

LEGISTAR: 190408  
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 50.050 through 50.061 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 amended Sections 50.050 through 50.061 of the Village Code. Sections 50.050 through 50.061 pertain to the Industrial Pretreatment Program.

**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 *CS*

SUBJECT: Ordinance Amending Sections 50.050 through 50.061 of the Lombard Village Code

Sections 50.050 through 50.058 of the Village Code established the Village's Industrial Pretreatment Program. The amendments proposed reflect changes in Federal and State regulations, as well as address the operations at the Glenbard Wastewater Authority and other wastewater treatment agencies serving Lombard. Previous language in the Code specifically addressed GWA; however, there are properties in Lombard served by other POTWs. As such the Code is applicable to all agencies.

Sections 50.059 through 50.061 are new to the Code and provide for the testing requirements of the industrial waste discharge, the reporting requirements of testing and the hauling of material classified as industrial waste.

**Recommendation:**

The Public Works Department recommends that the Board of Trustees adopt AN ORDINANCE AMENDING TITLE 5, CHAPTER 50 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE INDUSTRIAL PRETREATMENT PROGRAM RELATIVE TO THE VILLAGE'S SANITARY SEWER SYSTEM.

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

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 50 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE INDUSTRIAL PRETREATMENT PROGRAM RELATIVE TO THE VILLAGE'S 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 of the Lombard Village Code is amended as follows:

- A. Sections 50.055 through 50.058 are hereby amended to read in their entirety as set forth on Exhibit A attached hereto and made part hereof; and
- B. New Sections 50.059 through 50.061, as set forth on Exhibit A attached hereto and made part hereof, are hereby added thereto.

**SECTION 2:** 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

### **§ 50.055 Administration**

The Village of Lombard and the Village of Glen Ellyn established Glenbard Wastewater Authority through an intergovernmental agreement pursuant to Article VII, Section 10 of the 1970 Illinois Constitution and 5 ILCS 220/1 et seq. to provide wastewater treatment to the Villages (the "IGA"). Through the IGA, Glenbard Wastewater Authority has the responsibility and the authority to oversee all operations of the POTW and to implement and enforce the pretreatment program.

Properties located outside of the Glenbard Wastewater Authority Facility Planning Area are subject to Ordinances and Resolutions adopted by the respective sanitary district.

### **§ 50.056 Wastewater Discharge Permits**

- (A) No Significant Industrial User shall discharge wastewater to the POTW without first obtaining a wastewater discharge permit. Existing Users must submit a permit application within thirty (30) days of being notified by the POTW that a permit is required.
- (B) Any categorical User that operates its regulated processes so that no industrial waste is discharged to the POTW may request that a zero discharge permit be issued by the POTW. To be eligible for a zero discharge permit the User shall demonstrate to the POTW's satisfaction that no industrial waste will be discharged and shall either permanently seal all accesses to the POTW other than those required for disposal of domestic sewage.
- (C) The POTW may require other Users to obtain individual or general wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (D) Any violation of the terms and conditions of an individual or general wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in § 50.80 through § 50.90 of this Code. Obtaining an individual or general wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or any other Federal or State law.
- (E) All Users required to obtain a wastewater discharge permit must submit a permit application and any applicable permit fee. The permit application shall be developed and furnished by the POTW. Information required to be furnished in the application may require Users to submit all or some of the following information as part of a permit application:
  - (1) Identifying Information
    - (a) The name and address of the facility, including the name of the operator and owner.
    - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations.

