



January 30, 2026

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Pursuant to Paragraphs 49 and 132 of the Consent Decree in United States of America, et al. v. The City of Peoria, et al. (Civil action number: 1:20-cv-01444 and DOJ case number: 90-5-1-1-08724), the City of Peoria submits the attached CSO Operation and Maintenance Plan annual update for calendar year 2026.

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gathered and presented the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing and willful submission of materially false statements.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Urich".

Patrick Urich  
Peoria City Manager



# CITY OF PEORIA

## OPERATION AND MAINTENANCE PLAN FOR COMBINED SEWERS

### PREPARED FOR:

City of Peoria  
419 Fulton  
Peoria, IL 61602

### PREPARED BY:

Mead & Hunt, Inc.

JANUARY 2026

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January 2024, January 2025*

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December 2009*

*Farnsworth Group, Inc.  
January 1995, October 2001, & February 2007*

# TABLE OF CONTENTS

City of Peoria  
Operation and Maintenance Plan for Combined Sewers

<b>Section</b>	<b>Page No.</b>
<b>1.0 GENERAL INFORMATION .....</b>	<b>1</b>
1.1 Wastewater System and Treatment Description .....	1
1.2 Peoria CSO Water Pollution Control Project .....	6
1.3 Long Term Control Plan and Consent Decree .....	12
1.4 Administrative Controls .....	13
<b>2.0 MAINTENANCE, INSPECTIONS, AND MONITORING.....</b>	<b>14</b>
2.1 Street Cleaning Schedule .....	14
2.2 Inlet/Catch Basin Cleaning Schedule .....	14
2.3 Routine Cleaning of Sewers .....	14
2.4 Maintenance and Inspection of CSO Facilities.....	14
2.5 Solids Deposition Reduction in the Combined Sewer System.....	18
2.6 Description of Procedures for Finding and Eliminating Illegal Sewer Connections and Dry-Weather Overflows.....	18
<b>3.0 PUBLIC NOTIFICATION PROGRAM.....</b>	<b>19</b>
3.1 Overview .....	19
3.2 Signs .....	19
3.3 City Website .....	20
3.4 Annual Notification .....	20

## APPENDICES

Appendix A	Illinois Pollution Control Board Order
Appendix B	An Agreement Between the City of Peoria and the Greater Peoria Sanitary and Sewage Disposal District
Appendix C	City of Peoria Current NPDES Permit
Appendix D	Combined Sewer Overflow Sign
Appendix E	Greater Peoria Sanitary District's Sewer Use Ordinances
Appendix F	City of Peoria Sewer Code

## REVISION SUMMARY

### Summary of Plan Revisions (October 2001)

Appendix C	Replaced draft permit with current NPDES permit issued January 4, 2001
Section 2.2	Added information on a number of catch basins and maintenance of cleaning records as submitted to IEPA on February 17, 1998
Section 2.3	Added information on sewer cleaning practices, including information submitted to IEPA on February 17, 1998
Section 2.4	Added paragraph at the end on use of telemetry system
Section 7	Added entire section on river backflow protection, including information submitted to IEPA on February 17, 1998, and May 5, 2000

### Summary of Plan Revisions (February 2007)

Section 1.2	Minor revisions to improve clarity
Section 1.3	Replaced this section with Section 3.0
Section 2.1 to 2.3	Revised to reflect current practices
Section 3.0	Added new Public Notification Program
Appendix C	Replaced old permit with the current permit issued May 11, 2006

### Summary of Plan Revisions (August 2007)

Section 1.3	Added section on Administrative Controls
Appendix D	Added sign used for public notification of CSO
Appendix E	Added Sewer Use Ordinances
General	Other minor clarifications and updates

### Summary of Plan Revisions (December 2009)

Section 1.0	Added text regarding anticipated future operations
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### Summary of Plan Revisions (January 2022)

Section 1.3	Added text regarding the Long Term Control Plan and Consent Decree
Section 3.3	Revised to reflect current website and CSO notifications
Section 3.4	Revised to reflect Consent Decree requirements
Appendix E	Updated to reflect current Greater Peoria Sanitary District Ordinances
Appendix F	Updated to reflect current City of Peoria Sewer Code
General	Other clarifications and updates

**Summary of Plan Revisions (January 2023)**

- Section 3.1 Updated to reflect sign add to Green Street CSO outfall
- Section 3.3 Revised to reflect current website and CSO notifications
- Appendix D Updated CSO outfall sign photo
- General Other clarifications and updates

**Summary of Plan Revisions (January 2024)**

- Section 1.3 Added reference to CSO Remedial Measures Operation and Maintenance and GI Performance Testing Plan
- Section 2.2 Updated to include City’s combined sewer inlet inspection and cleaning GIS

**Summary of Plan Revisions (January 2026)**

- Section 2.1 Updated the number of vacuum sweepers to two in list of sweeping equipment
- Section 2.3 Revised the description of routine sewer cleaning to reflect the current approach
- Section 3.3 Updated to include that the City sends overflow alert emails to subscribers for two days following a CSO
- General Other minor clarifications and updates

## 1.0 GENERAL INFORMATION

The information presented below represents the City of Peoria's (City's) current procedures to operate and maintain its combined sewer system in order to minimize discharges to the Illinois River. Once City's Combined Sewer Overflow (CSO) Remedial Measures Program is approved, and new facilities are constructed, the plan will be modified to incorporate necessary updates to the existing procedures. It is anticipated that future operations will include the following:

- Additional monitoring and control of combined sewer flows entering the Riverfront Interceptor to ensure maximum practical transport to the wastewater treatment plant
- Manual or automated control of the release of stored flows into the interceptor for full treatment at the wastewater treatment plant
- Implementation of procedures to regularly inspect and clean storage facilities at remote sites
- Implementation of procedures to regularly inspect and maintain green infrastructure installations
- Maintaining flow meters and samplers
- Performing maintenance of other installed equipment (bar screens, sluice gates, etc.)

### 1.1 WASTEWATER SYSTEM AND TREATMENT DESCRIPTION

The City of Peoria owns a sewer system that drains 12.2 square miles of service area to the Riverfront Interceptor. The service area includes 3.9 square miles of separate sewers that flow directly into the Riverfront Interceptor along with 8.3 square miles of combined sewers. Sewage from the combined sewer service area enters the Riverfront Interceptor through a total of 19 regulating structures and 2 swirl concentrators. Excess flow discharges to the Illinois River through 16 outfalls.

In addition to the City's combined sewer system, the Greater Peoria Sanitary District (GPSD) interceptors and wastewater treatment plant (WWTP) serve most of the Peoria area through separate sanitary sewers owned by GPSD. There are no other combined sewer collection systems other than the City of Peoria's system. In general, most of the separate sanitary sewers were built after 1930, while the majority of the combined sewer system was built prior to 1900. There are no pumping stations associated with the combined sewer system.

Both the City's separate sanitary sewer system and the combined sewer system are ultimately tributary to the Riverfront Interceptor, which runs parallel to the Illinois River and transports dry weather flows to the GPSD WWTP. The 5.6-mile-long Interceptor was built in 1931 and ranges in diameter from 30 inches at its upstream end to 84 inches near the WWTP.

#### **Outfalls, Regulators, and Sewersheds**

Prior to the Peoria CSO Water Pollution Control Project, there were 23 regulating structures located along the length of the Riverfront Interceptor that discharged to 20 permitted outfalls. Table 1 summarizes outfall locations (latitude and longitude), configurations, discharge serial number (as specified in the NPDES permit), and outfall pipe capacities for existing outfalls prior to the Peoria CSO Water Pollution Control Project. Much of the information provided in Table 1 is from an NPDES Permit Application dated January 6, 1982 and filed by the City of Peoria, and the *Report on Combined Sewer*

Overflow Control Plan, prepared for the City of Peoria by Greeley and Hansen and Randolph and Associates, Inc., in December 1985.

**Table 1 | Locations, Configurations, and Capacities of CSO Outfalls and Regulators Prior to Peoria CSO Water Pollution Control Project Improvements**

<u>Regulator Name</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Serial Discharge No.</u>	<u>Regulator Type</u>	<u>Sewer Size (inches)</u>	<u>Sewer Capacity (cfs)</u>
Green	40°41'37"	87°34'48"	001	Leaping Weir	30 x 45	170
Caroline	40°42'04"	89°34'15"	002	Leaping Weir	36	100
Spring	40°41'56"	89°34'22"	003	Leaping Weir	60	405
Morgan	40°41'44"	89°34'38"	004	Leaping Weir	48 x 58	230
Hancock	40°41'33"	89°34'52"	005	Leaping Weir	30	51
Eaton	40°41'26"	89°35'00"	006	Leaping Weir	60	425
Fayette	40°41'24"	89°35'03"	007	Leaping Weir	66	615
Hamilton	40°41'23"	89°35'06"	008	Leaping Weir	28 x 42	120
Fulton	40°41'16"	89°35'17"	009	Leaping Weir	30	91
Liberty	40°41'15"	89°35'20"	010	Leaping Weir	15	10
Harrison	40°41'12"	89°35'25"	011	Leaping Weir	16	12
Franklin	40°41'09"	89°35'30"	012	Leaping Weir	24	28
Walnut	40°41'07"	89°35'34"	013	Leaping Weir	27 x 40	81
State	40°41'02"	89°35'37"	014	Leaping Weir	38 x 41	110
Oak	40°40'59"	89°35'41"	015	Leaping Weir	48	195
Cedar	40°40'41"	89°36'04"	016	Leaping Weir	72	650
South	40°40'20"	89°36'30"	017	Sidespill	60	285
Sanger	40°40'03"	89°36'49"	018	Leaping Weir	48	315
Darst	40°39'47"	89°37'12"	019	Leaping Weir	84	540
Main	40°41'22"	89°35'09"	020	Leaping Weir	36	105

Prior to improvements constructed during the Peoria CSO Water Pollution Control Project, wet weather flows in excess of the capacities of the interceptor and its tributary combined sewers were bypassed directly to the Illinois River. In addition, bypasses also occurred when the river elevation was higher than the elevation of the regulators. Since nearly all the regulators were of the "leaping weir" configuration, high river levels required that the leaping weir plate be closed to prevent river water from entering the interceptor and being transported to the treatment plant. Once the leaping weir was closed in a given regulating structure, all flows tributary to that regulator during flood periods were bypassed directly to the Illinois River.

There are currently 16 outfalls. Nine of the outfalls discharge excess wet weather flow to the river during multiple rainfall events each year. Seven of the outfalls are secondary or emergency outfalls that overflow less frequently. Table 2 lists the outfalls, regulators, and sewersheds tributary to the outfalls.

For simplicity, each outfall is often referred to as the name of its major sewershed. For example, Outfall 019 is referred to as the Darst Sewershed even though its actual sewersheds are Darst Street Direct and half of Western and Smith, as shown in Table 2.

**Table 2 | Outfalls, Regulators, and Sewersheds (From South to North)**

Outfall	Regulator Name	Regulator Location	Upstream Sewershed(s)
019	Darst Street	Darst St. N of Crowell St.	Darst Street Direct Half of Western & Smith
018	Sanger Street	Sanger St. NW of SW Washington St.	Sanger Street
	West Washington	SW Washington St. W of Sanger St.	
	East Washington	SW Washington St. E of Sanger St.	
017	South Street	South St. & SW Water St.	South Street
016	Cedar Street	Cedar St. NW of Water St.	Cedar Street Direct Half of Western & Smith
	Water Street	SW Water St. NE of Cedar St.	
014*	State Street	State St. & SW Water St.	State Street
013*	Walnut Street	Walnut St. & Commercial St.	Walnut Street
n/a	None - Franklin Street Trunk Sewer (connects directly to interceptor)		Franklin Street
011*	Harrison Street	Harrison St. & Commercial St.	Harrison Street
010*	Liberty Street	Liberty St. SE of S. Washington St.	Liberty Street
009	Fulton Street	Fulton St. SE of S. Washington St.	Fulton Street
007A	Fayette Swirl Concentrator Flow from the following sewersheds is carried in one common sewer pipe to the Fayette Swirl Concentrator. The common pipe is directly connected to the following regulators and thus must surcharge to cause overflows at the connected outfalls.		
020*	Main Street	Main St. SE of S. Washington	Main Street
008*	Hamilton Boulevard	Hamilton Blvd. SE of S. Washington St.	Hamilton Boulevard
007A*	Fayette Street	Fayette St. NE of Washington St.	Fayette Street
006A/ 006B^	Eaton Swirl Concentrator Flow from the following sewersheds is carried in one common sewer pipe to the Eaton Swirl Concentrator. The common pipe is directly connected to the following regulators and thus must surcharge to cause overflows at the connected outfalls.		
006A/ 006B*^	Eaton Street	Eaton St. N of Water St.	Eaton Street

Outfall	Regulator Name	Regulator Location	Upstream Sewershed(s)
001*	Green Street	Green St. North of Water St.	Green Street
003	Spring-Caroline Storage Sewer Excess flow from the following sewersheds is carried to this storage sewer.		
n/a	Spring Street	Spring St. & Bond St.	Spring Street Direct Glen Oak & Caroline
n/a	Caroline Street	Caroline St. & Bond St.	Caroline Street

**Notes**

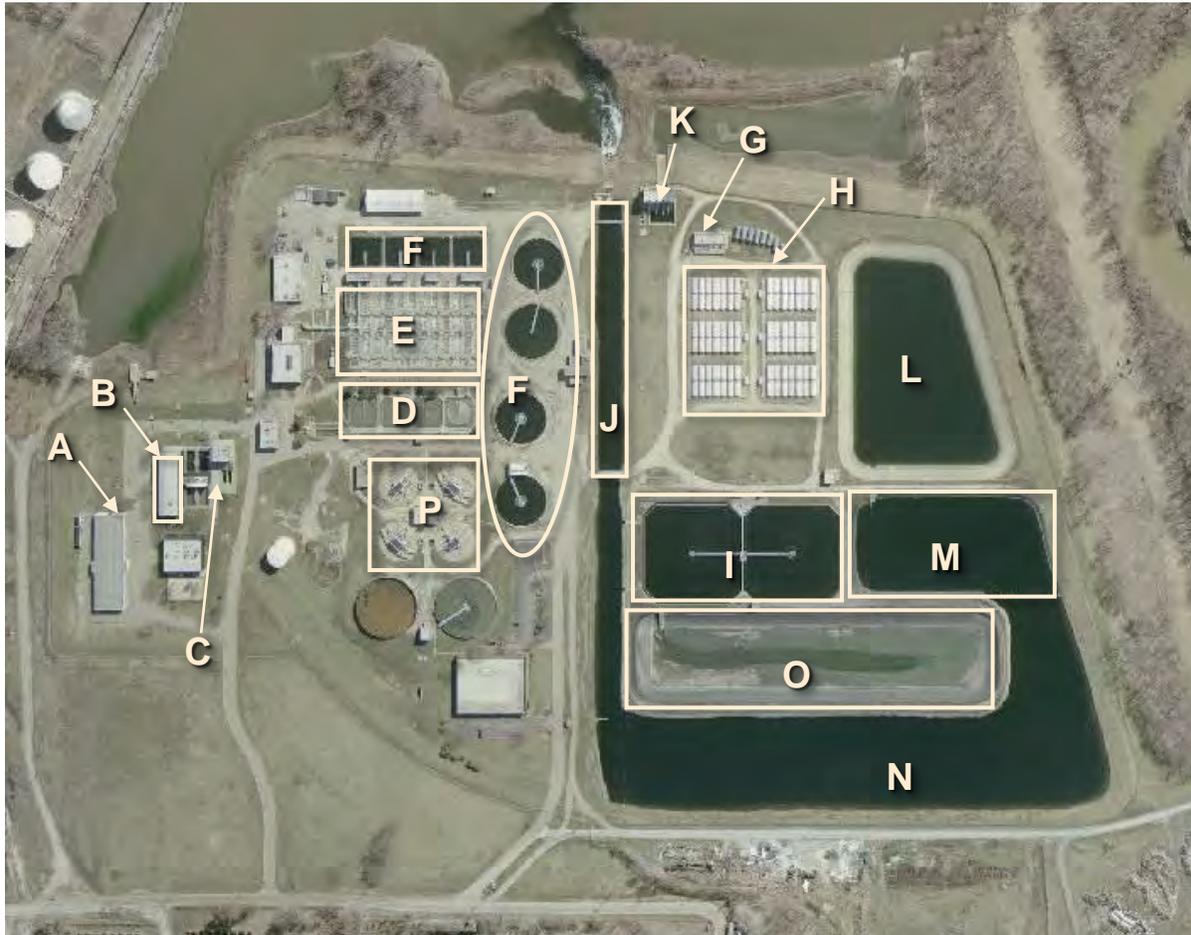
- \* These outfalls have high overflows for emergency collection system relief.
  - ^ Outfalls 006A and 006B are two separate but parallel outfalls that both carry overflows from the Eaton Swirl Concentrator and Eaton Regulator. They are connected by a common upstream junction box and typically overflow at the same time.
- Outfalls 002, 004, 005, 012, and 015 have been abandoned or destroyed.

**Wastewater Treatment Facility**

The GPSD operates a WWTP to treat domestic and industrial wastewater generated within its service area. The treatment plant has been in operation since 1931 and is located at 2322 S. Darst Street along the shore of the Illinois River.

The wastewater treatment employs primary, secondary, and advanced treatment to achieve BOD, TSS, ammonia, and bacteria discharge limits. The WWTP is designed for a daily flow of 37 MGD and a peak flow of 60 MGD. The WWTP has the capacity to provide primary treatment and disinfection for an additional 94 MGD. The WWTP and treatment processes are shown in Figure 1. GPSD completed a major treatment plant improvement project to allow for enhanced biological phosphorus removal. This modification is not reflected in Figure 1.

**Figure 1 | Greater Peoria Sanitary District Wastewater Treatment Plant & Treatment Processes**



A: Pretreatment Building (Coarse Screening)	I: Tertiary Clarifiers
B: Grit Tanks	J: Effluent Channel
C: Screw Pumps	K: Effluent Pumping
D: Primary Clarifiers	L: Diurnal Storage
E: Aeration Basins	M: Lined Pond
F: Secondary Clarifiers	N: Unlined Pond
G: Intermediate Pumping	O: First Flush Basin
H: RBC Units	P: Anaerobic Digestion

### Receiving Water Body

Combined sewer overflows from the City of Peoria discharge into the Illinois River. The Illinois River forms the City of Peoria's east and southeast boundary and divides Peoria and East Peoria. This

section of the river is located in the lower part of the Peoria Pool that extends from the Peoria Lock and Dam at River Mile 157.6 upstream to the Starved Rock Lock and Dam at River Mile 231.0.

The Illinois River watershed at Peoria drains approximately 14,165 square miles. The watershed upstream of the City of Peoria includes much of northeastern Illinois and portions of northwest Indiana and southeast Wisconsin.

## 1.2 PEORIA CSO WATER POLLUTION CONTROL PROJECT

On May 9, 1986, the Illinois Pollution Control Board (IPCB) issued an opinion granting the City of Peoria an exception to the CSO regulations that are contained in 35 Ill. Adm. Code (See Appendix A). The City of Peoria presented a comprehensive plan for reducing both the frequency and intensity of CSOs that was subsequently approved by the Illinois Environmental Protection Agency (IEPA) pending the IPCB order. Final design for the improvements began in May 1988, with construction of the first of the projects beginning in late 1989. Construction of most improvements was completed by December 1992, with final completion of the swirl concentrators in July 1994.

A summary of the completed Peoria CSO Water Pollution Control Project follows:

- Construction of a 5,100 foot, 48-inch, and 60-inch sewer near the northern end of the interceptor to provide additional storage for wet weather flows from the Caroline Street and Spring Street drainage basin in excess of the existing system's capacity.
- Construction of diversion sewers to consolidate five CSO point discharges into two outfalls to minimize recreational impact. A floatables capture system (swirl concentrator) was installed at two outfalls to capture floating solids. Protection of regulator devices so that all will be functional up to the 25-year flood level.
- Reduction of the area served by combined sewers by separating sewers in eight drainage basins. The City of Peoria extended sanitary sewers to divert sanitary flow from some of these and extended storm sewers to divert inflow from others.
- The treatment plant capacity was increased to accommodate higher flow rates from the interceptor. Additional pumps were installed to increase discharge capacity at high river stages, and an additional sluice gate was also installed to bypass flows in excess of 154 MGD at the treatment plant.

Table 3 summarizes the specific improvements completed on a site-by-site basis.

**Table 3 | Peoria CSO Water Pollution Control Project Summary**

Location	Description
Spring and Caroline Streets	60-inch and 48-inch storage sewer from Caroline St. to Eaton St., new regulator, flow control
Morgan Street	Sewer separation
Green Street	Diversion to Eaton St., emergency weir
Hancock Street	Sewer separation
Eaton Street	Diversion, emergency weir, swirl concentrator, flow control to interceptor, floatables capture

Location	Description
Fayette Street	Diversion, emergency weir, swirl concentrator, flow control to interceptor, floatables capture
Hamilton Street	Diversion to Fayette St., emergency weir
Main Street	Diversion to Fayette St., emergency weir
Fulton Street	Emergency weir, flow control (previously separated)
Liberty Street	Sewer separation, emergency weir
Harrison Street	Sewer separation, emergency weir
Franklin Street	Sewer separation
Walnut Street	Sewer separation, emergency weir
State Street	Sewer separation, emergency weir
Oak Street	Sewer separation
Cedar/Water Street	Flow control to interceptor, backflow valve on outfall
South Street	Flow control to interceptor, backflow valve on outfall
Sanger Street	Backflow valve on outfall
Darst Street	Flow control to interceptor, backflow valve on outfall
Treatment Plant	Additional pumps, new sluice gate

As a result of the project, the number of permitted outfalls was reduced from 20 (see Table 1) to 16 (reference the City of Peoria's current NPDES permit, Appendix C). Sewer separation and additional storage eliminated the following outfalls: Caroline Street, Morgan Street, Hancock Street, Franklin Street, and Oak Street. A second parallel outfall was constructed at Eaton Street in 1996 to eliminate a sewer capacity problem caused by flow restrictions in the existing outfall.

