) months from the effective date of this Permit. Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one (1) copy with original signatures. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. The Permittee shall submit additional copies of the sewer use ordinance(s) to the IEPA upon written request. Sewer use ordinances must contain specific provisions to:
- a. Prohibit introduction of new inflow sources to the sanitary sewer system;
 - b. Require that new sanitary sewer construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. Require that inflow sources on the combined sewer system be connected to a storm sewer, in accordance with any approved Long Term Control Plan;
 - d. Provide that any new building domestic sewage connection shall be distinct from the building inflow connection;
 - e. Assure that CSO impacts from industrial and/or commercial sources are minimized and control by determining which industrial and/or commercial discharges, are tributary to CSOs; and,
 - f. Assure that the owners of all publicly owned systems with sewers tributary to the Permittee's collection system have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph 9 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances.

G. Long-Term Control Planning and Compliance with Water Quality Standards

11. A. Pursuant to Section 301 of the federal Clean Water Act, 33 U.S.C. § 1311 and 40 CFR § 122.4, discharges from the CSOs, including the outfalls listed in this Special Condition and any other outfall listed as a "Treated Combined Sewage Outfall", shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. In addition, discharges from CSOs shall comply with all applicable parts of 35 Ill. Adm. Code 306.305(a), (b), (c), and (d).
- B. Should the results of any water quality monitoring plan or any other information indicate that the discharges from any of the CSOs (treated or untreated) authorized to discharge under this Permit are causing or contributing to violations of water quality standards or are causing use impairment in the receiving water(s), and so do not comply with the provisions of Paragraph 11.A above, the Permittee shall develop and submit to IEPA three copies of a CSO Long-Term Control Plan (LTCP) that includes measures for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with the provisions of Paragraph 11.A above.
- C. If IEPA notifies the Permittee in writing that it has concluded that discharges from any of the CSOs are causing or contributing to violations of water quality standard or are causing use impairment in the receiving waters, then the Permittee shall develop and submit to IEPA three (3) copies of a LTCP within twelve (12) months of receiving the IEPA written notice. The LTCP shall include measures necessary for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with the provisions of Paragraph 11.A above.

Following submittal of the revised LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. Implementation of the revised LTCP shall be as indicated by IEPA in writing or other enforceable mechanism.

12. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. Signage's message should be visible from both shoreline and water vessel approach (if appropriate), respectively. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public

May 06, 2016

Mr. Erik Lanphier
Executive Director
Glenbard Wastewater Authority
21W551 Bemis Road
Glen Ellyn, Illinois 60137

**Subject: *Glenbard Wastewater Authority – GWA CSO Stormwater Facility –
NPDES Permit No. IL0022471
Special Condition 12 Part F10***

Dear Mr. Lanphier:

We have reviewed the Villages of Glen Ellyn and Lombard sewer use ordinances (SUO) to determine which combined sewer requirements must be included to comply with your CSO Stormwater Facility NPDES permit Special Condition 12, Part F10.

The Village of Glen Ellyn does not have any combined sewers and does not allow combined sewers, therefore their SUO does not need to be updated to include the combined sewer requirements.

The Village of Lombard has combined sewers and their SUO is missing three of the following IEPA's combined sewer ordinance requirements (the initial checklist is enclosed with this letter):

1. **CSO Checklist Item #2** – Require that new construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system.
2. **CSO Checklist Item #3** – Required that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available.
3. **CSO Checklist Item #5** – Assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSO's and reviewing, and if necessary, modifying the sewer use ordinance to control pollutants in these discharges.

Glenbard Wastewater Authority facility reference – Recommended Edit

The reference to "Lombard Combined Sewage Treatment Facility" in ordinance Section 50.072(E)(2) should be changed to "Glenbard Wastewater Authority CSO Stormwater Facility", as officially named in NPDES Permit IL0022471.

CSO Checklist Items #2 and #5 – Recommended Language

Title V, Article II, Section 50.027.E of Lombard's SUO partially fulfills CSO Checklist Item #2 by not allowing pumping from depressional areas during or immediately after rain events. To fully meet the Item #2 requirement, we recommend that the following language be added as a new section to Lombard's SUO as Title V, Article II, Section 50.034. Part (A) language will describe requirements when new construction connections to combined sewer is needed.