- (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Type and amount of raw materials processed (average and maximum per day);
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in §50.040(D) (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
- (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or the POTW, of regulated pollutants in the discharge from each regulated process.
  - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §50.057 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the POTW or the applicable Standards to determine compliance with the Standard.
  - (e) Sampling must be performed in accordance with procedures set out in § 50.056 of this ordinance.
  - (f) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 50.056(E).
  - (g) Any request to be covered by a general permit based on §50.056(F).
  - (h) Any other information as may be deemed necessary by the POTW to evaluate the permit application.
  - (i) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (F) At the discretion of the POTW, the Authority may use general permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
  - (2) Discharge the same types of wastes;
  - (3) Require the same effluent limitations;
  - (4) Require the same or similar monitoring; and
  - (5) In the opinion of the Authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
  - (6) To be covered by the general permit, the User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 50.056(E) (7) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Authority has provided written notice to the User that such a waiver request has been granted in accordance with §50.056(E).
  - (7) The POTW must retain a copy of the general permit, documentation to support the Authority's determination that a specific User meets the criteria in § 50.056(F) (1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- (G) The POTW may not control a User through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (§ Section 50.040(D) or Net/Gross calculations (§ Section 50.040(F).
- (H) All wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the POTW to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW and the collection system. At a minimum, the wastewater discharge permits shall contain:
- (1) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (2) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  - (3) A statement that the wastewater discharge permit is nontransferable without prior notification to the POTW in accordance with §50.056 (A) of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (4) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (5) Requirements to control Slug Discharge, if determined by the POTW to be necessary.
  - (6) Any grant of the monitoring waiver by the POTW must be included as a condition in the User's permit.

- (7) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - (8) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (9) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (10) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - (11) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (12) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (13) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (14) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
  - (15) Other conditions as deemed appropriate by the POTW to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- (I) The POTW may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  - (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the POTW and its personnel, the Village and its personnel, or the receiving waters; Violation of any terms or conditions of the individual wastewater discharge permit;
  - (5) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (6) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - (7) To correct typographical or other errors in the individual wastewater discharge permit; or
  - (8) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 50.056 (A).
- (J) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the POTW and the Authority approves the wastewater discharge permit transfer. The notice to the Authority must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (2) Identifies the specific date on which the transfer is to occur; and
  - (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
  - (4) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.
- (K) The POTW may revoke a wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
  - (2) Failure to provide prior notification to the Authority of changed conditions pursuant to Section 50.058(G)(2) of this ordinance;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports and certification statements;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the Authority timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - (13) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.
  - (14) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.
- (L) A User with an expiring individual wastewater discharge permit shall apply for reissuance by submitting a complete permit application, in accordance with §50.056 (A) of this ordinance, a minimum of ninety days (90) days prior to the expiration of the User's existing wastewater discharge permit.
- (M) 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 this Ordinance, including fines, costs, and disconnection, may be instituted by the POTW 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 of this ordinance where such facilities are deemed to be required or necessary by the POTW.



**§ 50.057 - When pretreatment required.**

All significant Industrial Users shall provide necessary wastewater pretreatment as required to comply with this Chapter and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations, and this Chapter. National categorical pretreatment standards shall be made a part of this Chapter as described in § 50.040. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, properly operated, and maintained at the User's expense. All Industrial Users shall obtain all necessary construction-operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified wastewater treatment operator. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to, and be required to be accepted by the POTW prior to the Industrial User's initiation of the changes.

**§ 50.058 - Monitoring facilities.**

- (A) The significant Industrial User shall provide, at its own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the service line or internal drainage systems. The monitoring facility will be situated on the User's premises unless such a location would be impractical and cause undue hardship to the User, and the Director allows the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User.
- (B) Where required by the Director to meet the objectives of this Chapter, additional control manholes or sampling chambers shall be provided at the end of each industrial process, at the expense of the Industrial User, which are suitable for the determination of compliance with pretreatment standards.
- (C) Whenever required by the Director, any significant Industrial User shall install a large manhole or sampling chamber for each separate discharge in the service line in accordance with plans and specifications approved by the Director, installed and maintained at all times at the User's expense, which shall have ample room in each sampling chamber to permit the Director to obtain accurate composite samples for analysis. The chamber shall be safely, easily, and independently accessible to authorized representatives of the POTW at any time.
  - (1) Each sampling chamber shall contain a Palmer-Bowlus flume unless a wire or similar device is approved by the Director with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the Director the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the POTW is made in the metered water supply to determine the liquid waste quantity.
  - (2) The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods, and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the Director.