Several aspects of the Peoria CSO project highlight the City of Peoria's efforts to minimize the discharge of pollutants from CSOs by implementing several different levels of control to maximize system storage and treatment capabilities where possible and to monitor the overall efficiency of the CSO controls. The City utilized three types of CSO control projects as follows: sewer separation, installation of a relief sewer, and the installation of diversion sewers and swirl concentrator units. These various CSO control alternatives, combined with improvements at the GPSD treatment plant, ultrasonic level monitoring at various locations, and additional regulator modifications, have had the following beneficial impacts:

1. Sewer separation upstream of eight outfall locations has completely eliminated the potential for wet-weather overflows at four CSO discharge points, while the construction of emergency overflow weirs has effectively eliminated the potential for wet weather overflows from the remaining four locations.
2. The installation of a relief sewer has eliminated an outfall to the Detweiler Marina and provided a significant amount of in-line storage of the first flush volume from another CSO point source.
3. The installation of diversion sewers and swirl concentrator units has increased system storage capabilities and primary treatment capabilities (settleable solids reduction/floatables capture) for five drainage basins comprising a significant portion of the downtown area.

4. Regulator modifications combined with ultrasonic level monitoring have maximized conveyance to the Riverfront Interceptor and optimized the diversion of flow to the interceptor for full treatment at the GPSD treatment plant.
5. GPSD treatment plant improvements have increased the facility's capability to render treatment to the increased flows that are a direct result of the CSO control improvements while minimizing the discharge of pollutants to the receiving waters of the Illinois River.
6. The installation of ultrasonic level sensors at several locations with still active CSO discharge points allows for the monitoring of CSO impacts and the evaluation of CSO controls.

The following paragraphs contain a specific project-by-project discussion of how the Peoria CSO Water Pollution Control Project improvements achieve pollution prevention by minimizing the discharge of pollutants from CSOs while maximizing the storage of wastewater in the collection system. Measures taken to monitor the impacts of CSOs on the receiving waters of the state and evaluate the efficiency of the implemented controls are also discussed.

### **Spring-Caroline Relief Sewer**

This project included the construction of a relief interceptor sewer from Caroline Street to Eaton Street to provide storage for approximately 21% of the first flush volumes from the Caroline and Spring Street combined sewer systems. The relief sewer discharges into the existing Riverfront Interceptor at the foot of Eaton St. Discharges from the relief sewer into the interceptor are throttled by a hydrobrake (hydraulic flow restrictor). The outfall from the Caroline Street combined sewer was plugged downstream of the connection to the new relief sewer in order to eliminate the discharge of combined sewage into the Detweiler Marina. The Spring Street connection was provided with an overflow structure to allow discharge of excess flows to the Illinois River through the Spring Street outfall. The overflow structure was set at the 25-year flood level in order to prevent the river from backing up in the remaining outfall pipe and entering the sewer.

The installation of the Spring-Caroline Relief Sewer had the following impacts:

1. Eliminated the 36-inch diameter Caroline Street outfall sewer that formerly spilled into the Detweiler Marina.
2. Maximized storage of CSOs in the relief sewer.
3. Reduced the overall potential for water pollution via CSOs from the Spring-Caroline combined sewer basin. The average number of discharges at this location was reduced from approximately 33 per year to 16 per year or less.

### **Morgan-Hancock Sewer Separation**

On Morgan Street, all existing sanitary sewers were separated from the combined sewer, allowing the combined sewer to operate entirely as a storm sewer. To accomplish this, several new sections of sanitary sewer were installed. Following the removal of all sanitary service connections into the combined sewer, the regulator plate in the combined sewer at the Morgan Street regulator was permanently closed to prevent stormwater from entering the existing interceptor sewer.

On Hancock Street, two storm inlets on Water Street were removed from the combined sewer, allowing the combined sewer to function as a sanitary sewer. The storm inlets were connected to a manhole on the combined sewer downstream of the Hancock St. Regulator. Three other storm inlets on the

Hancock sewer, near Taft Homes, were disconnected and diverted into the new Green Street diversion sewer (refer to the discussion on the Green-Eaton Diversion Sewer).

The Morgan-Hancock Sewer Separation Project had the primary impact of eliminating both the Morgan Street and Hancock Street outfalls, thus preventing any discharge of CSOs to the Illinois River from these two drainage basins.

### **Liberty-Harrison Sewer Separation**

On Liberty Street, the existing combined sewer was converted to predominantly a sanitary sewer by eliminating the Civic Center storm sewer connection and existing inlets at Jefferson Street and Adams Street. To accomplish this separation, a new storm sewer was constructed between Washington Street and Jefferson Street. An emergency overflow weir was constructed at the 25-year flood elevation in the outfall sewer at the Liberty Street regulator to prevent river backflow and minimize the potential for a combined sewer overflow at this location.

On Harrison Street, the existing combined sewer was also converted to predominantly a sanitary sewer by eliminating the inlets at Adams Street. This required a new storm sewer from midway between Washington and Adams to Adams Street. An emergency overflow weir was constructed at the 25-year flood elevation in the outfall sewer at the Harrison Street regulator to prevent river backflow and minimize the potential for a combined sewer overflow to the river.

The primary impact of the Liberty-Harrison Sewer Separation was to virtually eliminate any potential for discharges from combined sewer overflows at these two locations to the Illinois River. The construction of emergency overflow weirs in each of the two regulators had the beneficial effects of containing all expected dry and wet weather flows from the two drainage basins while also minimizing the potential for flooding from the river back into the sewer system. Therefore, while the actual outfall pipes were not completely sealed off, the construction of the emergency overflow weir, in combination with the separation of the sewers, has virtually eliminated the potential for pollution impacts due to CSOs at these two locations.

### **Franklin-Walnut Sewer Separation**

On Franklin Street, the existing combined sewer was converted to a sanitary sewer by eliminating existing storm inlets at Jefferson St. and by connecting the storm inlets at Adams Street and Kumpf Boulevard to the existing nearby storm sewer. The outfall sewer at the Franklin Street regulator was plugged to eliminate any discharges to the river.

On Walnut Street, the existing combined sewer was also converted to predominantly a sanitary sewer by removing storm connections between the Walnut Street regulator and First Street. To accomplish this sewer separation, a new storm sewer was constructed from just downstream of the regulator to First Street. An emergency overflow weir was constructed at the 25-year flood elevation in the outfall sewer at the Walnut Street regulator to prevent river backflow.

The Franklin-Walnut Sewer Separation Project eliminated the Franklin Street outfall and had the additional beneficial effect of virtually eliminating discharges from the Walnut Street outfall. The construction of the emergency overflow weir in the Walnut Street regulator had the two beneficial effects of containing all expected dry and wet weather flows from the two drainage basins while also minimizing the potential for flooding from the river back into the sewer system. Therefore, while the actual outfall pipe was not completely sealed off in the Walnut Street regulator, the construction of the

emergency overflow weir, in combination with the separation of the sewers, has virtually eliminated the potential for pollution impacts due to CSOs at this location.

## **State-Oak Sewer Separation**

On State Street, the existing combined sewer was converted to predominantly a sanitary sewer by connecting existing storm inlets into new storm sewers. A new storm sewer was constructed on State Street from Washington Street to Jefferson Street. This sewer was connected into an existing 48" storm sewer at Washington Street. New storm sewers were also constructed on Washington Street and Adams Street between Elm Street and Oak Street. These sewers were then connected to an existing 48" storm sewer on Oak Street. An emergency overflow weir was constructed at the 25-year flood elevation in the outfall sewer at the State Street regulator to prevent river backflow.

On Oak Street, the existing combined sewer was converted to a storm sewer by removing sanitary connections and diverting them into new segments of sanitary sewer. Three sections of sewer were required on Oak Street between Water Street and Jefferson Street. To complete the separation on Oak Street, it was also necessary to separate the existing combined sewers at the intersection of Swinnerton and State Street. The plate in the Oak Street regulator was permanently closed to prevent stormwater or river water from entering the Riverfront Interceptor.

The State-Oak Sewer Separation Project eliminated the Oak Street outfall completely and had the additional beneficial effect of virtually eliminating discharges from the State Street outfall. The construction of the emergency overflow weir in the State Street regulator had the two beneficial effects of containing all expected dry and wet weather flow from the two drainage basins while also minimizing the potential for flooding from the river back into the sewer system. Therefore, while the actual outfall pipe was not completely sealed off in the State Street regulator, the construction of the emergency overflow weir, in combination with the separation of the sewers, has virtually eliminated the potential for pollution impacts due to CSOs at this location.

## **Green-Eaton Diversion Sewer and Swirl Concentrator**

### *Diversion Sewer*

Combined sewage from Green Street was diverted to Eaton Street via a 42-inch diameter sewer. A diversion chamber at Green Street was constructed with an emergency overflow weir and a level sensor. Existing storm inlets at Washington Street were removed from the Hancock Street sewer and connected into the new sewer. The Green Street sewer was connected into a new diversion chamber located near the existing Eaton Street regulator. At this chamber, all flows are diverted to a swirl concentrator unit where removal of floatables from first flush flows occurs during storm events. The Eaton Street diversion chamber was also constructed with an emergency overflow weir and a level sensor.

### *Swirl Concentrator*

Flows pass through a large bar rack located immediately upstream of the swirl concentrator unit itself. The bar rack is intended to remove larger floatables, leaves, debris, etc., during storm events.

Once the combined flows enter the swirl unit during a storm event, the increased flows quickly begin to spill out of the dry weather flow trough and fill the concentrator unit. As the level in the tank increases, a helical "spiraling" motion is imparted to the wastewater that effectively concentrates heavier solids downward and to the middle of the tank. Wastewater, now concentrated with pollutants

due to the hydraulic spiraling action imparted by the swirl concentrator unit, leaves the swirl via the dry weather discharge pipe and flows to the Riverfront Interceptor. A sluice gate was installed on the dry weather discharge pipe in order to provide variable flow control to the interceptor. Ultrasonic level measuring in the interceptor near the point where the dry weather discharge pipe from the swirl unit connects to the interceptor provides data input to a computerized, automated telemetry system that controls the sluice gate. The computer reads the level in the interceptor and adjusts the sluice gate accordingly so that the capacity of the Riverfront Interceptor is maximized at that particular location.

A relatively small portion of the combined sewage that flows into the swirl is concentrated in strength and discharged into the interceptor (as discussed above), but the larger portion of the total flow is rendered a form of primary treatment (settleable solids removal, floatables capture) and then overflows the swirls. The treated overflows are routed back to the Eaton Street outfall, where they are discharged to the Illinois River through two parallel outfall pipes.

As the water level in the tank increases, the incoming flows back up into the Green-Eaton Diversion Sewer, thus maximizing system storage before overflows occur. Ultrasonic level monitoring is also utilized in the swirl concentrator unit and each of the two diversion chambers (Green Street and Eaton Street). Data from these level monitoring devices is logged remotely so that all CSO events at these locations may be monitored for flow rate, duration, and frequency.

Once the water level in the swirl unit has returned to normal (dry weather flow), the unit is cleaned by an automated spray system. The system consists of two header pipes with closely spaced nozzles that spray down the walls of the tank. Supplemental cleaning is provided by a manually operated high-pressure hose to flush debris from the walls and floor into the dry weather outlet.

To summarize, the Green-Eaton Diversion Sewer and Swirl Concentrator Unit Projects have had the following beneficial impacts:

1. The swirl unit itself concentrates pollutants hydraulically into a wastewater stream that is discharged to the Riverfront Interceptor, where level monitoring is utilized to maximize the storage and transport capabilities of the interceptor.
2. Overflows from the swirl unit receive a form of primary treatment (settleable solids reduction and floatables capture) before discharge to the Illinois River.
3. The action of the swirl unit maximizes storage of combined sewage in the Green-Eaton Diversion Sewer.
4. Ultrasonic level monitoring in the swirl tank and the two diversion chambers provides the capability to effectively monitor the frequency and severity of CSO events at these locations.
5. The frequency of direct, untreated overflows from the Green Street and Eaton Street diversion chambers upstream of the swirl concentrator has been largely reduced (CSO events at these two locations occur approximately once per year or less).

## **Main-Hamilton-Fayette Diversion Sewer and Swirl Concentrator Unit**

### *Diversion Sewer*

Combined sewage flows from Main Street and Hamilton Street were diverted to Fayette Street by a 60-inch diameter sewer. Diversion chambers at Main Street and Hamilton Street were constructed with emergency overflow weirs and ultrasonic level sensors. The diversion sewer was subsequently connected into a new diversion chamber located near the existing Fayette Street regulator. At this

chamber, all flows are diverted into a swirl concentrator unit where removal of floatables from first flush flows occurs. The Fayette Street diversion chamber was also built with an emergency overflow weir and ultrasonic level sensor.

### *Swirl Concentrator*

The swirl concentrator units for both the Green-Eaton Diversion Sewer and the Main-Hamilton-Fayette Diversion Sewer are housed in a single location in a building at the foot of Eaton Street adjacent to the Murray Baker Bridge (I-74). Discussions regarding the operational aspects of the Main-Hamilton-Fayette Swirl Concentrator are identical to those for the Green-Eaton Swirl Concentrator described above.

## **Regulator Modifications**

Existing regulators at Cedar Street, South Street, Sanger Street, and Darst Street were modified to reduce the potential for river flooding. Backflow valves were installed at these locations to prevent river water from entering the regulators and the interceptor. Additionally, flow monitors were installed in each of the four regulators in order to measure the overflows to the river. Ultrasonic level sensors placed in the interceptor near Cedar and Darst Streets control sluice gates at each of those regulators. These sluice gates are controlled locally to maximize diversion of flows to the treatment plant. At South Street, there is a manual sluice gate on the dry weather outlet sewer, which can be adjusted to maximize flow diverted for treatment. At Sanger Street, dry weather flow diversion can be regulated by adjusting the leaping weir plates on the existing regulators. Normally the plates are completely removed to divert the maximum flow possible into the interceptor.

The Fulton Street regulator was modified with an overflow weir constructed at the 25-year flood elevation to prevent river backflow. A hydrobrake (hydraulic flow restrictor) was also installed in the dry weather outlet pipe to maximize storage in the upstream sewers.

## **GPSD Treatment Plant Improvements**

In order to properly accommodate the expected increased flows resulting from improvements completed with the Peoria CSO project, additional pumps were installed to increase the discharge capacity of the plant at high river stages. Additionally, a sluice gate was installed to bypass flows in excess of 154 MGD. The plant has a treatment capacity of 60 MGD and is capable of storing up to 8.5 million gallons of first flush flow for later treatment. Flows in excess of 60 MGD receive primary sedimentation and disinfection before being discharged to the Illinois River.

## **1.3 LONG TERM CONTROL PLAN AND CONSENT DECREE**

In December 2008, the City of Peoria developed its CSO Long Term Control Plan (LTCP) to describe actions to ensure the City conforms to Clean Water Act (CWA) requirements as defined by the United States Environmental Protection Agency (USEPA). The City submitted a revised CSO LTCP in March 2010. The City of Peoria's objectives in completing the LTCP was to develop a plan to achieve full compliance with the terms and conditions of its NPDES Permit and to meet the objectives of USEPA's April 19, 1994, Combined Sewer Overflow Policy (59 Federal Register 18688), the Clean Water Act, and the CSO control requirements of the Illinois Administrative Code.

From 2014 through 2020, the City of Peoria and GPSD negotiated a Consent Decree with the USEPA, IEPA, and United States Department of Justice (DOJ). The final Consent Decree was executed on

March 4, 2021 and has an 18-year implementation period. Both the City of Peoria and GPSD will complete projects to achieve the goals of the Consent Decree. The proposed projects to reduce CSOs include distributed green infrastructure; in-system storage; offline storage; regulator, throttle pipe, and gate control improvements; and improving the conveyance capacity of the Riverfront Interceptor. The City's specific compliance requirements are described in Section VI-A of the Consent Decree. GPSD's specific projects are described in Section VI.B.1 of the Consent Decree. Maintenance of the City's projects is completed in accordance with the CSO Remedial Measures Operation and Maintenance and GI Performance Testing Plan.

## 1.4 ADMINISTRATIVE CONTROLS

Peoria's administrative controls include its NPDES permit and sewer ordinances, as well as sewer use ordinances. These controls define the general parameters and conditions under which the collection system operates.

### **National Pollution Discharge Elimination System Permit (NPDES)**

Peoria's NPDES permit (No. IL003780) is issued by the Illinois Environmental Protection Agency. It defines the effluent limitations and corresponding sampling and reporting requirements that the City must comply with, including references to applicable sections of the Illinois Administrative Code. Special conditions in the permit contain requirements for the City's combined sewer discharges, operational and maintenance plans, and sewer use ordinances. A copy of the permit is included in Appendix C.

### **Sewer Use Ordinances**

GPSD's Sewer Use Ordinances, included in Appendix E, and the City of Peoria's Sewer Code, included in Appendix F, establish sewer rates and provide standards for the construction and connection of sewers. Of particular importance to Consent Decree compliance are the following provisions from the ordinances:

- Prohibit connections of downspouts, footing tiles, open drains, or other sources of surface runoff or ground water to the sanitary sewer system
- Specify that inflow sources on a combined sewer system shall be connected to a storm sewer within a reasonable amount of time if a separate storm sewer becomes available
- Require that new building domestic waste connections be distinct from building inflow connections to facilitate disconnection if a separate storm sewer becomes available

The Sewer Use Ordinances also control the types of wastes that industries can discharge into the sewer system. The ordinances require that the discharge from all industrial users meet specific requirements and that significant industrial users obtain permits to discharge into the sewer system. The purpose of the ordinances is to maintain proper operation of the Wastewater Treatment Plant (WWTP), to prevent pollutants from passing through the WWTP and being discharged into receiving waters, to protect WWTP personnel, to enable the City to comply with its NPDES permit, and to equitably distribute the cost of WWTP operation, maintenance, and improvements.

## 2.0 MAINTENANCE, INSPECTIONS, AND MONITORING

### 2.1 STREET CLEANING SCHEDULE

The City Street Department uses five mechanical sweepers and two vacuum sweepers to sweep 565 miles of City-owned streets. The following is the sweeping schedule for those streets (weather permitting):

1. The business districts and major arterial streets are swept 8 to 9 times per year.
2. Residential streets (city-wide) are swept 8 to 9 times per year.
3. During the months of October, November, and December (until there is a hard freeze and frost in the ground), all mechanical sweepers are targeted city-wide for leaf pickup.

### 2.2 INLET/CATCH BASIN CLEANING SCHEDULE

The City maintains approximately 3,000 inlets/catch basins in the combined sewer area. The City cleans approximately one-third of the inlets/catch basins annually. In addition, inlet/catch basin tops are cleaned during and after a storm event when resources are available. During late winter/early spring, inlet/catch basin tops are cleaned to provide for snowmelt runoff.

Records of inspection and cleaning at specific locations are maintained. Historic records of routine inspection and/or cleaning are maintained by drainage area rather than specific locations. Beginning in 2023, records of inspection and cleaning are documented in the City's combined sewer inlet GIS.

### 2.3 ROUTINE CLEANING OF SEWERS

The City's sewers are cleaned and repaired by GPSD primarily on a complaint basis. When GPSD is notified of a sewer-related issue by a resident or the City, GPSD takes appropriate action to correct the problem. Records of complaints and repairs are maintained by GPSD.

In addition to the reactive maintenance, the City allocates budget for GPSD to perform proactive cleaning and inspection activities. These activities are typically planned and prioritized in coordination with upcoming construction projects and are scoped to align with available funding. Periodic grit measurements are completed and assist in determining cleaning frequencies for larger sewers.

Records of sewer maintenance are maintained in GPSD's GIS and include details such as the type of cleaning performed, date of service, and who did the cleaning. GPSD also maintains a list of priority sewers that receive more frequent maintenance.

### 2.4 MAINTENANCE AND INSPECTION OF CSO FACILITIES

What follows is a location-by-location discussion of scheduled maintenance, inspection, and monitoring procedures utilized by GPSD for CSO-related facilities.

## **Darst Street**

### *Monthly*

1. Check hydraulic unit operation.
2. Check hydraulic oil reservoir level.
3. Check for inoperative or burned-out alarm lights.
4. Exercise hydraulic gate manually.
5. Open all cabinets to check for any extraneous material or rodents.

### *Semi-Annual*

1. Manually check flowmeter and telemetry equipment.
2. Check flap gate valve for proper operation.
3. Check level sensors for cleanliness, rigid mounting, and level.
4. Clean all channels around the level and velocity sensors.

## **Sanger Street**

### *Monthly*

1. Check physical condition of site.

### *Semi-Annual*

1. Manually check flowmeter and telemetry equipment.
2. Check flap gate valve for closure.
3. Check level sensors for cleanliness, rigid mounting, and level.
4. Clean channel around level and velocity sensors.

## **South Street**

### *Monthly*

1. Check physical condition of site.

### *Semi-Annual*

1. Manually test flowmeter and telemetry equipment.
2. Check flap gate valve for proper operation.
3. Exercise hand-crank valve.
4. Check level sensors for cleanliness, rigid mounting, and level.
5. Clean channel around level and velocity sensors.

## **Cedar Street**

### *Monthly*

1. Check hydraulic unit operation.
2. Check hydraulic oil reservoir level.
3. Check for inoperative or burned-out alarm lights.
4. Exercise hydraulic gate manually.
5. Open cabinets to check for any extraneous material or rodents.

### *Semi-Annual*

1. Manually check flowmeter and telemetry equipment.
2. Check flap gate valve for proper operation.
3. Check level sensors for cleanliness, rigid mounting, and level.
4. Clean all channels around the level and velocity sensors.