Part (B) language will meet the requirement of the first part of CSO Checklist Item #5:

50.034 Sewer Construction within a Combined Sewer System

- (A) *New Residential, or Non-residential building construction in areas served by combined sewers or areas whose storm water drainage or wastewater or both are tributary to areas served by combined sewers are subject to the following additional construction specifications:*
- (1) *Connections to combined sewers shall be designed in such a way as to minimize and/or delay inflow contribution to the combined sewer system. This may be accomplished by constructing storage facilities or alternative drainage systems.*
 - (2) *New building construction shall be designed in such a way that the building wastewater and/or industrial waste collection system is distinct from the building and site storm water runoff conveyance system, in order to facilitate the disconnection of the storm water runoff conveyance system from the combined sewer should a storm sewer become available. The storm water runoff conveyance system may be rejoined in the public right-of-way to the combined sewer if no storm sewer is available.*
- (B) *An inventory of non-domestic discharges tributary to the combined sewer systems within the Village's boundaries shall be on file with the local municipality, Glenbard Wastewater Authority, or any other governmental body having jurisdiction of said combined sewer systems.*

CSO Checklist Item #3 – Recommended Language

The following recommended edits to Lombard's SUO Title V, Article II, Section 50.010(B) and the addition of a new subsection (C) is as follows:

50.010 Connection required.

- (B) *In the event the proper sanitary or ~~combined sewer storm sewer~~ is within 250 feet (76.2 meters) of any property line and said sewer is constructed as part of a special assessment, property owners of any pre-existing building as stated in division (A) above served by a private sanitary disposal system shall have 90 days from the date of the first due payment*

of any special assessment affecting the property to make the necessary connection unless the below occur:

(1) Significant health reasons exist that the current sanitary disposal system is inadequate to handle the sewage from the building; or

(2) The property is sold, transferred or conveyed to another party. A connection shall be made concurrent or in close proximity to the date of sale and in no event more than 90 days after notice from the Village to do so.

(C) In the event a storm sewer is constructed within 250 feet (76.2 meters) to a parcel of property that currently discharges inflow into a combined sewer, the property owner shall re-route the inflow connection to the newly constructed storm sewer. Said connection shall be completed within 90 days after completion of the new storm sewer.

CSO Checklist Item #5

The Village of Lombard has an existing Pretreatment Ordinance, and it has recently undergone a major modification for the 40 CFR 403 Streamlining requirement. The modified Pretreatment Ordinance draft is currently under review by USEPA Region 5. Once approved by USEPA Region 5 and IEPA, and adopted by the Village of Lombard, the new Pretreatment Ordinance will fulfill the requirement to minimize and control pollutant discharges to combined sewers by non-domestic sources.

The draft Pretreatment Ordinance has not yet been codified, however the following draft ordinance sections, specifically, will meet the requirement of the second part of CSO Checklist Item 5:

- Section 2.1 Prohibited Discharge Standards
- Section 2.2 National Categorical Pretreatment Standards
- Section 2.4 Local Limits
- Section 4.1 Wastewater Discharge Permit Requirement

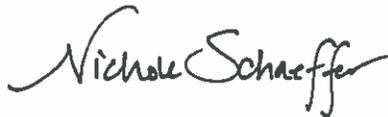
This letter is also being sent to Mr. Carl Goldsmith and Mr. Brian Jack of the Village of Lombard Public Works Department. The Village of Lombard staff will review this language and interface with me on any changes and processing the ordinance language update request through their Public Works Committee and Village Board. Please review the recommendations and **provide any comments by Friday, May 13, 2016**. The goal is to provide recommended ordinance language in early May and Village of Lombard staff will work on this during their June Public Works Committee meeting. The remaining estimated timeline is as follows:

- June – Review during Public Works Committee Meeting
- July – Village Board of Trustees meeting, request a waiver for the 1st Reading of the ordinance language.
- Legal and Village PW Staff review and modifications between July and August Board meetings.
- August – Village Board of Trustees meeting, anticipate approval and adoption.
- September – Meet the NPDES permit Special Condition deadline of 9/22/16.

As always, feel free to contact me at 815-444-3372 if you have questions.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Nichole Schaeffer, P.E.
Senior Environmental Engineer

Enc.

CC: Carl Goldsmith, Director of Public Works, Village of Lombard
Brian Jack, Utilities Superintendent, Village of Lombard
Derek Wold, Baxter & Woodman, Inc.

CERTIFICATION OF SEWER USE ORDINANCE REVIEW

I attest that I have reviewed the applicable sewer use ordinance(s) for the Glenbard Wastewater Authority and find that said ordinance(s) contain(s) requirements for the following items in the identified sections (mark N/A for any requirement that is not contained in your NPDES permit):

1. prohibit introduction of new inflow sources to the sanitary sewer system;
Ordinance Number Lombard - 50.026 & 50.037 ; Section _____
2. require that new construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
Ordinance Number To be added ; Section _____
3. require that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available;
Ordinance Number To be added ; Section _____
4. provide that any new building domestic waste connection be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available;
Ordinance Number Lombard - 50.027 ; Section _____
5. assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSO's and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges; and,
Ordinance Number To be added ; Section _____
6. assure that the owners of all combined sewers tributary to the Permittee's collection system have procedures in place to ensure that the objectives, mechanisms, and specific procedures for operation and maintenance as described in the Permit.
Ordinance Number Lombard's Ord. (see above) ; Section _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete.