- (D) All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (E) The Director, through his/her designees, shall carry out at least once yearly inspection and sampling of all significant Industrial Users to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable pretreatment standards and requirements for Industrial Users;

**§ 50.059 - Testing standards.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no such manhole has been required, the control manhole shall be considered to be the nearest downstream manhole, in the sanitary sewer, to the point at which the service line is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage treatment plant and to determine the existence of hazards to the treatment process and equipment and public health, safety, and welfare. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.

**§ 50.060 - Reporting requirements.**

- (A) Industrial Users and Intermediate Users are required to complete and return questionnaires, which may include baseline reports within forty-five (45) days of receipt to the Director. These questionnaires will inquire as to the nature and volume of wastes generated by particular Industrial Users. Additional information may be required concerning the disposal of by-products or sludges generated by the Industrial User, or excessive inflow or infiltration into the service lines of all Users discharging into a sanitary sewer of an Intermediate User or excessive infiltration or inflow into the sanitary sewer of an Intermediate User.
- (B) The Industrial User and Intermediate User are required to submit a baseline report or any information regarding the introduction of pollutants into the sewage system. All information gathered through Industrial User or Intermediate User reports with respect to effluent data will be available to the public without restriction. Confidentiality may be granted to the Industrial User by the EPA once the Industrial User follows prescribed steps in claiming such confidentiality in compliance with 40 CFR Part 2. In addition to the questionnaires as described in subsection (A) above, additional reports may be required at the discretion of the Director in carrying forth the objectives of this Chapter.
- (C) The Industrial User shall assist the Director in his efforts to locate and identify all discharges into the sewage system which are in violation of this Chapter.
- (D) Baseline reports shall be submitted within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, New Sources, and

sources that become categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described above shall submit the information set forth below:

- (1) All information required in Sections 50.056 (E) of this Chapter.
- (2) Measurement of pollutants.
  - (a) The User shall provide the information required in §50.056 (E) (7) (a) through (e).
  - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
  - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW;
  - (d) Sampling and analysis shall be performed in accordance with §50.056 and §50.058 of this Chapter;
  - (e) The POTW may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User Authorized Representative of Industrial User as defined in Section 50.001 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in § 50.060(D) of this Chapter.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with § 50.060 (D) of this ordinance and signed by an

Authorized Representative of Industrial User as defined in §50.001 of this Chapter.

- (E) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (1) Except as indicated in subsection (2) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling or grab sampling is authorized by the POTW, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved USEPA methodologies may be authorized by the POTW, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
  - (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
  - (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 50.058(D) and (G) of this Chapter and 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the POTW may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards.
- (F) Compliance schedules required by § 50.060 (F) of this Chapter shall comply with the following conditions:
- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  - (2) No increment referred to above shall exceed nine (9) months;
  - (3) The User shall submit a progress report to the POTW no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- (4) In no event shall more than nine (9) months elapse between such progress reports to the POTW.
- (G) Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards shall submit to the Authority a report containing the information described in § 50.056 (E) and of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 50.050(C) this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 50.060(D) (5) of this Chapter. All sampling will be done in conformance with § 50.060(E) of this Chapter
- (H) All Significant Industrial Users, except as specified in § 50.060 (H) (2), must submit periodic compliance reports, at a frequency determined by the Authority. At a minimum periodic compliance reports shall be submitted no less than twice per year on January 15th and July 15th. The reports shall indicate the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and other pollutants as required by the IU's discharge permit, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the User must submit documentation required by the POTW or the Pretreatment Standard necessary to determine the compliance status of the User.
- (1) The POTW may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. To be eligible for a pollutant monitoring waiver, the IU must meet all the conditions found at 40 CFR 403.12(e) (2).
  - (2) The POTW may reduce the requirement for periodic compliance reports as outlined in §50.060(H) of this Chapter to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the USEPA, where the Industrial User meets the criteria as set forth in (40 CFR 403.12(e)(1)).
  - (3) Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 50.001 of this Chapter. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the POTW, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (4) All periodic compliance reports must be signed and certified in accordance with §50.060 (D) of this Chapter.
  - (5) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
  - (6) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, using the procedures prescribed in §50.060 (E) of this ordinance, the results of this monitoring shall be included in the report.
- (I) Each User must notify the POTW of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least fourteen (14) days before the change.
- (1) The POTW may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §50.056 of this Chapter.
  - (2) The POTW may issue or modify a wastewater discharge permit in accordance with §50.060 (H) of this ordinance in response to changed conditions or anticipated changed conditions.
- (J) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (1) Within five (5) days following such discharge, the User shall, unless waived by the POTW, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
  - (2) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
  - (3) Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.
- (K) Record keeping procedures shall be in accordance with 40 CFR 403.12(o). These provisions include the following:
- (1) Record keeping requirements:
    - (a) Records shall include for all samples:

- (i) Names of sampling persons.
    - (ii) Dates analyses were performed.
    - (iii) Names of who performed analyses.
    - (iv) The analytical methods used.
    - (v) The results of such analyses.
  - (b) The User shall keep records including required reports, documentation of best management practices, and sampling events for a minimum of three years.
  - (c) All records shall be made available for inspection and copying by the Director, the Director of the Illinois Environmental Protection Agency, and the Regional Administrator of the USEPA or their designees. This period of retention of records shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director, the Director of IEPA, or the Regional Administrator of USEPA.
- (L) Required testing; expense.
- (1) Any Industrial User discharging industrial waste or industrial wastewater may be required by the Director to take samples and provide laboratory measurements, tests, and analyses of wastewater and wastes to demonstrate compliance with this Chapter and with any orders issued pursuant to the provisions of the chapter.
  - (2) The number, type, and frequency of the sampling and testing shall be as stipulated by the Director, and all samples and test results shall be reported within five days of completion.
  - (3) The User shall be responsible for all expenses of sampling, measurements, testing, analyses, and reporting required by the Director.
- (M) Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**§ 50.061 Hauled Wastewater**

- (A) At the discretion of the POTW, hauled wastewater including septage, leachate, grease separator waste, industrial and other hauled wastewaters may be introduced into the POTW locations designated by the POTW, and at such times as are established by the POTW.
- (B) Hauled Wastewater Discharge Permits shall be issued by the POTW after the permittee submits such information as the POTW will require. The POTW may require analysis of representative samples of the proposed hauled wastewater prior to granting a discharge permit. Haulers must have a valid wastewater discharge permit issued to them prior to commencing discharge.
- (C) The POTW shall require any permitted haulers to provide proof of continued liability insurance and proof of continued compliance with any applicable laws and regulations.
- (D) The POTW may require generators of hauled wastewater to obtain wastewater discharge permits.
- (E) The POTW reserves the right to refuse the discharge of any hauled wastewater.

- (F) The POTW reserves the right to give preference to wastewater collected within the POTW service area should the daily capacity for hauled wastewater be a concern.
- (G) The POTW may collect samples of each hauled load to ensure compliance with applicable standards. The cost of the sample analysis shall be borne by the hauler should the sample contain a violation of any applicable discharge limit.
- (H) The POTW may require the hauler to provide a waste analysis of any load prior to discharge.
- (I) Haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of wastewater, and volume and characteristics of waste. The POTW reserves the right to provide a form for the hauler to use. Should the type of waste require a specific manifest or form as required by any Federal, State or Local governing body, a copy of that manifest or form must be provided.
- (J) All procedures for discharging, cleanliness, and safety on POTW's property must be strictly adhered to.
- (K) The POTW may revoke a hauled wastewater discharge permit if the permittee is found to be in violation of the provisions of this Chapter or any other ordinance of the Village.
- (L) The POTW reserves the right to set permit fees, permit terms, and discharge fees based on the type of hauled waste.
- (M) The POTW reserves the right to refuse hauler waste from any hauler that is delinquent in paying its discharge fees.