## **Fulton Street**

### *Monthly*

1. Check bar screen and wash down if necessary.

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Main Street**

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Hamilton Street**

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Fayette Street**

### *Semi-Annual*

1. Check pressure transducer.

## **Eaton Street**

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Green Street**

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Spring Street**

### *Weekly*

1. Check bar screen and clean if needed.

### *Semi-Annual*

1. Check level sensor for cleanliness, rigid mounting, and level.

## **Eaton & Fayette Swirl Concentrator**

### *Monthly*

1. Manually check hydraulic units for operation and oil reservoir level.
2. Check for inoperative or burned-out alarm lights.
3. Exercise hydraulic gate manually.
4. Check heat/air conditioner setting.
5. Open cabinets to check for extraneous material or rodents.
6. Exercise and check vertical turbine pump and water tank filter and control.
7. Clean tanks and bar screens as needed.
8. Check the samplers.
9. General housekeeping in Control Room and Swirl Building.

### *Semi-Annual*

1. Manually check flow meters and telemetry equipment.
2. Check level sensors for cleanliness, rigid mounting, and level.
3. Grease packing on vertical turbine pump – adjust or replace.
4. Maintain exterior landscaping.

In addition to the inspections outlined above, the swirl concentrators and Spring Street overflow and bar screen are field checked and cleaned after overflow events.

## 2.5 SOLIDS DEPOSITION REDUCTION IN THE COMBINED SEWER SYSTEM

The procedures outlined in Sections 2.1 and 2.2 are intended to reduce the amount of solids entering the combined sewer system. The area served by the combined sewer is the older part of the City. During the Fall, the emphasis of the street sweeping effort is on leaf pickup in the areas served by combined sewers.

## 2.6 DESCRIPTION OF PROCEDURES FOR FINDING AND ELIMINATING ILLEGAL SEWER CONNECTIONS AND DRY-WEATHER OVERFLOWS

Within the Code of the City of Peoria are certain prohibitions:

- Section 31.33 – Discharge of Sewerage into Stormwater Sewers
- Section 31.34 – Discharge of Steam into Sewers
- Section 31.35 – Obstructions and Deleterious Substances

In addition, sewer connection permits are required for all connections, and building plans are required to show sewer connection locations.

GPSD procedures for locating dry weather CSO overflows are as follows:

1. Those regulators and diversion structures equipped with level sensors or flow meters are monitored daily via telemetry.
2. The remaining regulators and diversion structures are regularly inspected, as noted in Section 2.4.

### 3.0 PUBLIC NOTIFICATION PROGRAM

#### 3.1 OVERVIEW

The City of Peoria has a public notification program to inform the public when combined sewer overflows occur. The program is consistent with the requirements contained in the NPDES permit and federal guidance documents. The program contains two major elements:

1. Posting signs at all significant overflow locations and public access areas.
2. Maintaining a web page that provides information on overflow events.

Each of these components is discussed in more detail below. More detail is provided in the City’s Public Participation Plan.

#### 3.2 SIGNS

The City has 16 permitted CSO discharges. At four locations, discharges rarely occur, so posting signs at those sites was deemed unnecessary. At all other locations, a sign is posted on the riverbank as close to the outfall as reasonably practical. For example, where the outfall pipe goes through a sheet-pile wall, the sign was placed immediately adjacent to the wall and directly above the pipe. Where appropriate, the signs were mounted on both sides of the post so that they could be read from either the shore or the river.

In addition to the signs posted at the outfall pipes, other signs have been posted at riverfront access areas, such as the boat docks at the foot of Hamilton and Fulton Streets. The sign locations are listed in the table that follows:

**Table 4 | Riverfront Access Area Sign Locations**

Location	CSO Outfall No.
Green Street	001
Spring Street	003
Eaton Street	A06 and B06
Fayette Street	A07
Hamilton Boulevard	008 (Boat Dock)
Main Street	020
Fulton Street	009 (Boat Dock)
Cedar Street	016
South Street	017
Sanger Street	018
Darst Street	019

The following text appears on each sign:

**CAUTION**  
**COMBINED SEWER OVERFLOW**

Diluted sewage may flow into the river  
here during and after storms.  
Avoid bodily contact with water.

For more information, contact the  
City of Peoria at  
309 494-8800

A photo of one of the installed signs is provided in Appendix D.

### 3.3 CITY WEBSITE

Peoria maintains a CSO website at [www.PeoriaCSO.com](http://www.PeoriaCSO.com). The CSO website includes information the City's CSO reduction program and a CSO Notifications page that shows information about recent overflows. When overflows occur, the City issues the following alert to its email subscribers:

**Combined Sewer Overflow Alert from the City of Peoria**

**\*\*\* SEWAGE WARNING \*\*\***

Rainfall in the City of Peoria has caused a combined sewer overflow into the Illinois River recently from one or more of the locations shown on the [map located here](#).

When this warning is posted, please avoid full-body contact with the Illinois River in the area downstream from Detweiller Marina. You may get sick if you swallow water while swimming, Jet Skiing, or water skiing in these areas after a combined sewer overflow.

The City of Peoria is constructing projects to reduce combined sewer overflows (CSOs) to the Illinois River during wet weather, as required under the Clean Water Act and the CSO Consent Decree. Learn more at [PeoriaCSO.com](http://PeoriaCSO.com).

The City issues email alerts to CSO notification subscribers for two days following a CSO event. The first follow-up email indicates that a CSO occurred within the previous 24 hours, and the second follow-up email indicates that a CSO occurred within the previous 48 hours.

### 3.4 ANNUAL NOTIFICATION

In accordance with the Consent Decree, the City prepares and submits a CSO Annual Report on or before March 31 of each year. The CSO Annual Reports include the following:

- Information on each CSO Remedial Measure (including Green Infrastructure, Gray Infrastructure, improvements to existing structures, etc.) that became operational during the preceding calendar year. For each project, Peoria shall provide the description, location, Project ID, operational date, a representative picture or pictures of the completed project,

amount of stormwater and wastewater captured, infiltrated, or otherwise addressed, the basis for all performance estimates, testing data, and a description of any problems in implementation and how those problems were resolved. Peoria shall provide the total actual capital cost of CSO Remedial measures that became operational during the preceding calendar year.

- A status report on all CSO Remedial Measures in process that did not yet become operational in the preceding calendar year.
- A list of all CSO Remedial Measures expected to be started in the next calendar year, including location, project type, and estimated volume of stormwater/wastewater to be addressed.
- Performance testing results for all previously-completed GI CSO Remedial Measures.
- A description of the O&M performed on previously-completed CSO Remedial Measures, including when routine inspections were conducted, and a brief summary of each routine inspection and any necessary corrective actions for previously-completed CSO Remedial Measures.
- A representative picture or pictures of each Green Infrastructure project that became operational during the preceding calendar year taken between June 1 and August 31.
- The percentage of CSO Individual Event and CSO Evaluation Volume reductions from the preceding calendar year compared to the Starting Conditions H&H Model with detailed calculations as set forth in Paragraphs 33.d and 34.d.

## **APPENDIX A**

### **Illinois Pollution Control Board Order**

ILLINOIS POLLUTION CONTROL BOARD  
May 9, 1986

IN THE MATTER OF: )  
 )  
THE JOINT PETITION OF THE CITY )  
OF PEORIA AND THE ILLINOIS ) PCB 85-210  
ENVIRONMENTAL PROTECTION AGENCY )  
FOR EXCEPTION OF THE COMBINED )  
SEWER OVERFLOW REGULATIONS )

MR. RALPH EVANS APPEARED ON BEHALF OF THE CITY OF PEORIA

MR. E. WILLIAM HUTTON, ESQ. APPEARED ON BEHALF OF THE ENVIRONMENTAL PROTECTION AGENCY

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a joint petition for a combined sewer overflow (CSO) exception filed pursuant to 35 Ill. Adm. Code 306.305 by the City of Peoria (Peoria) and the Illinois Environmental Protection Agency (Agency). The Board conducted a public hearing in Peoria on February 7, 1986. Members of the press and public attended the hearing. The Board has received no comment, other than that offered by Peoria and the Agency at the hearing.

As is discussed below, on March 14, 1986 the Board requested additional information from Peoria and the Agency. The Board received the response to the Interim Order on May 2, 1986, together with a motion for leave to file instantler, which is granted.

#### CSO Regulations

The CSO regulations are contained in 35 Ill. Adm. Code 306.302 et seq. They were amended in R81-17, 51 PCB 383, March 24, 1983. Section 306.305 provides as follows:

All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water standards unless an exception has been granted by the Board pursuant to Subpart D.

Sufficient treatment shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the applicable effluent standards; and

- b) Additional flows, as determined by the Agency but not less than ten times to average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception granted pursuant to Subpart D.

Subpart D allows the discharger to file a petition for an exception either singly, or jointly with the Agency, as Peoria has done. A joint petition may seek an exception based on minimal discharge impact as provided in Section 306.361(a):

An exception justification based upon minimal discharge impact shall include, as a minimum, an evaluation of receiving stream ratios, known stream uses, accessibility to stream and side land use activities (residential, commercial, agricultural, industrial, recreational), frequency and extent of overflow events, inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.

Where a minimal impact exception cannot be established, or where an exception will include modification of water quality standards, Section 306.361(b) allows an alternative justification. In addition to the elements of paragraph (a), the justification must include:

(E)valuations of stream sediment analyses, biological surveys (including habitat assessment), and thorough stream chemical analyses that may include but are not limited to analysis of parameters regulated in 35 Ill. Adm. Code 302, analysis of toxics or metals if the collection system tributary to the overflow receives wastes which might contain them, sediment oxygen demand, volatile solids, and diurnal monitoring under both dry and wet weather conditions.

Peoria and the Agency believe they have made the "minimal impact" showing pursuant to Section 306.305(a). Alternatively,

they believe the petition is justified pursuant to Section 306.305(b). (R.41).

#### Exhibits

Peoria introduced four studies as exhibits at the hearing (also referred to as attachments A through D to the petition):

- |           |   |
|-----------|---|
| Exhibit 1 | Facilities Plan   |
| Exhibit 2 | An Assessment of the Impact of Combined Sewer Overflows at Peoria on the Waters of the Illinois Waterway, Dept. of Energy and Natural Resources, September, 1983.             |
| Exhibit 3 | The Procedures, Observations, and Results of a Mixing Zone Study for Combined Sewer Overflows at Peoria, Illinois, Department of Energy and Natural Resources, October, 1984. |
| Exhibit 4 | Report on Combined Sewer Overflow Control Plan, Greeley and Hanson and Randolph and Associates, Inc., December, 1985.   |

#### Illinois River

Peoria is situated on the west bank of the Illinois River. East Peoria is directly across the river.

The Illinois River at Peoria forms a pool known as Peoria Lake. It is used for water skiing and other recreational purposes. Immediately below Peoria, the river is less suited for recreation because it is narrow, with heavy barge traffic and barge moorings. Access to the River from the city is by way of marinas, all of which will be upstream of the CSO outfalls upon completion of the project described below (R. 44).

The River has an average flow of about 15,000 cubic feet per second (CFS), with a ten-year low flow of around 4000 CFS (R. 28).

Peoria conducted a study to determine the CSO impact on water quality, sediment and benthic organisms. Parameters were measured above, among and below the CSO discharges during the summer of 1982. River flow was around 6000 to 10,000 CFS. Measurements were taken after CSO overflows in response to rainfall events of 0.33 to 1.44 inches per hour (R. 23).

Most water quality parameters measured were usually well within the general use water quality standards of 35 Ill. Adm. Code 302, including dissolved oxygen, pH, ammonia, cadmium, lead, zinc and temperature, (R.24). Four of 654 samples violated the

lead standard. The water quality standard for copper was violated above and below the CSO discharges. The CSO contribution to the violation was determined to be imperceptible (R. 25). Other parameters measured, for which there are no water quality standards, included biochemical oxygen demand (BOD), suspended solids and turbidity. The CSO contributions to suspended solids and turbidity were not significant compared with that originating from small water courses and overland drainage (R. 25). Overland urban drainage and other discharges were thought by petitioner to be as significant as CSO's with respect to BOD water quality (R. 26).

The study determined that the CSO outfalls were contributing to violations of the water quality standard for fecal coliform and were introducing undesirable floatables into the River (R. 26). The fecal coliform standard is 200 counts per 100 ml (Section 302.209). Floating debris is prohibited by Section 302.203. Above the CSO discharges fecal coliform ranged from 4 to 50 counts per 100 ml during dry weather, and from 3 to 4900 after rainfall events. Near and below the CSO discharges fecal coliform ranged from 5 to 340 counts per 100 ml during dry weather, but ranged up to 240,000 counts per 100 ml after rainfall events. (R. 26, Exh. 2, p. 37).

Peoria also conducted a study of the bottom sediments, including composition, percent volatile solids and concentrations of cadmium, copper, lead, zinc, grease and oil. (R. 24). Bottom sediments in the vicinity of CSO discharges were primarily sand, or a mixture of sand and rock. No sludge accumulations were encountered. Sediments showed an increase in grease and oil, zinc, and lead, which are indicative of urban storm drainage, rather than sewage (R. 26, Exh. 2, p. 59).

Bottom dwelling organisms were typical of those residing upstream in the Peoria pool. Densities were not typical of significant organic enrichment, as would be the case if sewage were a factor. The limiting factor for a well diversified bottom dwelling population is the unstable habitat of shifting sand, compounded by excessive wave action, rather than water quality. (R. 26, Exh. 2, p. 62).

#### Sewerage

The sewage system includes the original area of downtown Peoria in which sewers were built before 1900. They were designed as storm sewers which ran under streets toward the River. With the development of indoor plumbing, residential and other sanitary sewers were connected to the storm sewers. In 1931, Peoria completed construction of the Riverfront Interceptor sewer, which collected the dry weather flow from these sewers for transportation to the sewage treatment plant. Flows in excess of

dry weather flow were bypassed to the River, as well as flows when the River was above the Interceptor.

In its present configuration, the Riverfront Interceptor is 5.6 miles long, serving 5,080 acres, about 2,950 acres of combined sewers and 2,130 acres of separate sewers (R. 29). There are 23 regulator structures which discharge to 20 CSO outfalls. (R. 30). The Interceptor has around 499 overflow events per year (R. 31).

The Riverfront Interceptor flows to the Greater Peoria Sanitary District treatment plant. It has a capacity of about 80 million gallons per day (MGD) at the plant. The plant also receives up to 74 MGD from the Kickapoo Interceptor, which serves only separate sewer areas (R. 30, 47).

The plant treats up to 60 MGD. It has an 8.5 million gallon basin to store first flush flows for later treatment. Flows in excess of 60 MGD receive primary sedimentation (R. 30).

#### CSO Reduction Plan

Peoria presented a plan for reducing the frequency and intensity of CSO overflows. This is detailed in Exh. 4. The plan includes the elements described in the following paragraphs.

Peoria will construct a 5,100 foot, 48 inch sewer near the northern end of the Interceptor. This would provide storage for about 21 percent of the first flush at the upper overflows, which have the greatest impact on recreational uses (R. 32).

Peoria will build diversion sewers to consolidate five CSO outfalls into two outfalls, moving the outfalls downstream to minimize recreational impact (R. 33). A floatables capture system will be provided at many outfalls to capture floating solids. (Exh. 4, p. 62, R. 34). No capture will be provided at four downstream outfalls, because of excessive costs. However, the frequency and severity of overflows will be reduced by the other aspects of the project (Response to Interim Order).

Peoria will move regulator devices to higher ground, so that all will be functional up to the 25 year flood level. This will decrease the frequency of CSO discharges, and allow treatment of part of the flow up to the 25 year flood level. (R. 34, 38).

Peoria will reduce the area served by combined sewers by separating eight sewers. Peoria will extend sanitary sewers to divert sanitary flow from some of these, and will extend storm sewers to divert inflow from others (R. 33, 34).

The treatment plant capacity will be increased to accommodate higher flow rates from the interceptor. Additional

pumps will be installed to increase discharge capacity at high river stages. An additional sluice gate will be installed to bypass flows in excess of 154 MGD at the plant (R. 35).

The overall project will cost \$7,340,000, with an estimated annual operating and maintenance cost of \$102,000 per year. A 1976 plan to eliminate all CSO discharges was estimated to cost \$38,000,000, with \$467,000 in annual maintenance (R. 36). The addition of downstream floatables capture would add more than \$2,900,000. Adding swirl concentrator type floatable capture systems at six locations would add \$6.1 million (Response to Interim Order).

Grant funding may be available for a part of the cost. However, local government is prepared to pay the entire cost if necessary. (R. 12, 15, 19).

Not included in Exhibit 4, and perhaps more important in the long run, are Peoria's efforts to reduce and eliminate combined sewers in conjunction with new development and redevelopment. Peoria has an ordinance which prohibits the discharge of storm flow into a sanitary line (R. 56). New buildings must have separate storm and sanitary sewer systems, even if these ultimately discharge to the same combined sewer. (R. 56). When streets are reconstructed sewers are separated. Also, separate sewers are constructed within area redevelopment projects (R. 57). New separated storm sewers have also been constructed (R. 58).

#### Expected System Performance

Section 306.302 defines "sufficient treatment" for CSO discharges in the absence of an exception. This includes:

1. Treatment of all dry weather flows.
2. Treatment of first flush flows.
3. Primary treatment and disinfection for flows up to ten times dry weather flow.
4. Treatment of excess flows to prevent accumulations of sludge deposits, floating debris, solids, and to prevent suppression of oxygen levels.

As noted above, the existing system appears to be capable of performing without accumulation of sludge deposits or suppression of oxygen levels. Relocation of regulation devices will ensure treatment of dry weather flow up to a 25-year flood.

First flush can be defined in terms of the flow required to restore oxygen demand or suspended solids to normal values. If first flush is defined in terms of oxygen demand, Peoria will be

able to capture and treat nearly all of the first flush. However, it will fail to capture the entire first flush of suspended solids. Because of the low oxygen demand of the suspended solids flush, Peoria believes it represents a wash-out of grit collected by the storm sewer system, rather than of sanitary sewage solids. Such solids would also be washed out of a separated storm sewer system. (R. 53; Exh. 4, p. 30).

The Interceptor will capture from 3.8 to 22 times the dry weather flow at various CSO outfalls. (R. 33, 35). Overall, the project will result in treatment of four times dry weather flow. (R. 55).

The downstream CSO discharges will be without provision for capture of floating solids. (R. 35). However, these will discharge less frequently and are located below the area of heavy recreational use. Peoria will remain subject to Sections 302.203 and 306.305(c), which prohibit these discharges (Response to Interim Order).

Overall the number of CSO discharge events is expected to drop from 499 to 161 per year (R. 36). The number of days during which an overflow occurs would be reduced from around 40 to around 28 (Exh. 4, p. 84-85).

#### Improvement in Water Quality

Section 302.102 requires compliance with water quality standards at the edge of a mixing zone. Because of the size of the Illinois River, Peoria is able to take advantage of a large amount of dilution in a reasonable mixing zone even under low flow conditions. Peoria has conducted a study to define the size of an allowable mixing zone. (Exh. 3). The plan is expected to result in a considerable reduction in fecal coliform levels outside the mixing zone. Nevertheless, there will continue to be some violation of this standard. (R. 45). Peoria has requested no modification to the water quality standard.

#### Conclusion

Having considered the evidence and the factors enumerated in Section 306.361(a), the Board concludes that the Peoria CSO discharges will have a minimal impact. Although there will continue to be some violations of the water quality standard for fecal coliform, they will be greatly reduced in severity and frequency, and generally moved downstream away from areas of heavy recreational use. The Board will grant an exception with language similar to that recommended by Peoria and the Agency. In order to assure that this Order is not construed as authorizing Peoria to abandon its other efforts to reduce its CSO discharges, the Board will add conditions obligating Peoria to continue with its program of separating sewers in conjunction

with development projects. The Board recognizes that in certain situations this may not be feasible from an engineering standpoint.

The Board notes that the relief is restricted only to those substantive requirements for effluent treatment of CSO's, and not to relief from water quality standards. To insure that this issue is clear, the Board will introduce into the Order language identifying the scope of the exception as granted.

This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

#### ORDER

- 1) The City of Peoria is granted an exception from 35 Ill. Adm. Code 306.305(a) and (b), subject to the following conditions:
  - a) All components of the recommended combined sewer overflow plan presented in Exhibit 4, and generally described in the above Opinion, shall be implemented in accordance with the time schedule contained in Paragraph 2.
  - b) Within eighteen (18) months after completion of system improvements, the City of Peoria shall report to the Illinois Environmental Protection Agency on performance and effectiveness of the improvements, including extent of overflow reduction, attainment of additional excess flow treatment at Greater Peoria Sanitary District Treatment Facility, adequacy of floatable capture appurtenances at each remaining overflow point and performance of backflow prevention facilities.
  - c) The City of Peoria shall, in addition to the plan contained in Exhibit 4:
    - i) Prohibit new connections of residential downspouts to sanitary sewers;
    - ii) Require that sanitary sewers and storm sewers exit new buildings as two separate lines;
    - iii) Construct separate storm and sanitary sewers to the extent feasible when streets are reconstructed and when area redevelopment occurs.
- 2) The City of Peoria shall fully implement all requirements of Paragraph 1 in accordance with the following time schedule:

Implementation Schedule

<u>Event</u>	<u>Date</u>
Begin Design of Improvements	October 1986
Complete Design of Improvements	February 1988
Complete Securing of Land and Easements	March 1988
Secure Construction Financing	April 1988
Construction of Improvements	
Phase I -Treatment Plant and Upstream Storage Sewer )	June 1988 thru June 1990
Phase II -Sewer Separations )	June 1989 thru September 1992
Phase III -Remainder of Recommended Project )	June 1990 thru August 1992
Achieve Full Operational Status	December 1992

- 3) Within forty-five (45) days after the date of this Order, the City of Peoria shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of this exception. Said Certification shall be submitted to the Illinois Environmental Protection Agency at 2200 Churchill Road; Springfield, Illinois 62706. The form of said Certification shall be as follows:

Certification

I, (We) \_\_\_\_\_ hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 85-210, \_\_\_\_\_, 1986.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

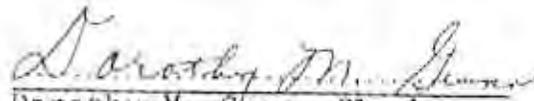
\_\_\_\_\_  
Title

Date

IT IS SO ORDERED.