Erik Lanphier

Name (typed or printed)

Executive Director

Title


Signature

3/22/2016
Date

I attest that above individual is a duly authorized representative of the Glenbard Wastewater Authority and has authority to sign this certification.

Keith Giagnorio

Ranking Elected Official (typed or printed)

President, Village of Lombard

Title


Signature

3/22/16
Date

IL 532-2785
WPC 729 2/2004

Information required by this form must be provided to comply with 415 ILCS 5/39 (1994). Failure to so provide may result in penalties of up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years. This form has been approved by the Forms Management Center.

CERTIFICATION OF SEWER USE ORDINANCE REVIEW

I attest that I have reviewed the applicable sewer use ordinance(s) for the Glenbard Wastewater Authority and find that said ordinance(s) contain(s) requirements for the following items in the identified sections (mark N/A for any requirement that is not contained in your NPDES permit):

1. prohibit introduction of new inflow sources to the sanitary sewer system;
Ordinance Number Lombard - 50.026 & 50.037 ; Section _____
2. require that new construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
Ordinance Number To be added ; Section _____
3. require that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available;
Ordinance Number To be added ; Section _____
4. provide that any new building domestic waste connection be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available;
Ordinance Number Lombard - 50.027 ; Section _____
5. assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSO's and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges; and,
Ordinance Number To be added ; Section _____
6. assure that the owners of all combined sewers tributary to the Permittee's collection system have procedures in place to ensure that the objectives, mechanisms, and specific procedures for operation and maintenance as described in the Permit.
Ordinance Number Lombard's Ord. (see above) ; Section _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete.

<u>Erik Lanphier</u> Name (typed or printed)	<u>Executive Director</u> Title
 Signature	<u>3/22/2016</u> Date

I attest that above individual is a duly authorized representative of the Glenbard Wastewater Authority and has authority to sign this certification.

<u>Keith Giagnorio</u> Ranking Elected Official (typed or printed)	<u>President, Village of Lombard</u> Title
 Signature	<u>3/22/16</u> Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE V, CHAPTER 50, ARTICLE II, OF THE LOMBARD VILLAGE CODE IN REGARDS TO CONNECTION REQUIRED; SUMP PUMP, DOWNSPOUT AND OTHER STORMWATER DISCHARGES; AND SEWER CONSTRUCTION WITHIN A COMBINED 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 V, Chapter 50, Article II of the Lombard Village Code is amended in sections 50.010; 50.027; and 50.034 as follows:

§ 50.010 – Connection Required

- (A) The owner of any building for occupancy, employment, recreation, or other purpose situated within the corporate limits of the village, and abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located any sanitary or combined sewer discharging into the POTW is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary or combined sewer in accordance with the provisions for this Chapter, within 90 days after date of official notice to do so, provided that said sanitary or combined sewer is within 250 feet (76.2 meters) of any property line.
- (B) In the event the proper sanitary or ~~combined-sewer~~ storm sewer is within 250 feet (76.2 meters) of any property line and said sewer is constructed as part of a special assessment, property owners of any pre-existing building as stated in division (A) above served by a private sanitary disposal system shall have 90 days from the date of the first due payment of any special assessment affecting the property to make the necessary connection unless the below occur:
- (1) Significant health reasons exist that the current sanitary disposal system is inadequate to handle the sewage from the building; or
 - (2) The property is sold, transferred or conveyed to another party. A connection shall be made concurrent or in close proximity to the date of sale and in no event more than 90 days after notice from the village to do so.
- (C) In the event the proper sanitary or combined sewer is located within 250 feet (76.2 meters) of any property line of an existing single family residence that is annexed to the village, the property owner(s) shall not be required to make the necessary connection to the sewer unless one of the following events occurs:
- (1) Significant health concerns exist because the current sanitary disposal system is inadequate to handle the sewage from the residence including, but not limited to, the failure of the private sanitary disposal system; or
 - (2) A right-of-way construction or reconstruction project causes the right-of-way abutting the residence to be opened up such that access to the sewer main is made available to the property owner without need for the property owner to open up the right-of-way at his/her own cost; or
 - (3) The property is sold, transferred or conveyed to another party. In regard to subsection (3) above, the connection shall be made concurrent or in close proximity to the date of sale and in no event more than 90 days after notice from the village to do so. A notice setting forth the provisions of this subsection (C) shall be recorded at the time of the annexation of the property in question to the village.