J.D. Dumelle and J. Anderson concurred.  
J.T. Meyer and B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of May, 1986, by a vote of 5-2.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

## **APPENDIX B**

# **An Agreement Between the City of Peoria and the Greater Peoria Sanitary and Sewage Disposal District**

AN AGREEMENT  
BETWEEN  
THE CITY OF PEORIA  
AND  
THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

This AGREEMENT, entered into this 18th day of September A.D., 1990, by and between the CITY OF PEORIA, a municipal corporation, hereinafter referred to as "CITY" and THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, a municipal corporation organized and existing under the Sanitary District Act of 1917 of the State of Illinois, hereinafter referred to as "DISTRICT";

WITNESSETH AS FOLLOWS:

WHEREAS, the City's sanitary sewer service is provided through a separate sanitary sewer system and combined sewer system; and,

WHEREAS, the "CITY" and the "DISTRICT" have jointly caused engineering studies to be performed to determine the most cost effective improvements to the combined sewer system; and,

WHEREAS, the "CITY" together with the Illinois Environmental Protection Agency did petition the Illinois Pollution Control Board for site specific exception from ILL. ADM. CODE 306.305(a) and (b); and,

WHEREAS, the Illinois Pollution Control Board on May 9, 1986 did issue an order granting the exception; and,

WHEREAS, the Illinois Environmental Protection Agency issued on December 13, 1989 a National Pollution Discharge Elimination System Permit covering the improvement covered by Illinois Pollution Control Board order of May 9, 1986, a copy is attached and marked as Exhibit A; and,

WHEREAS, the "CITY" and the "DISTRICT" have jointly determined that it is in the best interest of the citizens of both the "CITY" and the "DISTRICT" to share the cost of the construction of the required improvement; and,

WHEREAS, the "CITY" and the "DISTRICT" have jointly determined that it is in the best interest of the citizens of the "CITY" and "DISTRICT" to identify the jurisdiction and maintenance responsibilities of these improvements; and,

WHEREAS, the parties may, pursuant to Article VII, Section 10 of the Constitution of the State of Illinois of 1970 and the Provisions of the Intergovernmental Corporation Act (Illinois Revised Statutes, Chapter 127, Paragraph 741 et seq.), enter into agreements for the exercise of their joint corporate powers.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND AGREEMENTS HEREIN CONTAINED, AND IN FURTHERANCE OF INTERGOVERNMENTAL COOPERATION, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The "CITY" agrees to cause or have to be caused the development of the necessary engineering documents, provide or cause to be provided construction inspection, grant administration, and pay for its portion of the project.

2. The "DISTRICT" agrees to cause or have to be caused the development of the necessary engineering documents, provide or cause to be provided construction inspection and pay for its portion of the project.

3. The "CITY" and the "DISTRICT" agree that the division of the project's elements for construction are as shown in attached Exhibit B.

4. The "CITY" and "DISTRICT" agree that the "DISTRICT" will assume jurisdiction and maintenance responsibilities for, but not limited to: all regulator stations, swirl concentrators, backflow valves, riverfront storage sewer between Caroline Street and its connection into the riverfront interceptor near Eaton Street, and sanitary sewer lines connecting all regulator stations or swirl concentrators to the "DISTRICT" riverfront interceptor. Telemetry - both within treatment facility and remote within collection system.

5. The "CITY" will secure or document to the satisfaction of the "DISTRICT" necessary easements or right of way for the construction, operation, and maintenance of the facilities noted in Paragraph 4.

6. The "CITY" will assist the "DISTRICT" in construction of the facilities which are the "DISTRICT'S" responsibility to the extent of enforcing all franchise agreements as they may relate to utility relocation on "CITY" owned right of way.

7. The "CITY" and the "DISTRICT" agree that the "CITY" will retain jurisdiction and maintenance responsibilities of the modified portions of the existing system including, but not limited to new diversion sewers, separate storm and sanitary sewers up-stream from regulator stations and the wet weather overflow lines from all the regulators.

8. The "CITY" and the "DISTRICT" mutually agree, that following completion of the construction identified in Exhibit B, record construction drawings will be prepared and marked to indicate the exact location of jurisdictional and maintenance responsibility for each party.

9. The "CITY" and the "DISTRICT" mutually agree that the "DISTRICT" will perform periodic inspection as a part of their routine maintenance of their facilities of the wet weather overflow lines which are the "CITY'S" responsibilities as defined in Paragraph 7, and the "DISTRICT" will perform routine cleaning to ensure proper operation of the wet weather overflows.

10. The "DISTRICT" will promptly notify the "CITY" of non-routine maintenance or repairs which are needed within the wet weather overflows as they are found during the "DISTRICT'S" routine inspection of same.

11. The "DISTRICT" will report, on a schedule acceptable to the "DISTRICT" and the "CITY", the condition of the wet weather overflows as determined by its routine inspection.

12. The "CITY" agrees that all of the construction the "CITY" undertakes, as a part of this Agreement, will be subject to the review and approval by the appropriate "DISTRICT" personnel for conformance with "DISTRICT" standards. The "DISTRICT" agrees not to unreasonably withhold such approvals.

13. The "CITY" agrees that all monitoring and reporting required by the May 9, 1986 Illinois Pollution Control Board Order or the December 13, 1989 National Pollution Discharge Elimination System Permit will be the "CITY'S" responsibility.

14. As long as the "City" retains ownership of its collection system, the "CITY" agrees that all future modifications to the Project Elements identified in Exhibit B or the construction of additional facilities to comply with current or future Illinois Pollution Control Board rules and regulations will be completed by the "CITY".

15. The "CITY" will transfer to the "DISTRICT", by Quit-Claim deed and all other necessary documents, all rights and interests held by the "CITY" in the riverfront storage sewer between the "DISTRICT'S" Riverfront Interceptor and Caroline Street.

16. The "CITY" and the "DISTRICT" agree the essence of this Agreement is to provide the most cost effective administration of the construction, operation and maintenance to be undertaken under, or as a result of, the terms of this Agreement.

17. Notice: Any notice provided for in this Agreement shall be in writing, and shall be addressed to the "CITY" at City Hall Building, 419 Fulton Street, Peoria, IL 61602, and to the "DISTRICT" at 2322 South Darst Street, Peoria, IL 61607.

18. Enforcement: No covenants, terms, conditions, obligations, or provisions contained in this Agreement shall be deemed abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

19. Severance: The invalidity of any provisions of this Agreement shall not impair the validity of any other provisions. Any provision of this Agreement determined by a Court of competent jurisdiction to be unenforceable, will be deemed severable and the Agreement may be enforced with that provision severed or as modified by the Court.

20. Binding Effect: All the covenants and agreements herein contained shall extend to and be obligatory upon the successors and assigns of the respective Parties hereto.

21. Entire Agreement: This Agreement sets forth the entire understanding of the Parties. It may be amended or modified only by instruments signed by the Parties.

22. Attorney's Fees: In the event of default by either Party hereto necessitating the other Party to incur attorney's fees and/or Court costs in enforcing their rights hereunder, the defaulting Party hereby agrees to pay all reasonable attorney's fees, Court costs and other expenses incurred by the non-defaulting Party in curing said default.

23. Marginal Notes: The marginal notes and paragraph headings of this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope or intent of this Agreement, nor in any way affect this Agreement.

IN WITNESS WHEREOF, THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT has caused this Agreement to be executed by its officers, thereunto, duly authorized by its Board of Trustees, and the CITY OF PEORIA has caused this instrument to be executed by its respective officers, and the respective corporate seals affixed all at Peoria, Illinois, as of the day and year first above written.

CITY OF PEORIA, A MUNICIPAL CORPORATION

ATTEST:

Harold H. Thomas  
Corporation Counsel

By:

[Signature]  
City Manager

ATTEST:

[Signature]  
City Clerk

(SEAL)

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

ATTEST:

[Signature]  
Clerk

By:

[Signature]  
President

(SEAL)

## **APPENDIX C**

### **City of Peoria Current NPDES Permit**



*Gene*  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

*5-24-06  
SW*

217/782-0610

*Copy-Stamping*

May 11, 2006

Gene Hewitt  
City of Peoria  
419 Fulton Street  
Room 307  
Peoria, Illinois 61602

Re: City of Peoria  
NPDES Permit No. IL0037800  
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

The Agency has revised the submittal dates for the CSO LTCP based on our conference call with USEPA and the District.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (eDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in eDMRs, more information can be found on the Agency website, <http://epa.state.il.us/water/edmr/index.html>. If your facility is not registered in the eDMR program, a supply of preprinted paper DMR Forms for your facility will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours:
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) **All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:**
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) **All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:**
- (a) Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) **If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:**
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) **If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.**
- (18) **Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.**
- (19) **The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.**
- (20) **The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.**
- (21) **The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (22) **The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (23) **Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.**
- (24) **In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.**
- (25) **The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.**
- (26) **The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.**

Page 2

Should you have questions concerning the Permit, please contact Surinder Tandon at the telephone number indicated above.

Sincerely,



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

SAK:DJS:SKT:05093002.daa

Attachment: Final Permit

cc: Records  
U.S. EPA  
Purita Angeles, U.S. EPA, 5WC-15J  
→ Greater Peoria Sanitary and Sewage Disposal District  
Compliance Assurance Section  
Peoria Region

NPDES Permit No. IL0037800

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: May 31, 2011

Issue Date: May 11, 2006  
Effective Date: June 1, 2006

Name and Address of Permittee:

City of Peoria  
419 Fulton Street  
Room 307  
Peoria, Illinois 61602

Facility Name and Address:

City of Peoria  
419 Fulton Street, Room 307  
Peoria, Illinois  
(Peoria County)

Receiving Waters: Illinois River and Peoria Lake

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:SKT:05093002.daa

NPDES Permit No. IL0037800

Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 006 Eaton Street Swirl Concentrator (Treated Combined Sewage) Outfall  
 007 Fayette Street Swirl Concentrator (Treated Combined Sewage) Outfall

The Eaton Street Swirl Concentrator shall not be utilized until the Green and Eaton Street sewers are transporting their maximum practical flow. The Fayette Street Swirl Concentrator shall not be utilized until the Main, Hamilton and Fayette Street sewers are transporting their maximum practical flow.

From the effective date of this Permit until the expiration date, the effluent of the above discharge(s) shall be monitored and limited at all times as follows:

Parameter		CONCENTRATION LIMITS mg/L		Sample Type
		Monthly Average	Sample Frequency	
Total Flow (MG)	See Below		Continuous When Discharging	Continuous
BOD <sub>5</sub>		Report	Daily When Discharging	Grab
Suspended Solids		Report	Daily When Discharging	Grab

Total flow in million gallons shall be reported on the Discharge Monitoring Report (DMR) in the quantity maximum column.

Report the number of days of discharge in the comments section of the DMR.

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

NPDES Permit No. IL0037800

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

Parameter	Sample Frequency	Sample Type
Flow (MGD)	Continuous When Discharging	
BOD <sub>5</sub>	Daily When Discharging	Composite
Suspended Solids	Daily When Discharging	Composite

Influent samples shall be taken at a point representative of the influent to each swirl concentrator.

Flow (MGD) shall be reported on the Discharge Monitoring Report (DMR) as monthly average and daily maximum.

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

## NPDES Permit No. IL0037800

Special Conditions

SPECIAL CONDITION 1. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations, or judicial orders. The IEPA will public notice the permit modification.

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 3 operator.

SPECIAL CONDITION 3. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this Permit.

SPECIAL CONDITION 4. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

SPECIAL CONDITION 5. Samples taken in compliance with the effluent monitoring requirements shall be taken after the swirl concentrator and before mixing with the receiving sewer.

SPECIAL CONDITION 6.

AUTHORIZATION OF  
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

<u>Discharge Number</u>	<u>Location</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Receiving Water</u>
001	Green Street	40° 41' 37" North	89° 34' 48" West	Illinois River (Peoria Lake)
003	Spring Street	40° 41' 56" North	89° 34' 22" West	Illinois River (Peoria Lake)
A06	Old Eaton Street	40° 41' 26" North	89° 35' 00" West	Illinois River (Peoria Lake)
B06	New Eaton Street	40° 41' 26" North	89° 35' 00" West	Illinois River (Peoria Lake)
A07	Fayette Street	40° 41' 24" North	89° 35' 03" West	Illinois River
008	Hamilton Street	40° 41' 23" North	89° 35' 06" West	Illinois River
009	Fulton Street	40° 41' 16" North	89° 35' 17" West	Illinois River
010	Liberty Street	40° 41' 15" North	89° 35' 20" West	Illinois River
011	Harrison Street	40° 41' 12" North	89° 35' 25" West	Illinois River
013	Walnut Street	40° 41' 07" North	89° 35' 34" West	Illinois River
014	State Street	40° 41' 02" North	89° 35' 37" West	Illinois River
016	Cedar Street	40° 40' 41" North	89° 36' 04" West	Illinois River
017	South Street	40° 40' 20" North	89° 36' 30" West	Illinois River
018	Sanger Street	40° 40' 03" North	89° 36' 49" West	Illinois River
019	Darst Street	40° 39' 47" North	89° 37' 12" West	Illinois River
020	Main Street	40° 41' 22" North	89° 35' 09" West	Illinois River

NPDES Permit No. IL0037800

Special Conditions

Treatment Requirements

1. All combined sewer overflows and, if applicable, treatment plant bypasses, shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards and to the extent required by the federal Clean Water Act, including any amendments made by the Wet Weather Water Quality Act of 2000.
2. All dry weather flows, and storm flows, to the extent required by PCB 85-210 and dated May 9, 1986 shall be conveyed to the Greater Peoria Sanitary and Sewage Disposal District for treatment. The terms and conditions of this Board Order are hereby incorporated by reference as if fully set forth herein.
3. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.
4. Overflows during dry weather are prohibited. Dry weather overflows shall be reported to the IEPA pursuant to Standard Condition 12(e) of this Permit (24 hour notice).
5. The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges and the treatment system, if applicable, shall be operated to maximize treatment of wastewater flows.

Nine Minimum Controls

6. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
  - a. Proper operation and maintenance programs for the sewer system and the CSOs (Compliance with this Item shall be met through the requirements imposed by Paragraph 8 of this Special Condition);
  - b. Maximum use of the collection system for storage (Compliance with this Item shall be met through the requirements imposed by Paragraphs 2, 5, and 8 of this Special Condition);
  - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized (Compliance with this Item shall be met through the requirements imposed by Paragraph 9 of this Special Condition);
  - d. Maximization of flow to the POTW for treatment (Compliance with this Item shall be met through the requirements imposed by Paragraphs 2, 5, and 8 of this Special Condition);
  - e. Prohibition of CSOs during dry weather (Compliance with this Item shall be met through the requirements imposed by Paragraph 4 of this Special Condition);
  - f. Control of solids and floatable materials in CSOs (Compliance with this Item shall be met through the requirements imposed by Paragraphs 3 and 8 of this Special Condition);
  - g. Pollution prevention programs which focus on source control activities (Compliance with this Item shall be met through the requirements imposed by Paragraph 6 of this Special Condition, **See Below**);
  - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts (Compliance with this Item shall be met through the requirements imposed by Paragraph 12 of this Special Condition); and,
  - i. Monitoring to characterize impacts and efficiency of CSO controls (Compliance with this Item shall be met through the requirements imposed by Paragraphs 10 and 11 of this Special Condition).

The pollution prevention plan (PPP) administratively approved by the IEPA on November 25, 1997 shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any other items deemed appropriate. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. Any previously approved PPP shall continue to be implemented until such time as a revised PPP is implemented. The PPP (or revised PPP) may be prepared in

## NPDES Permit No. IL0037800

Special Conditions

cooperation with the Greater Peoria Sanitary and Sewage Disposal District and shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-pol-prev.pdf>. Any previously approved PPP shall continue to be implemented until such time as any revised PPP is implemented. Following the public meeting, the Permittee shall implement the pollution prevention plan as soon as practicable, but in no case more than one (1) year from the date of the public meeting. The Permittee shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan shall be submitted to the Greater Peoria Sanitary and Sewage Disposal District and, upon written request, to the IEPA.

Sensitive Area Considerations

7. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which meet one or more of the following criteria: (1) designated as an Outstanding National Resource Water; (2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; or, (5) within the protection area for a drinking water intake structure.

The IEPA has noted on the Public Notice/Fact Sheet for this Permit that some or all of the City's CSOs may discharge into sensitive areas and that the past determination on this issue is no longer valid. Unless the IEPA specifically notifies the Permittee in writing that none of the CSOs authorized in this Permit discharge into sensitive areas, the Permittee shall provide information sufficient for the IEPA to make a determination pursuant to Section II.C.3 of the federal CSO Control Policy of 1994. Failure to provide information sufficient for the IEPA to make this determination in the long-term control plan could result in a determination that some or all of the CSOs discharge into a sensitive area. Should the IEPA conclude that any of the CSOs listed in this Special Condition discharge to a sensitive area, the Permittee shall address these CSOs through the long-term control plan and either relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy and shall be updated every five (5) years and submitted with the NPDES renewal application as required by the federal CSO Control Policy of 1994.

Operational and Maintenance Plans

8. The IEPA reviewed and accepted a CSO operational and maintenance plan "CSO O&M plan" on April 21, 1998 prepared for this sewerage system. A revised CSO O&M plan was received by the IEPA on November 2, 2001. The Permittee shall review and revise, if needed, the revised CSO O&M plan to reflect system changes. Any previously approved CSO O&M plan shall continue to be implemented until such time as a revised CSO O&M plan is implemented.

The CSO O&M plan may be reviewed and revised in cooperation with the Greater Peoria Sanitary and Sewage Disposal District and shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>. Any previously approved CSO O&M plan shall continue to be implemented until such time as any revised CSO O&M plan is implemented. Following the public meeting, the Permittee shall implement the CSO O&M plan as soon as practicable, but in no case more than one (1) year after the public meeting. The Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan shall be submitted to the Greater Peoria Sanitary and Sewage Disposal District and, upon written request, to the IEPA.

The objectives of the CSO O&M plan are to reduce the total loading of pollutants and floatables entering the receiving stream and to ensure that the Permittee ultimately achieves compliance with water quality standards. These plans, tailored to the local governments' collection and waste treatment systems, shall include mechanisms and specific procedures where applicable to ensure:

NPDES Permit No. IL0037800

Special Conditions

- a. Collection system inspection on a scheduled basis;
- b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
- c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
- d. Collection system replacement, where necessary;
- e. Detection and elimination of illegal connections;
- f. Detection, prevention, and elimination of dry weather overflows;
- g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
- h. The treatment and collection systems are operated to maximize treatment.

Sewer Use Ordinances

9. 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 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) 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 copies of the sewer use ordinance(s) to the Greater Peoria Sanitary and Sewage Disposal District and, upon written request, to the IEPA. Sewer use ordinances are to contain specific provisions to:
  - a. Prohibit introduction of new inflow sources to the sanitary sewer system;
  - b. Require that new 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, within a reasonable period of time, if a storm sewer becomes available;
  - d. Provide that any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available;
  - e. Assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSOs and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges; and,
  - f. Assure that the owners of all publicly owned systems with combined 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 8 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances.

Long-Term Control Planning and Compliance with Water Quality Standards

10.
  - 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. The Permittee shall develop a Long-Term CSO Control Plan (LTCP) for assuring that the discharges from the CSOs

NPDES Permit No. IL0037800

Special Conditions

(treated or untreated) authorized in this Permit comply with Paragraph 10.a above and all applicable standards, including water quality standards. The LTCP should be developed in cooperation with the Greater Peoria Sanitary and Sewage Disposal District. Three (3) copies of the reports described in subsection d of Paragraph 10 of this Special Condition shall be submitted to the IEPA and one (1) copy to the Greater Peoria Sanitary and Sewage Disposal District no later than the dates indicated in subsection d of Paragraph 10 of this Special Condition. The LTCP shall contain all applicable elements of Paragraph 10.c below including a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. The LTCP shall be:

1. Consistent with Section II.C.4.a.i of the Policy; or,
2. Consistent with either Section II.C.4.a.ii, Section II.C.4.a.iii, or Section II.C.4.b of the Policy and be accompanied by data sufficient to demonstrate that the LTCP, when completely implemented, will be sufficient to meet water quality standards.

c. Pursuant to the Policy, the required components of the LTCP include the following:

1. Characterization, monitoring, and modeling of the Combined Sewer System (CSS);
2. Consideration of Sensitive Areas;
3. Evaluation of alternatives;
4. Cost/Performance considerations;
5. Revised CSO Operational Plan;
6. Maximizing treatment at the treatment plant;
7. Implementation schedule;
8. Post-Construction compliance monitoring program; and
9. Public participation.

Cost considerations include median household income/total project costs per household; per capita debt as a percent of full market property value; property tax revenues as a percent of full market property value; property tax collection rate; unemployment rate; bond rating; grant and loan availability; residential, commercial and industrial sewer user fees; and other viable funding mechanisms and sources of financing.

d. The LTCP shall be developed according to the following schedule:

- |    |   |  |
|----|---|--|
| 1  | Submit revised Plan of Study (POS) for system characterization, monitoring, modeling and receiving water information  | 2 months from the effective date of this Permit  |
| 2. | Progress report on POS  | 9 months from the effective date of this Permit  |
| 3. | Progress report on POS  | 15 months from the effective date of this Permit |
| 4. | Submit study results for sewer system characterization, monitoring, modeling and receiving water information program all consistent with the federal CSO Control Policy | 24 months from the effective date of this Permit |
| 5. | Submit long-term control plan   | 30 months from the effective date of this Permit |

Following submittal of the revised POS, the Permittee shall respond to any IEPA review letter in writing within thirty (30) days of the date of any review letter. Following submittal of the LTCP, the Permittee shall respond to any initial IEPA or USEPA comment letter in writing within ninety (90) days of the date of the review letter and shall respond to any subsequent review letter(s), if any, within thirty (30) days of the date of the review letter(s).

Monitoring, Reporting and Notification Requirements

11. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA. These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

NPDES Permit No. IL0037800

Special Conditions

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 may be prepared in cooperation with the Greater Peoria Sanitary and Sewage Disposal District and 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 also consider posting 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. 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 within nine (9) months of the effective date 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 information meeting. The Permittee shall submit the public information meeting documentation to the IEPA and implement the public notification program as soon as practicable, but in no case longer than twelve (12) months of the effective date of this Permit. The Permittee shall submit copies of the public notification program to the Greater Peoria Sanitary and Sewage Disposal District, and upon written request, to the IEPA.
13. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

Summary of Compliance Dates in this CSO Special Condition

14. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise indicated):

Submission of CSO Monitoring Data (Paragraph 11)	15th of every month
Elimination of a CSO or Discovery of Additional CSO Locations (Paragraph 13)	1 month from discovery or elimination
Submit Revised POS	2 months from the effective date of this Permit
Certification of Sewer Use Ordinance Review (Paragraph 9)	6 months from the effective date of this Permit
Progress report on POS	9 months from the effective date of this Permit
Conduct Pollution Prevention, OMP, and PN Public Information Meeting (Paragraphs, 6, 8 and 12)	9 months from the effective date of this Permit
<b>No Submittal Due with this Milestone</b>	
Submit Pollution Prevention Certification, OMP Certification, and PN Information Meeting Summary (Paragraphs, 6, 8, and 12)	12 months from the effective date of this Permit
Progress report on POS	15 months from the effective date of this Permit
Submit study results for sewer system characterization, monitoring, modeling and receiving water information	24 months from the effective date of this Permit
Submit CSO Long-Term Control Plan (Paragraph 10)	30 months from the effective date of this Permit

All submittals listed in this Special Condition can be mailed to the address given below or hand carried to 1021 North Grand Avenue East:

NPDES Permit No. IL0037800

Special Conditions

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Greater Peoria Sanitary and Sewage Disposal District  
2322 South Darst Street  
Peoria, Illinois 61607

Attention: CSO Coordinator, Compliance Assurance Section

Reopening and Modifying this Permit

15. The IEPA may initiate a modification for this Permit at any time to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice of such modifications and opportunity for public hearing shall be provided.

SPECIAL CONDITION 7. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

## ATTACHMENT H

## Standard Conditions

## Definitions

Act means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. Rev. Stat., Sec 1001-1052 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 92-500, as amended, 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24 Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8 Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
  - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
  - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
  - (c) Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The individual(s) who performed the sampling or measurements;
    - (3) The date(s) analyses were performed;
    - (4) The individual(s) who performed the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
  - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
  - (a) **Application.** All permit applications shall be signed as follows:
    - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
    - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - (1) The authorization is made in writing by a person described in paragraph (a); and
    - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
    - (3) The written authorization is submitted to the Agency.

## **APPENDIX D**

### **Combined Sewer Overflow Sign**

**CAUTION  
COMBINED SEWER OVERFLOW**

Diluted sewage may flow into the river  
here during and after storms.

Avoid bodily contact with water.

For more information, contact the

City of Peoria at

309 494-8800

## **APPENDIX E**

**Greater Peoria Sanitary District's**

**Sewer Use Ordinances**

**ORDINANCE NO. 571**

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

TABLE OF CONTENTS

	<u>Page No.</u>
Article I	Definitions . . . . . 1
Article II	Domestic Wastewater Charge . . . . . 7
Article III	Industrial Wastewater Charges . . . . . 9
Article IV	Industrial Wastewater Surcharge . . . . . 11
Article V	Debt Service and Capital Improvement and Replacement . . . . . 12
Article VI	Responsibility, Payment and Delinquencies . . . . . 13
Article VII	Adoption and Notice of Rates . . . . . 14
Article VIII	Access to Records . . . . . 15
Article IX	Reviews and Appeals . . . . . 15
Article X	Accounting for Revenues and Expenses . . . . . 16
Article XI	Penalties . . . . . 17
Article XII	Disconnection . . . . . 18
Article XIII	Validity . . . . . 24
Article XIV	Effective Date . . . . . 24
Table A	User Charge Rates. . . . . 25

ORDINANCE NO. 571

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

AN ORDINANCE ADOPTING CHARGES FOR THE DISCHARGE OF DOMESTIC WASTEWATER AND COMMERCIAL AND INDUSTRIAL WASTES TO THE WASTEWATER FACILITIES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS.

WHEREAS, the Board of Trustees of the Greater Peoria Sanitary and Sewage Disposal District has, heretofore, adopted regulations for the purpose of regulating and controlling the use of public sewers and drains and the discharge of wastewaters into the sewerage system tributary to the wastewater treatment works of the District; and

WHEREAS, the Board of Trustees is desirous of providing for the equitable sharing of costs between domestic users and commercial and industrial users, and now establishing separate charges for the discharge of domestic and commercial and industrial wastewaters;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 101. “Ammonia Nitrogen” or “NH<sub>3</sub>-N” shall mean the amount of ammonia, expressed in milligrams per liter of nitrogen as determined by Standard Methods.

Section 102. “Biochemical Oxygen Demand” or “BOD” shall mean a measure of the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by Standard Methods. Incubation at 20 degrees Celsius for 5 days shall be assumed unless otherwise stated.

Section 103. “Capital Improvement and Replacement” shall mean expenditures for obtaining and installing equipment, accessories, appurtenances or infrastructure, which are necessary to maintain or increase the capacity and performance of the sewage works.

Section 104. “Cesspool” shall mean a lined or partially lined underground pit into which household wastewater is discharged and from which liquid seeps into the surrounding soil.

Section 105. “Combined Sewer” shall mean a sewer that is designed and intended to receive wastewater, unpolluted water, storm water runoff and/or surface water.

Section 106. “Debt Service” shall mean the amount of money necessary annually to pay the interest on outstanding debt, to pay the principal of maturing bonded debt not payable from a sinking fund, or to provide a fund for the redemption of bonds payable from a sinking fund.

Section 107. “Director” shall mean the Executive Director of The Greater Peoria Sanitary and Sewage Disposal District of Peoria, Illinois, or his authorized deputy, agent or representative.

Section 108. “Disposal Service” shall mean that service provided to the users by the operation and maintenance of the District’s wastewater treatment works, interceptor sewers, trunk sewers and collection system pumping stations. Disposal service shall also mean that service provided to users whose building sewer connections are made to sewers operated and maintained by municipal corporate authorities other than the District (i.e., City of Peoria).

Section 109. “District” shall mean The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, acting by a duly constituted Board of Trustees or other duly authorized representative or representatives.

Section 110. “District Sewer” shall mean any sewer owned or under the jurisdiction of the District.

Section 111. “Domestic Wastewater” shall mean the wastewater including human wastes discharged from residential dwelling units as the result of human occupancy and/or the discharges from the sanitary conveniences of non-residential establishments.

Section 112. “Federal Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. 1251 et seq).

Section 113. “Federal Administrator” shall mean the Administrator of the U. S. Environmental Protection Agency.

Section 114. “Federal Grant” shall mean the U. S. government participation in the financing of the construction of treatment works as provided for by Title II – Grants for Construction of Treatment Works of the Act and implementing regulations.

Section 115. “Industrial User” shall mean any source of discharges to the publicly owned treatment works which includes industrial wastes regardless of the frequency or quantities of those discharges and shall include all indirect dischargers. All users of the publicly owned treatment works identified in the Standard Industrial Classification Manual are included unless determined to be discharging only segregated domestic wastewater as described in this Ordinance.

Section 116. “Industrial Wastes” shall mean any solid, liquid, or gaseous wastes or excess energy resulting from any process of industry, manufacturing, trade, service or business or from the development, processing or recovery of any natural resource.

Section 117. “Infiltration” shall mean the water unintentionally entering the sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

Section 118. “Inflow” shall mean the water discharged into the sewer system, including building drains and sewers, from such sources as, but not limited to, roof drains, cellar, yard, and area drains, foundation drains, unpolluted (except for heat) cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

Section 119. “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

Section 120. “Intercepting Sewer” shall mean a sewer that receives dry-weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of storm water (if from a combined system), and conducts such waters to a point for treatment or disposal.

Section 121. “Isolated Sewerage System” shall mean a system for the collection, storage and treatment of wastewater which serves more than 15 persons.

Section 122. “Lateral Sewer” shall mean a public sewer, whose principal function is receiving wastewater from individual single family and multi-family residences and other establishments, which discharge directly, or through other interconnected lateral sewers, to a trunk sewer.

Section 123. “Lateral Sewer Service” shall mean that service provided to users who are connected to lateral sewer systems operated and maintained by the District.

Section 124. “Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act, or (d) is found by permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Section 125. “Milligrams per Liter” or “mg/L” shall mean a unit of the concentration of water or wastewater constituent or .001 grams of the constituent in 1,000 milliliters of water.

Section 126. “Mobile Home” or “Trailer Coach” shall mean any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways or designed to permit the occupancy thereof, as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “Mobile Home” or “Trailer Coach”.

Section 127. “Multiple Dwelling Unit” shall mean any single structure designed for occupancy by more than a single family.

Section 128. “Operation and Maintenance Costs” shall mean all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement, treatment and collection of wastewaters necessary to insure adequate wastewater collection and

treatment on a continuing basis, conform to applicable regulations, and assure optimal long term operating facility management.

Section 129. “Ordinance” shall mean this Ordinance.

Section 130. “Other Wastes” shall mean garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dye stuffs, acids, chemicals and all other substances not sewage or industrial waste whose discharge would cause water pollution or violation of any effluent or water quality standards.

Section 131. “Person” shall mean any individual, partnership, co-partnership, association, joint venture, joint stock company, corporation, firm, company, trust, estate, political subdivision, governmental unit, governmental agency, or any other legal entity, and their legal representatives, agents or assigns.

Section 132. “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the District’s treatment facilities.

Section 133. “Private Sewerage System” shall mean a system for the collection, storage and treatment of wastewater or other wastes, which serves less than 15 persons.

Section 134. “Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the District and shall also include sewers within or outside the District boundaries that serve one or more persons and ultimately discharge into the sanitary or combined sewer system, even though those sewers may not have been constructed with District funds.

Section 135. “Pumping Station” shall mean a station positioned in a public sewer system at which wastewater is elevated to a higher level.

Section 136. “Renewal” shall mean the expenditure of reserve funds or other funds to overcome physical and/or functional consumption of wastewater facilities capacity or function or obsolescence of same, in order that the equivalent in function of wastewater facilities is present at the end of the anticipated useful life.

Section 137. “Replacement and Improvements Reserve” shall mean an accounting for the designation of resources to meet capital consumption of personal and real property.

Section 138. “Residence” shall mean a single family dwelling or one dwelling unit including a mobile home unit.

Section 139. “Residential or Commercial” or “Non-industrial” user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Ordinance.

Section 140. “Sanitary Sewer” shall mean a sewer which is designed to carry sewage and industrial wastewater, and into which storm, surface waters, ground waters or unpolluted waters are not intentionally admitted.

Section 141. “Seepage Pit” shall mean and include a dry well, leaching pit or any other cavity in the ground, which receives human excrement and domestic wastewater or the liquid discharge of a septic tank.

Section 142. “Septic Tank” shall mean and include a septic toilet, chemical closet or any other water tight enclosure used for treating wastewater by a combination of settling and anaerobic digestion.

Section 143. “Servicing” or “cleaning” or “maintaining” shall mean cleaning and removing wastes from any septic tank, seepage pit, cesspool or other sewage and waste treatment facility or removing wastes from any business, commercial or industrial establishment and transporting such wastes to a point of disposal.

Section 144. “Sewage” shall mean household and commercial wastewater that contains human waste together with such other wastes, ground water, surface runoff, storm waters and unpolluted water as may be present. Sewage is also used interchangeably with “domestic wastewater”.

Section 145. “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 146. “Sewer” shall mean a pipe or conduit for conveying sewage or other waste liquids, including storm, surface and ground water drainage.

Section 147. “Sewerage” shall mean a complete system of sewers and appurtenances for the collection, transportation, pumping, treating and discharging of wastewater.

Section 148. “Shall” is mandatory; “May” is permissive.

Section 149. “Sinking Fund” shall mean an account or reserve established by periodic installments to provide for the retirement of the principal of term bonds and of other bonds specified to be retired from sinking funds.

Section 150. “Standard methods” shall mean the sampling and analytical techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling and analytical techniques for the pollutant in question, or where the District or Federal Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the Federal Administrator.

Section 151. “State Act” shall mean the Illinois Anti-Pollution Bond Act of 1970.

Section 152. “State Director” shall mean the Director of the Illinois Environmental Protection Agency.

Section 153. “State Grant” shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

Section 154. “Suspended Solids” or “SS” or “TSS” or “Total Nonfilterable Residue” shall mean total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration using a Whatman 934AH Millipore AP-40, Gelman type A/E, or equivalent glass fiber filter disc and dried to constant weight at 103 – 105 degrees Celsius as prescribed in Standard Methods.

Section 155. “Tank” shall mean any container when placed on a vehicle or trailer to carry in transport wastes removed from a septic tank, cesspool, seepage pit, or other source.

Section 156. “Treatment Works” or “Sewage Treatment Plant” shall mean individually or collectively those facilities or devices, except sewers, used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of by-products from such wastewater.

Section 157. “Trunk Sewer” shall mean a sewer that receives many tributary branches and serves a large territory.

Section 158. “User” shall mean every person using any part of the wastewater facilities of the District. Every person who holds a legal, equitable or possessory interest in real estate connected to the District’s wastewater facilities, or who holds an interest in a land trust into which such real estate has been placed, or who receives any direct or indirect benefit from the real estate’s connection to the District’s wastewater facilities, shall be considered a user. This definition is meant to include but not be limited to persons such as trustees, beneficiaries, contract sellers, contract buyers, lessors and lessees.

Section 159. “User Charge” shall mean a charge assessed pursuant to the user charge system.

Section 160. “User Charge System” shall mean the system of charges established for the purpose of apportioning among users the cost of Operation and Maintenance, Debt Service and Replacement and Improvement Reserve requirements for the District.

Section 161. “User Class” shall mean the type of user either “domestic as residential or commercial (non-industrial)” or “industrial” as defined herein.

Section 162. “Wastewater” shall mean the spent water or used water of a community or industry and is a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions including polluted cooling water and the discharges (but not sludge) from pretreatment facilities.

Section 163. “Wastewater Facilities” or “Sewage Works” shall mean structures, equipment, and processes required to collect, convey and treat domestic and industrial wastes and dispose of the effluent and sludge.

Section 164. “Wastewater Source” shall mean any equipment, facility or other point source of any type whatsoever which discharges wastewater.

Section 165. “Wastewater Treatment Plant” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “wastewater treatment works” or “sewage treatment plant” or “water pollution control plant”.

## ARTICLE II

### DOMESTIC WASTEWATER CHARGE

Section 201. The domestic wastewater charge shall be applicable to all residential, commercial and institutional users discharging wastes with no unusual characteristics and to industries whose discharge consists of wastes from sanitary conveniences.

Section 202. The domestic wastewater charge shall be subject to periodic adjustment in conjunction with the industrial wastewater charges, as necessary to maintain adequate revenues and to meet Operation and Maintenance expenses, as shown by the Annual Budget for the current fiscal year, and the Debt Service requirements, if not derived from tax levies or the Capital Improvement and Replacement Surcharge, and such sums as set forth in the Annual Budget for capital expenditures.

Section 203. The procedure for determining from time to time the domestic users share of costs and the resulting domestic wastewater charges shall be as set forth in ARTICLE III for the establishment of the industrial wastewater charges.

Section 204. Classes of metered and unmetered domestic wastewater charges are, hereby, established, effective as hereinafter set forth. There shall be no discounts for increased quantity. All charges shall be billed on a cycle corresponding to the water meter reading schedule of the public water supplier serving each user, where applicable, or where not applicable, on a quarterly cycle to be determined by the District. On the effective date of this Ordinance, the charges are as described in Table A.

- 204.1 In those cases where a domestic unmetered user is discharging wastewater from a residential dwelling unit, and such residential dwelling unit consists of two (2) persons or less, the user may apply for and, subject to verification, shall receive a reduction in the quarterly charge. Such billable quantities shall be based upon 800 cubic feet (8 CCF) per person per quarter. The unit charges applied shall be, as set forth, in Table A, and in accordance with the class of service provided. Application for such reduction shall be made annually on a form provided by the District.
- 204.2 In those cases where a domestic unmetered user is discharging wastewater from a residential dwelling unit and all occupants of that dwelling unit are temporarily absent for a continuous period of at least one month, the user may make written application and, subject to verification, shall receive credit on the quarterly charge. In such cases, the credit shall be computed on a case-by-case basis, by multiplying the quarterly charge computed in Table A or Section 204.1 above by one-third for each full month of such absence.
- 204.3 For a domestic unmetered user discharging wastewater from other than residential dwelling units, the quarterly unit charge shall be as provided in Table A, which charge is based upon 3.5 persons per dwelling unit and 800 cubic feet (8 CCF) per person per quarter. In such cases, the charge shall be computed, on a case-by-case basis, and shall consider the average number of persons served and the average number of hours a day the service is provided.

204.4 In those cases where a domestic user is discharging wastewater from other than residential dwelling units and (a) where that user has both metered and unmetered sources of water, or (b) where the Director has determined on a case by case basis that Section 204.3 cannot be applied fairly and equitably, the user shall be required to meter all water used and discharged to the sewers. In all such cases, the unit charges shall be as set forth in Table A and in accordance with the class of service provided.

Section 205. Where any person desires to transport and discharge wastewaters or other wastes from any tank, septic tank, seepage pit, cesspool, private or isolated sewage system, treatment works, business, commercial or industrial establishment, to a public sewer or appurtenance and a permit for such discharge has been issued by the District, there shall be a charge levied for such discharge. On the effective date of this Ordinance, the charges will be as described in Table A.

205.1 For any wastewater or other waste that is of an industrial origin, or is classified an industrial waste, the charge shall be in accordance with the provision as specified in ARTICLE III, INDUSTRIAL WASTEWATER CHARGES.

Section 206. Credit shall be given for water used but not discharged to the sewers as follows:

206.1 By separate metering such as to permit determination of the quantity of water used and discharged to the sewers, or

206.2 Credit shall be allowed for lawn sprinkling at single family and two family residential dwellings. This credit shall be in the form of a discount on Commercial Domestic rates. This rate shall be known as Residential Domestic, as listed in Table A.

206.3 A living unit of a multiple dwelling shall be considered a single family residence for billing purposes and be eligible for receiving the credit as set forth in Section 206.2 in accordance with both of the following requirements:

206.3.1 The interior plumbing of the multiple dwelling is such that each living unit's water consumption is metered separately from other living units.

206.3.2 The metered water consumption of the living unit includes that water discharged from exterior spigots.

206.4 By determination made pursuant to ARTICLE IX, REVIEWS AND APPEALS.

206.5 Credits in accordance with 206.2 and 206.4 above may be subject to such periodic review and adjustments as may be appropriate.

Section 207. For a domestic user discharging wastewater by direct pipeline connection from a source located outside the corporate limits of the District, the rates stated in Table A shall be increased by a factor of 2.0.

## ARTICLE III

### INDUSTRIAL WASTEWATER CHARGES

Section 301. Industrial wastewater charges shall be applied to all Industrial Users as defined in ARTICLE I. For purposes of this Article, Industrial User shall also mean any other industrial, commercial, or institutional user of the sanitary sewerage system and the District's treatment works who shall be so classified by the District, by reason of the volume and/or characteristics of the waste discharged or of the type, extent and nature of the facilities used and required to provide service to such user.

Section 302. Billings to industrial users shall be made on a billing cycle, as hereinafter set forth, and shall be based on separate charges for the following:

- 302.1 Wastewater Quantity (Q) per 100 cubic feet, which shall vary depending on whether the District does or does not provide lateral sewer service.
- 302.2 Suspended Solids (S.S.) per pound.
- 302.3 Biochemical Oxygen Demand (B.O.D.) per pound.
- 302.4 Ammonia Nitrogen (NH<sub>3</sub>-N) per pound.

Section 303. The industrial wastewater charges shall be established annually on the current Annual Budget for the District's facilities. The charges, so computed, shall be the basis for estimating the monthly billings to each such customer for each current fiscal year. Measurements of flow and laboratory tests and analyses shall be performed by the industrial user as provided in those sections of an ordinance regulating the usage of public sewers.

Section 304. The costs included in the computation of estimated charges based on the Annual Budget for the fiscal year, shall included the following:

- 304.1 Operation and maintenance expenses.
- 304.2 Interest and principal on outstanding bond issues, if not derived from tax levies or the Capital Improvement and Replacement surcharge.
- 304.3 The general benefit share of outstanding special assessment projects, if not derived from tax levies.
- 304.4 Capital improvement expenditures from current revenues.
- 304.5 Deposits to create or increase a reserve for future defined uses.

Section 305. The total annual costs for the system shall recognize at least the following subdivisions:

- 305.1 Lateral and trunk sewer system, if such are operated and maintained by the District.

- 305.2 Intercepting sewer system.
- 305.3 Pumping stations.
- 305.4 Wastewater treatment plants.
- 305.5 General administration including billing costs.

Section 306. The cost distribution shall permit the establishment of realistic total annual costs to the two basic classes of users for the following functions or purposes:

- 306.1 Wastewater Quantity (Q).
- 306.2 Removal of Biochemical Oxygen Demand (B.O.D.).
- 306.3 Removal of Suspended Solids (S.S.).
- 306.4 Oxidation of Ammonia Nitrogen (NH<sub>3</sub>-N).

Costs not related to any of the foregoing functions or purposes, such as general administration and billing and collection, shall be distributed among the several functions by such other parameters as will produce a reasonable apportionment of such costs to each user.

Section 307. The annual cost distribution shall distinguish between current operations and maintenance costs and non-operating expenditures including principal and interest on the bonds outstanding, the general benefit share of special assessment projects, capital expenditures from current revenues, and any sums budgeted for future reserves. The distribution of debt service, and debt service coverage, if required, to function shall be in accordance with the application of the bond funds to the construction of the facilities having such functions.