(*70 Code, § 13.08.005) (Ord. 2797, passed 11-14-85; Am. Ord. 3100, passed 9-15-88; Ord. 4822, passed 6/1/00)

§ 50.027 – Sump Pump, Downspout and Other Stormwater Discharges

- (A) For all habitable structures and business structures constructed after January 1, 1986, all building subsoil drain sump pump pipes that discharge outside of a building shall be connected to the separated storm sewer system wherever there is a separated storm sewer reasonably available for such connection as determined by the Director of Community Development.
- (B) For all habitable structures and business structures, if a separated storm sewer is not reasonably available, all subsoil drain sump pump pipes that discharge outside of a building shall discharge:
 - (1) On a grassed or landscaped area on the same property as the structure;
 - (2) Within 15 feet of the structure;
 - (3) Away from adjacent properties; and
 - (4) In a manner so as to not cause a nuisance in the public right-of-way or to adjacent properties or in a manner as otherwise approved by the Director of Community Development.
- (C) For all habitable structures and business structures, all downspouts shall discharge:
 - (1) On a grassed or landscaped area on the same property as the structure; and
 - (2) Within 15 feet of the structure;
 - (3) Away from the adjacent properties; and
 - (4) In a manner so as to not cause a nuisance in the public right-of-way or to adjacent properties or in a manner as otherwise approved by the Director of Community Development.
- (D) Where a downspout or subsoil drain sump pump discharge pipe discharges above the grade level at the point of discharge, said discharge shall be onto splash blocks.
- (E) Notwithstanding the requirements of 50.026, any person, but only one person from the area tributary to the common depressional storage area, may pump stormwater run-off from a common depressional storage area on private property toward a combined sewer subject to the following restrictions:
 - (1) Pumping may not commence or continue during a rainfall event;
 - (2) Pumping may not commence until 72 hours after a rainfall event or until the ~~Lombard Combined Sewage Treatment Facility~~ Glenbard Wastewater Authority CSO Facility has stopped discharging effluent to the East Branch of the DuPage River, whichever is longer;
 - (3) The discharge point must be within 15 feet of the building structure, and in a manner so as to not cause a nuisance in the public right-of-way, or at the discretion of the Director of Community Development; and
 - (4) No pumping rate can exceed 250 gallons per minute.

Notwithstanding the foregoing, pumping as described in this subsection (E) will be prohibited if combined sewer surcharges are induced from such pumping. In addition, the Village of Lombard reserves the right to further restrict the approved pumping rate in individual situations where it has been determined that the maximum rate will result in surcharging, sewer overflows, adverse health or environmental problems.

- (F) In the event that any downspout(s) and/or subsoil drain sump pump discharge pipe(s) is/are found to not be in compliance with this section, the owner of the property on which said downspout(s) and/or subsoil drain sump pump discharge pipe(s) is/are located shall, within 180 days of receipt of a notice from the village, advising said property owner of the noncompliance, bring said downspout(s) and/or subsoil drain sump pump discharge pipe(s) into compliance with this section. Said 180-day period may be shortened by the Director of Community Development, in the event the non-compliance with this section presents an imminent threat to the health, safety and/or welfare of any person, or an imminent threat to the integrity of any building or structure, to such period of time as deemed reasonable to protect said person, building or structure.

§ 50.034 – Sewer Construction Within a Combined Sewer System

A) New Residential, or Non-residential building construction in areas served by combined sewers or areas whose storm water drainage or wastewater or both are tributary to areas served by combined sewers are subject to the following additional construction specifications:

(1) Storm sewer connections to combined sewers shall be designed in such a way as to minimize and/or delay inflow contribution to the combined sewer system. This may be accomplished by constructing storage facilities or alternative drainage systems.

(2) New building construction shall be designed in such a way that the building wastewater and/or industrial waste collection system is distinct from the storm water discharges. The building sump pump, downspout and other storm water discharges shall be meet the requirements of Section 50.027. The storm sewers may connect in the public right-of-way to the combined sewer if no storm sewer is available.

SECTION 2: That this Ordinance shall be in full force and effect on from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2016.

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this ____ day of _____, 2016,

pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ADSENT: _____

APPROVED by me this ____ day of _____, 2016.

Keith Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Ordinance No. _____
Page 4

Published by me in pamphlet form this ____ day of _____, 2016.

Sharon Kuderna
Village Clerk