Section 308. The annual distribution shall be in accord with the general principles set forth in "Financing and Charges for Wastewater Systems", A Joint Committee Report of the American Public Works Association, American Society of Civil Engineers and the Water Pollution Control Federation, 1973. The District shall maintain summarized data showing the development of the annual charges and copies, thereof, shall be made available upon request.

Section 309. Effective May 1, 2009 and for each fiscal year period thereafter, the annual charges shall be as approved and adopted by the Board of Trustees in accordance with the provisions contained in ARTICLE VII, ADOPTION AND NOTICE OF RATES.

Section 310. On the effective date of this Ordinance the industrial waste charges are as described in Table A.

- 310.1 The industrial wastewater charges shall be in effect on the effective date of this Ordinance, and after written notice from the Director of classification as an industrial user. Said wastewater charges shall, therefore, apply both to all wastewater treated during the billing cycle in which the ordinance becomes effective, including that portion of wastewater treated and not billed prior to this Ordinance's effective date, and to all wastewater treated in subsequent billing cycles until such time as this Ordinance may be amended. All charges shall be

billed on a cycle corresponding with the water meter reading schedule of the public water supplier serving each user where applicable, or where not applicable, on a monthly cycle to be determined by the District.

Section 311. The Director may establish classes of Industrial Users to whose wastewaters representative strengths are assigned. Such class of wastewater characteristics may recognize analyses of representative users of each class in the District and/or typical data from other sources. Actual data for each Industrial User's wastewater shall be used whenever possible. Any Industrial User, to whose wastewaters standard strength parameters have been applied, may request analysis of his wastewater, and upon determination of the characteristics on samples representative of the wastewater on not less than three working days, such characteristics shall be used in determining the charges until the wastewaters may again be sampled.

Section 312. The Director may consolidate the component charges of the industrial wastewater charges into a single volume charge which includes the characteristics of charges computed for a unit volume of 100 cubic feet. Such a weighted volume charge may be applicable to a class of users or to each user where his actual wastewater characteristics are known.

Section 313. Industrial Users exhibiting marked seasonal load variations shall pay charges, which recognize the dedication or reservation of capacity for the treatment of their seasonal peak operating loads, and any unusual operation and maintenance costs directly related to such seasonal loads.

Section 314. The assignment of user classifications shall be in general accord with the classifications set forth in the "Standard Industrial Classification Manual", Executive Office of the President, Office of Management and Budget, 1972 and any subsequent amendments that may be made hereafter.

Section 315. All industrial users, that are subject to the industrial wastewater charges as set forth in this Article, shall be required to meter all water used and discharged from their property to the sewers. This provision shall apply to all water sources, both public and non-public (i.e., wells, etc.). Credit will be allowed for metered water used but not discharged to the sewers by separate metering such as to permit determination of the quantity of water used and discharged to the sewers. Those industrial users that are required to continuously monitor and report the volumes and strength of wastewater flows discharged to public sewers are exempt from this provision as it would apply to the flows so monitored and reported.

Section 316. For an industrial user discharging wastewater by direct pipeline connection from a source located outside the corporate limits of the District, the rates stated in Table A shall be increased by a factor of 2.0.

## ARTICLE IV

### INDUSTRIAL WASTEWATER SURCHARGE

Section 401. An industrial user who has been issued a Wastewater Discharge Permit under an ordinance regulating the use of public sewers shall be subject to a surcharge for loadings (Wastewater Quantity, Biochemical Oxygen Demand, Suspended Solids, and Ammonia

Nitrogen) on those days and months in which the industrial user exceeds the daily maximum and/or monthly average discharge limit contained in the current Wastewater Discharge Permit issued to that industrial user.

Section 402. The industrial waste surcharge rate shall be calculated by the following formula:

$$S=A/L*U$$

Where:

S = Surcharge rate

A = Actual daily maximum and/or monthly average discharge in pounds for CCF

L = Daily maximum and/or monthly average permit limit in pounds or CCF

U = Current industrial user charge rate for the respective billing parameter

Section 403. For exceedances of daily maximum limits, the surcharge rate shall be applied to the total load discharged on that day.

Section 404. For exceedances of monthly average limits, the surcharge rate shall be applied to the difference between the actual monthly average discharge and the monthly average permit limit times the number of days in the month.

Section 405. The daily maximum and monthly average surcharges shall not be mutually exclusive. The surcharge may be assessed using the industrial user's or District's monitoring data with the District's monitoring data taking precedent. These charges are in addition to any user charges, fines, penalties or other actions taken by the District as a result of violations of Wastewater Discharge Permit conditions.

## ARTICLE V

### DEBT SERVICE AND CAPITAL IMPROVEMENTS AND REPLACEMENT

Section 501. Current general tax revenues may be collected for payment of the annual interest and principal on outstanding bond issue and the general benefit share of outstanding special assessment projects (i.e., Public Benefit portion of a project) and for any other purpose provided by law not related to the operation, maintenance and replacement of wastewater facilities.

Section 502. A surcharge shall be established to pay for all Capital Improvements and Replacements or including Debt Service of the District as defined in ARTICLE I, Sections 103 and 106. The surcharge will be a percentage based on all the District user charges established in ARTICLE II – DOMESTIC WASTEWATER CHARGE and ARTICLE III – INDUSTRIAL WASTEWATER CHARGES.

502.1 The surcharge shall be set based on the Annual Budget goals for the fiscal year and listed as a percentage and stated in Table A.

502.2 The surcharge will apply to all District User Charges beginning on November 1, 2005 and thereafter. Such Surcharge shall be included as a separate line item on

invoices to Users, and shall be billed to such Users in accordance with the billing parameters as set forth in this Ordinance.

502.3 Funds collected from the surcharge shall be accounted for separately. Amounts remaining, in any given year, shall be designated for future uses.

502.4 Debt Service shall be paid from this account unless another account has been established for special assessments to pay Debt Service costs for special assessments, in which case the District portion of the Debt Service for such assessments shall be transferred to the special assessment account for Debt Service payment to be made.

502.5 This surcharge shall be known as the Capital Improvement and Replacement Charge.

## ARTICLE VI

### RESPONSIBILITY, PAYMENT AND DELINQUENCIES

Section 601. Every user shall be jointly and severally responsible for the payment of all user charges for the real estate in which such user has an interest.

Section 602. A bill for all charges specified in this Ordinance shall be produced for each property once every monthly, quarterly or annual billing cycle or other cycle as established by the District. It shall be the policy of the District to send user charge bills only to the record owner of the real estate except that the Director shall have the authority to make reasonable exceptions to this policy. The charges, so billed, shall be considered delinquent unless payment is rendered and applied to the account on or before the due date. Users shall be notified of delinquent billings on a cycle established by the District. Delinquent billing shall be subject to the payment of interest at a rate as described in Table A. All delinquent accounts may also be subject to such additional costs and penalties as may be otherwise provided in this Ordinance.

Section 603. Any amounts that are delinquent shall be subject to collection under the terms and conditions of ARTICLE XI, PENALTIES, and, in addition, to any resolution that may be adopted from time to time by the District setting forth procedures for the collection of delinquent amounts.

Section 604. Non-receipt of any bill for charges made under this Ordinance shall not release liability of the user for the charges. In any case where the user is responsible for the non-receipt of the bill, the conditions, hereafter described for late payment and penalties shall apply hereto. In any case where the District is responsible for the non-receipt of the bill, the District may, at its discretion, grant the user an extension of the late payment conditions.

Section 605. In the event a user charge for any real estate is not paid when due, the District shall have the right to enforce any agreement with a water service provider or remove or close any connection of that real estate to the District's wastewater facilities pursuant to the provisions of this Ordinance.

Section 606. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating penalties as specified in this Ordinance.

Section 607. Wastewater charges for users of occupied and unoccupied property that are based upon unmetered uses or flat rates per month as set forth in ARTICLE II shall be in accordance with the following:

- 607.1 For all occupied property, the charge shall begin 60 days after the sewer service becomes available or the day connection is made to a public sewer, whichever comes first.
- 607.2 For all unoccupied property, the charge shall begin 30 days after the property is ready for occupancy or on the first day of occupancy, whichever comes first.
- 607.3 All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property.

Section 608. Should any user believe that he has been incorrectly assigned to a particular user class, or incorrectly assigned a wastewater volume or strength or should any user believe that a portion of his metered flow is not discharged to the wastewater facilities, that user may apply for a review of his charge as provided in ARTICLE IX, REVIEWS AND APPEALS.

## ARTICLE VII

### ADOPTION AND NOTICE OF RATES

Section 701. Effective May 1, 2009 and for each fiscal year, thereafter, all annual unit rates and charges, as set forth in this Ordinance, will be reviewed, approved and adopted by the Board of Trustees, in accordance with the following provisions. The revised annual unit rates and charges shall be adopted in the form of an amending ordinance and shall amend the following rates and charges in Table A.

Section 702. Revisions of the unit rates and charges contained, herein, shall be adopted by the Board of Trustees from time to time as they may deem appropriate.

Section 703. The following provisions shall be deemed notice to all users of the annual unit rates and charges for the wastewater facilities of the District on the properties:

- 703.1 A copy of this Ordinance shall be published one (1) time in a secular newspaper of general circulation in the City and County of Peoria, Illinois. Publication shall be not more than ten (10) days following adoption of the annual unit rates and charges.

## ARTICLE VIII

### ACCESS TO RECORDS

Section 801. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the District which are applicable to District's system of user charges for the purpose of making audit, examination, excerpts and transcriptions, thereof, to insure compliance with the terms of the Special and General Conditions to any State Grant.

## ARTICLE IX

### REVIEWS AND APPEALS

Section 901. Any user who feels that the charges contained within the intent of the provisions of this Ordinance are inequitable or incorrect as applied to the affected premises, may request a review of the charge. A review may also be requested for record changes, adjustments, credits and changes in wastewater classifications. A request may be made orally; however, the District reserves the right to require that the request be made in writing. Requests for a review shall be in accordance with the following:

- 901.1 A user should contact the District to ascertain what information is required by the District to resolve the review. As a minimum, the request should include actual or estimated volumes and/or strengths of the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Historical measurements and/or records should also be included and considered, whenever possible.
- 901.2 An initial review requested and submitted in writing must be dated and signed by the user. Said written appeal shall include all information necessary to resolve the review. Requests for Review may be made on forms provided by the District when available.
- 901.3 An initial review by an industrial user, or domestic user applying to become an industrial user, shall also include the following:
  - 901.3.1 All standard Industrial Classifications applicable to the user and in accordance with the provisions of Section 314.
  - 901.3.2 When necessary, actual volumes and strengths of the user's wastewater in comparison with values upon which his charge is based. Such strengths shall be based upon determination of the characteristics of samples representative of the wastewater on not less than three working days and in accordance with the provisions of Section 311.
  - 901.3.3 Copies of all original data and computations and an explanation of how measurements were made, whenever volumes and strengths, submitted according to Sub-Section 801.3.2, are based on information not directly available to the District.

901.4 An initial review may be resolved by District personnel using procedures approved by the Director. Such procedures shall result in written or oral reply to the user within 30 days of receiving the review.

901.5 Where such reply to an initial review is inadequate in the view of the user, the user may make a written appeal to the Director. Upon receipt of a written appeal, the Director shall respond to the user and, except for those cases involving a dispute by an industrial user, the decision of the Director shall be final and binding.

901.6 Where an industrial user remains dissatisfied with the charge after receiving a response from the Director, the user may re-submit his written appeal to the Trustees of the District with a written request for a final determination.

Section 902. The Director shall establish procedures and determine what information shall be required of users, as necessary to implement this Article.

Section 903. If a user's appeal is determined to be substantiated, the charges shall be recomputed for that user based upon his appeal and, where sufficient information is available, the new charges thus recomputed shall be applicable retroactively up to six (6) months.

Section 904. The District shall not initiate any action resulting in a disconnection of service, as set forth in other provisions of this Ordinance, until an appeal is resolved.

## ARTICLE X

### ACCOUNTING FOR REVENUES AND EXPENSES

Section 1001. The District shall establish a proper system of funds and accounts and shall keep all necessary financial records, books and accounts in which complete and correct entries shall be made of all transactions relative to the wastewater facilities, including assets, liabilities, revenues and expenses.

Section 1002. The District shall cause an annual audit to be made, of all fiscal year transactions, by an independent firm or certified public accountants which audit shall be duly filed in accordance with the laws of the State of Illinois and shall, in addition, be available for public inspection.

Section 1003. The District shall account for all revenues and expenditures that are generated in connection with the charges provided under the terms of this Ordinance in accordance with generally accepted accounting principles and the laws of the State of Illinois.

## ARTICLE XI

### PENALTIES

Section 1101. Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) for each violation, in accordance with the terms and provisions of Section 6.1 of the “Sanitary District Act of 1917” (70 ILCS 2405/6.1, as amended). For the purpose of this section, each day in which any such violation shall continue shall be deemed a separate offense, and for each separate violation such person shall be similarly fined in an amount not exceeding Five Hundred Dollars (\$500.00).

Section 1102. Any person who shall violate any provision of this Ordinance shall also be:

- 1102.1 Liable to the District for all costs, expenses, loss or damage, if any incurred by the District as the result of such violation.
- 1102.2 Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.
- 1102.3 Subject to a lien upon said property in the amount of any costs described in ARTICLE XI, Section 1102.1 above.

Section 1103. Whenever bills for wastewater treatment and collection become delinquent as set forth in ARTICLE VI hereof, the same shall become and constitute a lien upon the real estate to which service is supplied pursuant to the terms and provisions of Section 7 and Section 11a of the “Sanitary District Revenue Bond Act (70 ILCS 3010/7211a), as amended”. Statements rendered for such charge shall be deemed notice to all parties, whether or not served. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate, sufficient for the identification thereof, upon or for which the service was supplied, (b) the amount or amounts of money due for such service, and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording, as provided by law, the District may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In the alternative, the District, may, in its discretion, file suit to collect such amounts as are delinquent and due against the user in a civil action, and shall collect, as well, all attorney’s fees incurred by it, the same to be fixed by order of the court. In addition to penalties and costs attributable and chargeable to the recording or such notices of lien, the user shall be liable for interest upon all unpaid balances, after delinquency remaining from time to time, unpaid at the rates set forth in Section 602. of ARTICLE VI, RESPONSIBILITY, PAYMENT AND DELINQUENCIES.

- 1103.1 In the event that a payment received by the District, whether by check, money Order, credit or debit card, electronic transfers or any other means of payment is returned or does not clear for lack of funds or other reasons shall be subject to a service fee. This service fee, as listed in schedule A, shall be charged to the payer, or the customer, on whose behalf the payment was presented, for each payment returned because of insufficient funds, stopped payment, account closed, or any other reason resulting in nonpayment to the District.

Section 1104. In all cases where the user charge has become delinquent and the District elects to file a statement thereof in the Office of Recorder of Deeds as hereinabove set forth, there shall be added in addition to the amount due the District such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the District as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Director or a duly appointed employee of the District shall be authorized and directed to include such additional costs in the amount claimed due the District in the Notice of Lien.

Section 1105. All amounts charged under this Article are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the District is paid in full for all amounts due it.

Section 1106. The Director is, hereby, authorized to sign and file, for and on behalf of the District, all liens and release of liens as may be required in accordance with the provisions of this Article.

## ARTICLE XII

### DISCONNECTION

Section 1201. In the event a user charge for any real estate is not paid when due, the District may prepare a Notice of Violation to be served on the user in any of the following manners, or combinations thereof:

- 1201.1 By regular first class mail addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1201.2 By certified or registered mail, return receipt requested, addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1201.3 By personal or abode service in a manner that, and by a person who, would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice law of Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- 1201.4 By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served not less than ten (10) days before the date set therein for a compliance meeting where the service is by mail and not less than five (5) days before the compliance meeting date where personal or abode service is utilized. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary.

Section 1202. The Notice of Violation shall specify the amount of delinquent user charges and penalties, the period of delinquency, the service address, and the time and place for a compliance meeting to be attended by the Director and by the user. The District may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Section 1203. Any request for a continuance must be in writing setting forth in detail the reasons for the request. The Director may grant or deny continuances upon said written request.

Section 1204. The purpose of the compliance meeting shall be to attempt to obtain a voluntary plan to remedy the delinquent user charges.

Section 1205. The compliance meeting shall be conducted by the Director or his designee. No formal rules of evidence shall be in effect and the proceedings need not be transcribed by a court reporter. The Director and user shall discuss a compliance schedule for remedying the delinquent charges. As a part of any agreement between the District and the user, the user may agree to immediate shutoff/turnoff of water to the subject real estate upon default without further hearing or notice.

Section 1206. Within ten (10) working days following conclusion of the compliance meeting, a letter shall be issued by the Director indicating the results of the meeting and setting forth any Compliance Schedule developed for remedying delinquent user charges. This letter may specify dates of future meetings as may be required to monitor progress in remedying the delinquent charges. If no voluntary agreement to remedy the delinquent charges is reached, the Director may in his letter make any of the recommendations to the Board of Trustees that a hearing officer could make under Section 1219, and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer had made the recommendations to it. The letter shall be served on the user by one or more of the methods prescribed in Section 1201. If the Director recommends in the letter that the Board of Trustees order disconnection of the subject real estate from the District's wastewater facilities, the letter shall advise the user that he may within ten (10) days request in writing that a show cause hearing be held pursuant to Section 1211, through Section 1217. If the user's request for a show cause hearing received by the Director within ten (10) days of the date of service of the Director's letter, the Board of Trustees shall defer action on the Director's recommendation of disconnection until after the shown cause hearing is held and the hearing officer has made his recommendations.

Section 1207. In the event there is a default in a Compliance schedule at a compliance meeting, the Director may proceed under Section 1206, the same as if no voluntary agreement had been reached, and the user shall have the same right to request a show cause hearing as he would under Section 1206.

Section 1208. In the event the user does not appear at the compliance meeting as noticed, the Director may make any recommendations to the Board of Trustees that a hearing officer could make under Section 1219, and the Board of Trustees may act and proceed in all respects as if a show cause hearing had been held and the hearing officer made the recommendation to it. In addition the Director may recommend that the water service to the subject real estate be shut off/turned off, pursuant to an agreement between the District and a public or private water service provider.

Section 1209. The Director is, in his discretion, hereby empowered, whether or not a compliance meeting or show cause hearing procedure is pending, to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user or other person relating to the user charges for real estate. Such documents may include, among other things, compliance schedules, stipulations of fact or law, specified remedial actions, and must include the signatures of the user or other person or their authorized representatives and the Director. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 1221.

Section 1210. The compliance meeting is an optional procedure which may be instituted by the District. The Director may at any time cancel, terminate, or bypass the compliance meeting and require the user to show cause why the subject real estate should not be disconnected from the District's wastewater facilities whenever the Director determines it is in the best interests of the District to so proceed.

Section 1211. The show cause hearing procedure shall be initiated by the Board of Trustees upon recommendation of the Director or upon request by a user pursuant to Section 1206. At such time, the Board of Trustees shall appoint an impartial hearing officer.

Section 1212. Upon initiation of the show cause hearing procedure, the District shall prepare a Notice to Show Cause stating the delinquent amount and penalties, the delinquent period, the service address, the time and place of a show cause hearing, the name and address of the hearing officer, and requiring the user to appear at the hearing and show cause, if any, why the subject real estate should not be disconnected from the District's wastewater facilities. The Notice of Show Cause shall be served on the user in any of the following manners, or combinations thereof:

- 1212.1 By regular first class mail addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1212.2 By certified or registered mail, return receipt requested, addressed to the user at his last known place of business or residence, or other address where it is reasonably believed that he will receive the Notice;
- 1212.3 By personal or abode service in a manner that, and by a person who, would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice laws in Illinois in effect at the time of service, except that no court order appointing the person serving shall be required; or
- 1212.4 By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice to Show Cause shall be served not less than fifteen (15) days before the date set therein for the show cause hearing where the service is by mail and not less than ten (10) days before the show cause hearing date where personal or abode service is utilized. Service by mail is accomplished upon mailing. The affidavit of the person who served the Notice to Show Cause

is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary. The District may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.

Section 1213. Any request for a continuance must be made in writing to the hearing officer setting forth in detail the reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests, and may, if he desires, ask for the Director's response to the request before ruling, a copy of which response shall be provided to the requesting party by the Director by regular mail or personal delivery. Additionally, the hearing officer may in his discretion ask for argument before ruling. The grant of a continuance may be conditioned on such terms as the hearing officer believes appropriate.

Section 1214. Upon written request prior to the hearing, the District shall provide the following by regular mail or personal delivery:

1214.1 A list of all witnesses expected to testify at the show cause hearing; and

1214.2 Copies of any documents expected to be used at the show cause hearing.

Section 1215. The District shall make its employees available for examination at the show cause hearing upon written request. Further, upon written request, the Hearing Officer shall request the presence of any other person the user expects to examine as a witness at the show cause hearing.

Section 1216. The Director may enter into stipulations of fact or law on behalf of the District.

Section 1217. The following procedures shall apply to all show cause hearings:

1217.1 The show cause hearing shall be recorded by a certified court reporter or by tape recorder;

1217.2 The hearing officer shall open the hearing by stating his name and stating the user's name and the service addresses involved;

1217.3 The hearing officer shall ask for the appearances of the parties and in responding thereto any persons representing the various parties shall state for the record their names, their business addresses and whom they represent;

1217.4 The District shall offer a copy of the Notice to Show Cause together with the affidavits of service, as an exhibit into evidence. The user shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the user;

1217.5 The hearing officer shall determine for the record whether due notice was given;

1217.6 Following the determination of notice, the hearing officer shall solicit an opening statement from the District and then from the user;

1217.7 Following the opening statements, the District shall call and examine its witnesses and present its documentary and physical evidence. The user shall

be afforded an opportunity to cross-examine the witnesses and object to any evidence offered;

1217.8 After the District presents its witnesses and other evidence, the user shall be afforded the same opportunity to call witnesses and present evidence. The District shall be afforded the opportunity to cross-examine the witnesses and object to any evidence offered;

1217.9 The hearing officer shall accept or reject any offered evidence. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;

1217.10 Following the presentation of witnesses and other evidence the hearing officer shall solicit closing statements from the District and then from the user, and then rebuttal from the District;

1217.11 The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Section 1218. The District shall have the burden of showing by a preponderance of the evidence the following elements:

1218.1 Notice of the hearing conforming to the provisions of this Article, if not waived by the user;

1218.2 Service provided to the service address(es) and user charges for such services;

1218.3 Non-payment of the user charges.

Section 1219. The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 1218. herein within thirty (30) days of the hearing or within such longer period as the hearing officer deems necessary so long as notice is given to the parties of the longer period. If the hearing officer finds that the District has proven each of the elements set forth in Section 1218. herein, the hearing officer shall make a recommendation to the Board of Trustees. That recommendation may be that the subject real estate be disconnected from the District's wastewater facilities immediately, or after a stated period of time during which the user may cure the delinquency, or that no disconnection take place because the user has a justifiable reason for non-payment of user charges.

Section 1220. In all cases where the hearing officer finds that the District has proven non-payment of user charges, the hearing officer may assess the costs of enforcement as part of the recommendations. These costs shall include hearing officer fees, service fees, reasonable attorney's fees and disconnection charges.

Section 1221. Upon the submission of a recommendation of the Director or a hearing officer made in accordance with the provisions of this Article, the Board of Trustees may order disconnection of real estate from the District's wastewater facilities upon such terms and conditions as the Board deems appropriate. The Board of Trustees may order such a disconnection even though the Director or the hearing officer did not recommend disconnection

if after its review of the record the Board concludes disconnection is appropriate and not contrary to the manifest weight of the evidence.

Section 1222. A Notice of Disconnection shall be served by one of the methods prescribed in Section 1212. at least thirty (30) days prior to the disconnection date to the users. The Notice of Disconnection shall state the service address, the amount of delinquent charges, interest, penalties, and the earliest date on which disconnection might take place.

Section 1223. A property disconnected from the sewer pursuant to the provisions of this Ordinance may be reconnected upon payment by cash or certified funds of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the District in performing the disconnection as well as costs assessed by the hearing officer at the show cause hearing. Any reconnection pursuant to this Section must comply with all Ordinances of the District.

Section 1224. In lieu of or in addition to the procedures set forth in Section 1201. through Section 1210. pertaining to compliance meetings, the District may enter into agreements with one or more water service providers who provide water service to District users. These agreements may provide for shut off (turn off) of water service for nonpayment of sewer user fees due the District and they shall be entered into in accordance with the provisions of 70 ILCS 3010/7, as may be amended from time to time, or other similar statutory authority. The procedures to be followed for water shut off shall be those set forth in Section 1224. through Section 1227.. The fees for shut off of water service shall be as listed in Table A.

Section 1225. A water shutoff notice – Notice of Violation shall be prepared and served on the user in the manner set forth in Section 1201. It shall specify the total amount of delinquent user charges (including penalties, collection costs including attorney fees, recording fees, fees for restoration of water service if the water is shut off, etc.), that the delinquency is for more than 30 days, the service address, the phone number to call if the user disagrees with the correctness of the delinquency, the time period in which the user may call the District to discuss the correction of the delinquency, and such other information as the District may wish to include. The user may request a compliance meeting (Section 1201. through Section 1210.) or a show cause hearing (Section 1211. through Section 1221.) at any time prior to the expiration of the time period set forth in the Notice of Violation.

Section 1226. Upon submission of the recommendation of the Director for water shutoff/turnoff of a particular property or properties pursuant to an agreement as set forth in Section 1224., the Board of Trustees may approve or disapprove the Director's recommendation by resolution adopted at a meeting of the Board, and thereafter such water service shall be shut off or turned off pursuant to the provisions of said agreement or agreements.

Section 1227. Water service shut off/turned off pursuant to Section 1224. through Section 1227. shall be turned on only upon payment by cash or certified funds of all outstanding charges, interest and penalties, and payment of all costs and fees (including fees paid to the provider of water service for shutoff/turnoff and lost revenue) incurred by the District. Any turn on or resumption of water service shall comply with the provisions of any agreement with the water service provider and all Ordinances of the District.

ARTICLE XIII  
VALIDITY

Section 1301. An ordinance entitled "AN ORDINANCE ADOPTING CHARGES FOR THE DISCHARGE OF DOMESTIC WASTEWATER AND COMMERCIAL AND INDUSTRIAL WASTES TO THE WASTEWATER FACILITIES OF THE GREATER PEORIA SANITARY AND SEWAGE DISTRICT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS" passed, signed and recorded on June 15, 1993, together with amendments passed, signed and recorded on July 19, 1994, July 18, 1995, June 17, 1997, April 21, 1998, April 20, 1999, April 25, 2000, April 17, 2001, April 16, 2002, April 29, 2003, April 20, 2004, August 17, 2004, September 21, 2004, April 19, 2005, April 19, 2006, April 17, 2007 and April 15, 2008 and an ordinance entitled "AN ORDINANCE ESTABLISHING FEES FOR ALL RETURNED PAYMENTS RECEIVED BY THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT" passed, signed and recorded on February 17, 2004 are hereby repealed; said repeal shall not affect the validity or enforceability of user and/or other charges and causes of action accrued pursuant to said prior Ordinances.

Section 1302. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such involved part or parts.

ARTICLE XIV

EFFECTIVE DATE

Section 1401. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law.



THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

By Michael F. Menke  
President, Michael F. Menke

ATTEST:

Brian B. Fengel  
Clerk, Brian B. Fengel

Passed: March 17, 2009  
Approved: March 17, 2009  
Recorded: March 17, 2009  
Published: March 20, 2009  
Effective: May 1, 2009

ORDINANCE NO. 579

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

AN ORDINANCE REQUIRING EMPLOYMENT OF TRAINED WORKERS ON CONSTRUCTION CONTRACTS IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS

WHEREAS, The Greater Peoria Sanitary and Sewage Disposal District, from time to time, prepares specifications, advertises, and awards bids, for the construction of various public works projects for the said District; and

WHEREAS, the Board of Trustees of The Greater Peoria Sanitary and Sewage Disposal District desire to award the contracts for the construction of such projects to the lowest responsible bidder, in accordance with the applicable Illinois Law; and

WHEREAS, the said Board of Trustees believes that it is the obligation of the District to comply with the various laws, both state and federal, which protect the health, safety, and welfare of the workers who are employed in the construction of its projects of the District, and it is further the obligation of the District to encourage those to whom such construction contracts are awarded to comply with such statutes as well, and it is further the obligation of the District to encourage those to whom construction contracts are awarded to develop and maintain apprenticeship and training programs in order to provide a pool of qualified and skilled workers within the Peoria area; and

WHEREAS, the Board of Trustees of the said The Greater Peoria Sanitary and Sewage Disposal District desire to adopt resolutions and follow practices and procedures designed to ensure, to the maximum extent possible, that it, and those with whom it contracts, do comply with the said state and federal statutes, and provide apprenticeship and training programs.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, Peoria County, Illinois, as follows:

Section 1: Any contractor and subcontractor awarded a contract by the District shall participate in apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all laborers, workmen and mechanics employed on the project.

Section 2: This Ordinance shall be in full force and effect on March 15, 2011.

PASSED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA  
SANITARY AND SEWAGE DISPOSAL DISTRICT THIS 15th DAY OF June, 2010.



THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

By: Michael J. Mueh  
It's President

(SEAL)  
ATTEST:

Christopher S. McCall  
It's Clerk

Passed: June 15, 2010  
Approved: June 15, 2010

AYE: 5  
NAY: 0  
ABSENT: 0

ORDINANCE NO. 581

THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT AN ORDINANCE ENACTING A GENERAL INDUSTRIAL PRETREATMENT PROGRAM, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGING OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED, IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS.

Adopted: January 18, 2011

Effective May 1, 2011

ORDINANCE NO. 581

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

TABLE OF CONTENTS

	<u>Page No.</u>
Article I Abbreviations and Definitions .....	1
Article II Use of Wastewater Facilities Required .....	17
Article III Private and Isolated Sewerage Systems .....	18
Article IV Wastewater Haulers and Permits .....	19
Article V Building Sewers and Connections .....	21
Article VI Wastewater Discharge Criteria .....	25
Article VII Wastewater Discharge Permits .....	33
Article VIII Monitoring Facilities, Records and Reports .....	43
Article IX Powers and Authority of Inspectors.....	49
Article X Confidential Information.....	50
Article XI Protection of Sewage Works from Damage .....	51
Article XII Enforcement Procedures and Penalties .....	52
Article XIII General.....	65
Article XIV Effective Date.....	66
Table A .....	67

ORDINANCE NO. 581

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT AN ORDINANCE ENACTING A GENERAL INDUSTRIAL PRETREATMENT PROGRAM, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGING OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED, IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT:

ARTICLE I

ABBREVIATIONS AND DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 101. Abbreviations -

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
FOG	Fats, Oils and Grease (see Grease and Oil)
G&O	Grease and Oil (equivalent to FOG)
GPSD	Greater Peoria Sanitary and Sewage Disposal District
IEPA	Illinois Environmental Protection Agency
IPCB	Illinois Pollution Control Board
MSDS	Material Safety Data Sheet
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act(42 USC 6944 <u>et-seq.</u> )
SIC	Standard Industrial Classification

SS	Suspended Solids
SWDA	Solid Waste Disposal Act (42 USC 6901 <u>et-seq.</u> )
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

Section 102. "A" as in "Cyanide-A" shall mean amenable to alkaline chlorination.

Section 103. "Ammonia Nitrogen" or "NH<sub>3</sub>-N" shall mean the amount of ammonia, expressed in milligrams per liter of nitrogen as determined by Standard Methods.

Section 104. "Authorized Representative of an Industrial User" shall mean:

- 104.1 If the Industrial User is a corporation, authorized representative shall mean:
  - 104.1.1 the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other Person who performs similar policy or decision-making functions for the corporation;
  - 104.1.2 The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 104.2 If the Industrial User is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- 104.3 If the Industrial User is a Federal, State or local governmental facility, an authorized representative shall mean a Director or highest official appointed or designated to oversee the operation and

performance of the activities of the government facility;

104.4 The individuals described in paragraphs 104.1-104.3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the District.

104.5 If an authorization under paragraph 104.4 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 104.4 of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

Section 105. "Baseline Report" shall mean that report required by 40 CFR Section 403.12(b).

Section 106. "Best management Practices" or "BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article VII of this Ordinance. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Section 107. "Biochemical Oxygen Demand" or "BOD" shall mean a measure of the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by Standard Methods. Incubation at 20 degrees Celsius for 5 days shall be assumed unless otherwise stated.

Section 108. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes within a building and that conducts it to the Building Sewer or other approved point of discharge beginning outside the inner face of the building wall.

Section 109. "Building Sewer" shall mean the extension from Building Drain to the Public Sewer or other place of disposal and shall include all appurtenances thereof.

Section 110. "Bypass" shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

Section 111. "Cesspool" shall mean a lined or partially lined underground pit into which household Wastewater is discharged and from which liquid seeps into the surrounding soil.

Section 112. "Chemical Oxygen Demand" or "COD" shall mean a measure of the quantity of oxygen consumed from a strong chemical oxidant (standard potassium dichromate in a hot, strongly acid solution) as determined by Standard Methods.

Section 113. "Combined Sewer" shall mean a Sewer which is designated and intended to receive Wastewater, Unpolluted Water, Stormwater Runoff and/or surface water.

Section 114. "Combined Waste stream Formula" shall mean the formula as found in 40 CFR Section 403.6(e).

Section 115. "Compatible Pollutant" shall mean a Pollutant which is appropriate for discharge to and does not interfere with the POTW, which would not better be disposed of by other means, which is treatable by the District's facilities, and which is soluble or miscible with water or suspended in a waste stream moving with a velocity of no more than 2 feet per second, and if solid, no longer than 1/2 inch in any dimension. Compatible Pollutants may include, within limits established elsewhere in this Ordinance, Ammonia-Nitrogen, Biochemical Oxygen Demand, Grease and Oil, Suspended Solids, pH, and Fecal Coliform Bacteria.

Section 116. "Composite Sample" shall mean a combination of individual samples obtained over a stated period of time at regular intervals (proportional-to-time) or at varying intervals and/or volumes in conjunction with the rate of flow (proportional-to-flow or ptf) to represent the integrated composition of the sample source.

Section 117. "Control Manhole" shall mean a structure located on a site through which all Industrial Wastes from that site are discharged and which is to provide access to a District representative to sample and/or measure discharges.

Section 118. "Consistent Treatment Works Removal", "Pollutant Removal" or "Removal" shall mean reduction in the amount of a Pollutant or alteration of the nature or concentration of a Pollutant in the influent of the District's treatment facilities to a less incompatible or concentrated state in the effluent. Consistent removal efficiency shall be the difference between the average concentration of the Pollutant in the influent of the treatment plant and the average concentration in the effluent of the treatment plant divided by the average concentration of the Pollutant in the influent.

Section 119. "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only Pollutant added is heat.

Section 120. "Director" shall mean the Executive Director of The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, or his authorized deputy, agent, or representative.

Section 121. "District" shall mean The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, acting by a duly constituted Board of Trustees or other duly authorized representative or representatives.

Section 122. "District Sewer" shall mean any Sewer owned or under the jurisdiction of the District.

Section 123. "Domestic Wastewater" shall mean the Wastewater including human wastes discharged from Residential dwelling units as the result of human occupancy and/or the discharges from the sanitary conveniences of non-Residential establishments.

Section 124. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 125. "Effluent Limitations" are defined in any applicable NPDES Permit.

Section 126. "Existing Source" shall mean any establishments, building, structure, facility, installation, or property from which there is or may be a discharge, which is not a New Source.

Section 127. "Fecal Coliform Bacteria" shall mean certain aerobic and facultative, gram-negative, nonspore-forming, rod-shaped bacteria associated with fecal matter of warm-blooded animals as determined by Standard Methods.

Section 128. "Federal Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC Section 1251, et seq).

Section 129. "Federal Administrator" shall mean the Administrator of the U.S. Environmental Protection Agency.

Section 130. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Section 131. "Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Section 132. "Grease and Oil" or "Oil and Grease" or "Fats", Oil, or Grease" or "FOG" or Hexane Extractable Material (HEM) shall mean any hydrocarbons, fatty acids, soaps, Fats, waxes, Oils and any other material or materials that are extracted by hexane as determined by Standard Methods.

Section 133. "Incompatible Pollutant" shall mean any Pollutant other than a Compatible Pollutant as defined in this Article.

Section 134. "Indirect Discharger" shall mean a non-domestic source of Pollutants discharged to the POTW and regulated under Section 307(b), (c), or (d) of the Federal Act.

Section 135. "Industrial User" shall mean any source of discharges to the Publicly Owned Treatment Works which includes Industrial Wastes regardless of the frequency or quantities of

those discharges and shall include all indirect discharges. All Users of the Publicly Owned Treatment Works identified in the Standard Industrial Classification Manual are included unless determined to be discharging only segregated Domestic Wastewater as described in this Ordinance.

Section 136. "Industrial Wastes" shall mean any solid, liquid, or gaseous wastes or excess energy resulting from any process of industry, manufacturing, trade, service or business or from the development, processing or recovery of any natural resource.

Section 137. "Infiltration" shall mean the water unintentionally entering the Sewer system, including Building Drains and Sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from Inflow).

Section 138. "Infiltration/Inflow" shall mean the total quantity of water from both Infiltration and Inflow without distinguishing the source.

Section 139. "Inflow" shall mean the water discharged into the Sewer system, including Building Drains and Sewers, from such sources as, but not limited to, roof drains, cellar, yard, and area drains, foundation drains, unpolluted (except for heat) Cooling Water discharges, drains from springs and swampy areas, manhole covers, cross connections from Storm Sewers and/or combined Sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, Infiltration.)

Section 140. "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its Sludge processes, use or disposal; and

(2) Therefore is the cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of Sewage Sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405, of the Clean Water Act, the Solid Waste Disposal (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State Sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Section 141. "Isolated Sewerage System" is a system for the collection, storage and treatment of Wastewater which serves more than 15 Persons.

Section 142. "Mobile Home" or "Trailer Coach" shall mean any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy thereof, as a dwelling place for one or more Persons, provided that any such structure resting in whole on a permanent foundation with wheels,

tongue and hitch permanently removed shall not be construed as a "Mobile Home" or "Trailer Coach".

Section 143. "Multiple Dwelling Unit" shall mean any single structure designed for occupancy by more than a single family.

Section 144. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any Pretreatment Standard specifying quantities or concentrations of Pollutants which may be discharged to a POTW by Industrial Users in specific industrial subcategories as established in regulations promulgated by the USEPA in 40 CFR Chapter I, Subchapter N.

Section 145. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of Wastewaters to the navigable Waters of the United States pursuant to the Federal Act.

Section 146. "Natural Outlet" shall mean any outlet into a Watercourse, pond, ditch, lake or other body of surface or underground water.

Section 147. "New Source" shall mean:

147.1 Any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

147.1.1 The building, structure, facility or installation is constructed at a site at which no other source is located.

147.1.2 The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

147.1.3 The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

- 147.2 Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 146.1.2 or 146.1.3 above but otherwise alters, replaces, or adds to existing process or production equipment.
- 147.3 Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - 146.7.1 Begun, or caused to begin as part of a continuous on site construction program
    - 147.3.1.1 Any placement, assembly, or installation of facilities or equipment, or
    - 147.3.1.2 Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - 147.3.2 Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Section 148. "Ordinance" shall mean this Ordinance and includes all subsequent amendments thereto.

Section 149. "Pass Through" shall mean a discharge which exits the POTW into Waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or duration of the violation).

Section 150. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, society, group, agency, municipal corporation, the State of Illinois and political subdivisions thereof, the Federal Government and its agencies or any other legal entity or their legal representative, agent or assigns.

Section 151. "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by Standard Methods.

Section 152. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural waste discharged into any Waters as will or is likely to create a nuisance or render such Waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, or cause or may cause Interference with the operation of the POTW.

Section 153. "Population Equivalent" or "P.E." shall mean for the purposes of this Ordinance the amount of Biochemical Oxygen Demand (BOD) contributed per capita per day which shall equal 0.17 pounds of BOD, per capita per day or as defined by 35 Illinois Administrative Code Section 301.345.

Section 154. "Pretreatment" shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the District's treatment facilities. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 615 of this Ordinance or other applicable provisions of this Ordinance. Appropriate Pretreatment technology includes equipment, such as equalization tanks or facilities, for protection against surges or Slug loadings that might Interfere with or otherwise be incompatible with the POTW.

Section 155. "Pretreatment Standards" shall mean for any specified Pollutant, the District's Wastewater discharge criteria as set forth in this Ordinance, the State of Illinois Pretreatment Standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

Section 156. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.

Section 157. "Private Sewerage System" is a system for the collection, storage and treatment of Wastewater or other wastes which serves 15 or less Persons.

Section 158. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/2 inch in any dimension.

Section 159. "Publicly Owned Treatment Works" or "POTW" shall mean a Treatment Works as defined by Section 212 of the Act, owned by the District. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or Industrial Wastes of a liquid nature that convey Wastewater to the District's treatment plant regardless of ownership, but does not include Sewers, pipes, and other conveyances not connected to the District's treatment plant. The term also means the District, which has jurisdiction over the indirect discharges to and the discharges from such a Treatment Works.

Section 160. "Public Sewer" shall mean a Sewer provided by or subject to the jurisdiction of the District and shall also include Sewers within or outside the District boundaries that serve one or more Persons and ultimately discharge into the sanitary or combined Sewer system, even though those Sewers may not have been constructed with District funds.

Section 161. "Regional Administrator" shall mean the Regional Administrator for the USEPA for Region V.

Section 162. "Residence" shall mean a single family dwelling or one dwelling unit including a Mobile Home unit.

Section 163. "Residential" or "Commercial" or "Non-industrial" User, shall mean any User of the Treatment Works not classified as an Industrial User or excluded as an Industrial User as provided for in this Ordinance.

Section 164. "Sanitary Sewer" shall mean a Sewer which is designed to carry Sewage and Industrial Wastewater and into which storm, surface waters, groundwaters or Unpolluted Waters are not intentionally admitted.

Section 165. "Seepage Pit" shall mean and include a dry well, leaching pit or any other cavity in the ground which receives human excrement and Domestic Wastewater or the liquid discharge of a Septic Tank.

Section 166. "Septic Tank" shall mean and include a septic toilet, chemical closet or any other water tight enclosure used for treating Wastewater by a combination of settling and anaerobic digestion.

Section 167. "Servicing" or "Cleaning" or "Maintaining" shall mean Cleaning and removing wastes from any Septic Tank, Seepage Pit, Cesspool or other Sewage and waste treatment facility or removing wastes from any business, Commercial or industrial establishment and transporting such wastes to a point of disposal.

Section 168. "Severe Property Damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

Section 169. "Sewage" shall mean household and Commercial Wastewater that contains human waste together with such other wastes, ground water, surface runoff, storm waters and Unpolluted Water as may be present. Sewage is also used interchangeably with "Domestic Wastewater".

Section 170. "Sewer" shall mean a pipe or conduit that carries Sewage or other waste liquids, including storm, surface and groundwater drainage.

Section 171. "Sewerage" shall mean a complete system of Sewers and appurtenances for the collection, transportation, pumping, treating and discharging of Wastewater.

Section 172. "Shall" is mandatory; "May" is permissive.

Section 173. "Significant Industrial User" shall mean:

- 173.1 All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- 173.2 Any other Industrial User that:
  - 173.2.1 discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
  - 173.2.2 contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the District's treatment plant; or
  - 173.2.3 is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- 173.3 The District may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100gallons per day (gpd) of total; categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - 173.3.1 the Industrial User, prior to the District's finding, has

consistently complied with all applicable categorical Pretreatment Standards and Requirements; and

173.3.2 the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement: and

173.3.3 the Industrial User never discharges any untreated concentrated wastewater.

173.4 Upon a finding that an Industrial User meeting the criteria in Subsection 173.2 has no reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

Section 174. "Significant Noncompliance (SNC)" shall mean:

- 174.1 Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined by 40 CFR 403.3(l); or
- 174.2 Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken for the same pollutant parameter during a six-month period equal or exceed the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Oil and Grease, and 1.2 for all other Pollutants except pH); or
- 174.3 For those Users with Permits requiring pH monitoring be performed by grab sampling techniques, a daily pH violation is defined here as a pH outside the Permit limits by any magnitude. SNC is defined here as those in which thirty-three percent or more daily pH violations occur during a six-month period; or
- 174.4 For those Users with Permits requiring continuous pH monitoring, a daily pH violation is defined here as a pH outside the Permit limits for more than fifteen minutes each monitoring day or less than 5.0

pH units for any duration. SNC is defined here as those in which thirty-three percent or more daily pH violations occur during a six-month period; or

- 174.5 Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of District personnel or the general public); or
- 174.6 Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under Article XIII Section 1327 and Section 1328 of this Ordinance to halt or prevent such a discharge; or
- 174.7 Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance; or
- 174.8 Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
- 174.9 Failure to accurately report noncompliance; or
- 174.10 Any other violation or group of violations, including a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the District's Pretreatment program.

Section 175. "Sludge" shall mean any solid material (which may contain large amounts of entrained water) separated from the liquids during Wastewater treatment processes.

Section 176. "Slug" shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article VII of this Ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Section 177. "Standard Industrial Classification" or "SIC" shall mean the system and codes put forth in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended and supplemented.

Section 178. "Standard Methods" shall mean the sampling and analytical techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling and analytical techniques for the Pollutant in question, or where the District or Federal Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the Federal Administrator.

Section 179. "State Act" shall mean the Sanitary District Act of 1917 (Illinois Compiled Statutes 1992, Chapter 70, Act 2405) or the Illinois Environmental Protection Act of 1970 as amended (Illinois Compiled Statutes 1992, Chapter 415, Act 5).

Section 180. "State Director " shall mean the Director of the Illinois Environmental Protection Agency.

Section 181. "Storm Sewer" or "Storm Drain" shall mean a Sewer that carries storm, surface and groundwater drainage but excludes Domestic Wastewater and Industrial Wastes other than unpolluted (except for heat) Cooling Water.

Section 182. "Stormwater Runoff" shall mean that portion of the precipitation over a given area which finds its way to natural or man-made drainage channels.

Section 183. "Suspended Solids" or "SS" or "TSS" or "Total Nonfilterable Residue" shall mean total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, Wastewater or other liquids and is removable by laboratory filtration using a Whatman 934AH Millipore AP-40, Gelman type A/E, or equivalent glass fiber disc and dried to constant weight at 103 - 105 degrees Celsius as prescribed in Standard Methods.

Section 184. "T" as in "Cyanide-T" shall mean total.

Section 185. "Total Toxic Organics " or "TTO" shall mean the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

Section 186. "Treatment Works" or "Sewage Treatment Plant" shall mean individually or collectively those facilities or devices, except Sewers, used for collecting, pumping, treating, or disposing of Wastewaters or for the recovery of by-products from such Wastewaters.

Section 187. "Unpolluted Water" shall mean water of quality equal to or better than the effluent criteria set forth in 35 Illinois Administrative Code Part 304 or water that would not cause violation of receiving Water Quality Standards set forth in 35 Illinois Administrative Code Parts 302 and 303 and would not be benefited by discharge to the Public Sewers and Wastewater treatment facilities provided.

Section 188. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Section 189. "User" shall mean any Person who contributes, causes or permits the contribution of Wastewater into the POTW and shall include any Person who owns the property where a discharge originates, any Person who owns the property where a discharge enters the Public Sewer, and any Person (including an Authorized Representative of an Industrial User) who can control a discharge to the Public Sewers.

Section 190. "User Class" shall mean the type of User either "Domestic as Residential or Commercial (non-industrial)" or "Industrial" as defined herein.

Section 191. "User Charge System" shall mean the system of charges established for the purpose of apportioning among Users the cost of operation and maintenance and replacement and improvement reserve requirements for Wastewater Facilities.

Section 192. "Water Quality Standards" are defined in 35 Illinois Administrative Code Parts 302 and 303.

Section 193. "Wastewater" shall mean the spent water or used water of a community or industry and is a combination of the liquid and water carried wastes from Residences, Commercial buildings, Industrial plants, and institutions including polluted Cooling Water and the discharges (but not Sludge) from Pretreatment facilities.

Section 194. "Wastewater Discharge Permit" shall mean the document or documents issued to a User by the District in accordance with the terms of this Ordinance.

Section 195. "Wastewater Facilities" or "Sewage Works" shall mean structures, equipment, and processes required to collect, convey, and treat domestic and Industrial Wastes and dispose of the effluent and Sludge.

Section 196. "Wastewater Hauler" shall mean any Person, partnership or corporation engaged in transporting sanitary Wastewater or other wastes as a Commercial venture.

Section 197. "Wastewater Source" shall mean any equipment, facility or other point source of any type whatsoever which discharges Wastewater.

Section 198. "Wastewater Treatment Plant" shall mean an arrangement of devices and structures for treating Wastewater, Industrial Wastes, and Sludge. Sometimes used as synonymous with "waste treatment plant" or "Wastewater Treatment Works" or "Sewage Treatment Plant" or "water pollution control plant".

Section 199. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 200. "Waters" shall mean all streams, lakes, ponds, marshes, Watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, or flow through, or border upon the territorial boundaries of the District.

## ARTICLE II

### USE OF WASTEWATER FACILITIES REQUIRED

Section 201. It shall be unlawful to discharge any Pollutant, waste, or Wastewater to any Waters within the District, or in any area under its jurisdiction, without an NPDES Permit or other permit as may be required by federal, state or other agencies having jurisdiction.

Section 202. Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, Septic Tank, Cesspool, or other facility intended or used for the disposal of Wastewater.

Section 203. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, Easement, or right-of-way in which there is located a Public Sewer is hereby required to connect directly with the Public Sewer at the owner's expense in accordance with the provisions of this Ordinance within one year of the effective date of this Ordinance, or in the case of a newly provided Sewer, within one year after the date of official notice by the Director to do so.

Section 204. It shall be unlawful for any Person to deposit or discharge, or to allow to be deposited or discharged, to the Publicly Owned Treatment Works, any solid, liquid or gaseous waste unless through a connection approved by the District or through a Wastewater Hauler who has been issued a permit by the District for the individual discharge.

Section 205. It shall be unlawful for any Industrial User to deposit or discharge, or to allow to be deposited or discharged, to the Publicly Owned Treatment Works, any solid, liquid, or gaseous waste without a currently valid operating permit (Wastewater Discharge Permit) issued by the District in addition to any other permits which may be required.

Section 206. It shall be unlawful to discharge any contaminant, Pollutant, waste, or Wastewater to a surface impoundment or lagoon within the District, or in any area under its jurisdiction, from which there is no discharge, without written authorization from the Federal Administrator, the Regional Administrator, or the State Director certifying that the surface impoundment or lagoon is not an open dump within the scope and meaning of Section 4004 of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 USC Section 6944). Valid copies of appropriate permits issued under federal and state law, including but not limited to RCRA, the Federal Act, and/or the Illinois Environmental Protection Act, when provided to the District, will serve as the required certification.

## ARTICLE III

### PRIVATE AND ISOLATED SEWERAGE SYSTEMS

Section 301. Where a public sanitary or combined Sewer is not available, the Building Sewer shall be connected to a private or Isolated Sewerage System complying with the provisions of this Ordinance.

Section 302. Before commencement of construction of a Private Sewerage System, the owner shall first obtain a written permit from the Peoria County Health Department. The application and requirements for obtaining such permit and approval of the construction shall conform to the current requirements of the Peoria County Health Department.

Section 303. Where Isolated Sewerage Systems are to provide for more than 15 people, written approval of the plans and specifications shall be obtained from both the Illinois Environmental Protection Agency and the District. Permit applications shall be submitted to the Environmental Protection Agency and the District and said permits must be issued prior to the start of construction. Where necessary, applications shall also be made for an NPDES permit.

Section 304. At such time as a Public Sewer becomes available to a property served by a private or Isolated Sewerage System, a direct connection shall be made to the Public Sewer in compliance with this Ordinance, and any Septic Tanks, Cesspools, and similar Sewerage facilities shall be abandoned and filled with suitable material.

Section 305. The owner shall operate and maintain the private and isolated Sewerage facilities in a manner approved by and at no expense to the District.

Section 306. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other regulatory agencies.

## ARTICLE IV

### WASTEWATER HAULERS AND PERMITS

Section 401. Except as hereinafter provided, no Person shall transport and discharge Wastewaters or other wastes from any tank, Septic Tank, Seepage Pit, Cesspool, private or Isolated Sewerage System, Treatment Works, business, Commercial or Industrial establishment, to a Public Sewer or appurtenance, thereof, without first obtaining a written permit.

Section 402. Wastewaters and other wastes, as described in this Article, originating from outside the corporate limits of the District may be accepted for discharge to a Public Sewer or to a location within the POTW at the option of the District and the acceptance of such discharge may be cancelled at any time without cause, and the discharge shall be immediately discontinued.

Section 403. Wastewaters and other wastes, as described in this Article, shall be accepted for discharge to a Public Sewer only when they are found, on examination by the District and in accordance with such tests as the District may require, to meet all the requirements of this Ordinance.

Section 404. Prior to the discharge of any Wastewater or other waste regulated by the provisions of this Article, any Person desiring to discharge Wastewaters or other wastes shall make application for a Wastewater Hauler permit for each individual discharge on a form furnished by the District. The permit application shall be supplemented by any information considered pertinent in the judgment of the District. Each permit application shall be accompanied by payment of a permit fee or other charges in an amount hereinafter provided. The permit issued must be in the possession of the Person at the time the waste is discharged at the designated location.

Section 405. There shall be two classes of Wastewater Hauler permits: (1) A Class I permit shall include wastes originating from within the corporate limits of the District; (2) A Class II permit shall include wastes originating from outside the corporate limits of the District. The payment of permit fees or other charges shall be as provided in another Ordinance adopted by the District, which Ordinance shall establish a fair and equitable User Charge System.

Section 406. Wastes of a nondomestic or industrial origin, from Commercial or Industrial establishments, located within the corporate limits of the District, must apply for and receive District authorization to discharge prior to discharging. The District may require additional information to establish the nature and strength of the waste including quality and quantity of all biological and chemical constituents prior to granting authorization to discharge the waste to the Public Sewer. The payment of permit fees or other charges shall be as specified in this Article.

Section 407. Before a permit shall be issued in accordance with the provisions of this Article, a Person must first comply with the following requirements:

- 407.1 Each Wastewater Hauler shall provide a bond in the amount stated in the attached Table A in the favor of the District. Such a bond shall be furnished on a form furnished by the District and shall cover all permits issued for a period of one year.
- 407.2 Each Wastewater Hauler must apply for and be issued a license by the District, granting permission to discharge wastes to a Public Sewer at a time and location designated by the Director. The cost of the license is stated in the attached Table A.
- 407.3 Each Wastewater Hauler must register each Wastewater hauling vehicle as may be required.
- 407.4 Each Wastewater hauling vehicle must prominently display any identifying markings as may be required.
- 407.5 Each truck tank shall have a sight glass calibrated in 100 gallon increments or other means of readily establishing load volumes.
- 407.6 Wastewater from an Industrial User shall not be mixed with Wastewater from a domestic User.
- 407.7 Vehicles which haul or have hauled materials not intended for discharge to the District's facilities may not be used for Wastewater hauling until thoroughly cleaned to the Director's satisfaction.
- 407.8 All procedures for discharging, for cleanliness, and for general sanitary operation as presented by the District shall be strictly adhered to by all Persons.

Section 408. Nothing in this Article shall be construed to require a license and bond for any property owner within the corporate limits of the District, where such property owner elects to service his own facility and transports the Wastewaters or other wastes collected, therefrom, to a designated Public Sewer. Such property owners shall meet all other provisions of this Ordinance.

Section 409. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other regulatory agencies.

Section 410. Any Person who violates any provision of this Article shall be subject to a revocation of the required license and other penalties as may be prescribed in this Ordinance.

## ARTICLE V

### BUILDING SEWERS AND CONNECTIONS

Section 501. All disposal by any Person into the Sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

Section 502. It shall be unlawful to uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof, except as provided, in accordance with the provisions of this Article, and the requirements of the State, Federal or other public agencies of jurisdiction.

Section 503. No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Director and such other permits as may be required by State, Federal or other agencies of jurisdiction.

Section 504. There shall be two classes of Building Sewer permits for Sanitary Sewers located inside the limits of the District. A Residential permit shall include a Building Sewer for all Residential units and a Commercial permit shall include Building Sewers to all other buildings. The Owner, his Agent, or both shall make application on permit forms furnished by the District and shall provide such additional plans, specifications or other information considered pertinent in the judgment of the Director. An Industrial User, as a condition of permit authorization, must provide information describing its Wastewater constituents, characteristics, and type of activity. The permit fee shall be paid to the District in amounts to be determined by the Director as stated in the attached Table A.

Section 505. Before a permit shall be issued, a Person must first secure a license and a bond as hereinafter provided.

Section 506. Any Person who desires to make a connection, or perform maintenance or repairs upon a Building Sewer connection, to Sewers owned, operated, or maintained by the District shall provide a bond in the amount stated in Table A in favor of the District and written on the proper bond forms provided by the District. Bonds for Persons in the business of building, Maintaining, or repairing Sewers and Sewer connections shall cover all permits issued and work done in the life of the bond. Bonds for all others not engaged in the business of building, Maintaining, or repairing Sewers and Sewer connections shall be good only for the permit issued and work to be done.

Section 507. Any competent Person engaged in the business of Building Sewers and Sewer connections must take out a Sewer license from the District, granting him permission to construct such Sewers and connections within the District. The cost of the license is stated in Table A.

Section 508. Any Person who shall neglect, refuse or fail to correct any defect in workmanship following a thirty day notice to make such correction, shall be notified of cancellation of the Sewer license and all outstanding permits. The Person may apply for a new license upon the correction of the defective work.

Section 509. All permits issued for Building Sewers or Sewer connections shall be valid for one year after date of issue shown on the permit. If the work is not completed during the one year period, the permit is cancelled and a new permit must be issued. Once excavation for the Building Sewer is initiated, all work associated with the Building Sewer, except surface restoration, must be completed within 5 working days. This 5 day construction period may be extended based on written documentation of factors beyond the control of the Person performing the Building Sewer work. Upon completion and approval of the work, the permit shall be given to the property owner.

Section 510. A Building Sewer permit will only be issued and a Sewer connection shall only be allowed if it can be demonstrated that the downstream Sewerage facilities, including Sewers, pump stations and Wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 511. A Building Sewer permit shall only be issued and a Sewer connection shall only be allowed for an Industrial User if it can be demonstrated to the Director's satisfaction that all required Pretreatment facilities have been provided for in accordance with the specifications and regulations of the District. Pretreatment facilities shall include, at a minimum, a manhole which allows sampling access to the Building Sewer.

Section 512. All costs and expenses incident to the installation, connection, maintenance, or repair of the Building Sewer shall be borne by the building owner. The building owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance, or repair of the Building Sewer.

Section 513. All Building Sewers and Sewer connections shall be gas and watertight and shall also be constructed in accordance with the specifications entitled the "General Specifications for Sanitary Sewers and Appurtenances of The Greater Peoria Sanitary District" and the regulations entitled "Building Sewer Regulations" as approved and adopted by a resolution of the Board of Trustees of the District.

Section 514. No downspouts, open drains, footing tile, Septic Tank, or Cesspool shall be connected to a Building Sewer nor shall any storm water source be discharged to a Sanitary Sewer. Storm water drains shall be connected to a Storm Sewer, if possible, or otherwise discharged to the surface of the property or street.

Section 515. Building Sewers subject to flooding or ponding conditions, shall be provided with drain plugs, valves or other approved devices to protect the Sanitary Sewer and the property owner's building during heavy rain or high water periods. Exposed drain lines shall be protected from freezing as directed by the Director.

Section 516. A separate and independent Building Sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

Section 517. Old Building Sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of this Ordinance.

Section 518. No basement, half-basement or any other portion of a building having a floor elevation beneath the ground surface over the Public Sewer at the point of connection may be connected into the Public Sewer by gravity. In areas where the ground line over the Public Sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the Building Sewer shall be three (3) feet below finished grade at the point where it enters such building.

Section 519. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such drain shall be lifted by means approved by the Director and discharged to the Building Sewer.

Section 520. All excavations required for installation of a Building Sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and the manner of making watertight joints and connections shall be in accordance with the specifications and regulations of the District. No Sewer connections shall be backfilled until the work has first been inspected and approved.

Section 521. The connection of the Building Sewer into a Public Sewer shall be made at the place and in the opening as provided and indicated by the Director. In the event that no such opening is available, a connection may be made by "tapping" the District Sewer in accordance with the specifications and regulations of the District.

Section 522. The applicant for the Building Sewer permit shall notify the Director when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Director.

Section 523. All excavations for Building Sewer installation, maintenance, or repair shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

Section 524. The issuance of a Building Sewer permit is conditional upon the provision of at least one public water supply utility water meter and water supply service for each facility served by a Building Sewer installed in accordance with the provisions of this Ordinance. No water supply meter shall be situated so that the metered water is discharged to more than one Building Sewer. This section is not intended to require metering of private sources of water except as

provided in another Ordinance adopted by the District, which Ordinance shall establish a fair and equitable User Charge System.

## ARTICLE VI

### WASTEWATER DISCHARGE CRITERIA

Section 601. No Person shall discharge or cause to be discharged any Wastewater or other wastes, storm water, surface water, ground water, roof runoff, subsurface drainage, Cooling Water or unpolluted industrial process water except in accordance with the provisions of this Article and such regulations imposed by State, Federal or other public agencies of jurisdiction or otherwise approved by the District.

Section 602. No Person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, Cooling Waters, or any other Unpolluted Water to any Sanitary Sewer.

Section 603. Storm water, surface water, ground water, roof runoff, subsurface drainage, Cooling Water and all other unpolluted drainage shall be discharged to such Sewers as are specifically designated as Combined Sewers or Storm Sewers, or to a Natural Outlet approved by the District. Industrial Cooling Water or unpolluted process waters may be discharged, upon approval of the District, to a Storm Sewer, Combined Sewer or Natural Outlet.

Section 604. No Person shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will cause Interference with the operation or performance of the POTW.

Section 605. No Person shall contribute or cause to be contributed, directly or indirectly, any Pollutant which will Pass Through the POTW.

Section 606. No Person shall discharge or cause to be discharged any of the following described substances to the POTW:

- 606.1 Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard or be injurious or hazardous in any other way to the POTW or to the operation or maintenance of the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited substances include, but are not limited to, petroleum distillates (hydrocarbons), gasoline, kerosene, naphtha, benzene, toluene, xylene, stoddard solvent, chlorinated hydrocarbons, methylene chloride, chloroform, carbon tetrachloride, pesticides, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, sulfides, and except when highly diluted, ethers,

alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, and bromates. At no time and at no point in the POTW shall gases or vapors accumulate so that any of the following occur:

- 606.1.1 Two successive readings of an explosion hazard meter be more than five percent (5%) nor any single reading be over ten percent (10%) of the lower explosive limit (LEL) of methane;
  - 606.1.2 The reading of a toxic gas meter indicating more than fifty parts per million of carbon monoxide by volume or ten parts per million hydrogen sulfide by volume; or
  - 606.1.3 The response of an oxygen availability meter indicating the presence of less than nineteen and one half percent (19.5%) oxygen by volume.
- 606.2 Any Wastewater containing Incompatible Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, cause a violation of the Water Quality Standards of the receiving Waters of the POTW, or exceed the limitations set forth in a National Categorical Pretreatment Standard or in accordance with the provisions of this Article.
- 606.3 Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other Wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into Sewers for their maintenance and repair.
- 606.4 Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems;
- 606.5 Any water or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
- 606.6 Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 606.7 Solid or viscous substances which may cause obstruction to the flow in a Sewer or other Interference with the operation of the POTW such as, but not limited to, Grease, animal guts or tissues, paunch

manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, or tumbling and deburring stones.

- 606.8 Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the District.
- 606.9 Any liquid or vapor having a temperature which will result in the inhibition of the biological activity at the District's Treatment Works or otherwise interfere with the POTW; in no case shall Wastewater liquid or vapor be introduced into the POTW which exceeds 65 degrees Celsius (149 degrees Fahrenheit) or which causes the influent at the District's Treatment Works to exceed 40 degrees Celsius (104 degrees Fahrenheit).
- 606.10 Any water or waste containing Fats, wax, Grease, or Oils, whether emulsified or not, in excess of 100 mg/l as Grease and Oil (G&O) or hexane extractable materials or containing substances which may solidify or become viscous at temperatures between 32 and 149 degrees Fahrenheit (0 to 65 degrees Celsius).
- 606.11 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations or more stringent limits established by the District.
- 606.12 Any Pollutants, including Compatible Pollutants released at a flow or Pollutant concentration which a User knows or has reason to know will cause Interference to the POTW or will Pass Through the POTW.
- 606.13 Any substance which will cause the POTW to violate its NPDES Permit, applicable effluent standards or the receiving Water Quality Standards.
- 606.14 In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with Sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; any criteria guidelines or regulations affecting Sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean

Water Act, the Toxic Substances Control Act, or State criteria applicable to the Sludge management method being used.

- 606.15 Any Wastewater containing BOD, COD, chlorine requirements, total solids, or Suspended Solids of such character and quantity (i.e. lime slurries, lime residues, Fuller's earth, dissolved solids such as but not limited to sodium chloride and sodium sulfate) that unusual attention or expense is required to handle such materials at the Sewage Treatment Plant; provided however, that a User may be permitted by specific, written agreement with the District, which agreement to discharge such BOD or SS may provide for special charges, payment or provisions for treating and testing equipment.
- 606.16 Any discharge exceeding the standards established in 35 Illinois Administrative Code Part 307.
- 606.17 Any unusual volume of flow or concentration of wastes constituting a Slug, as defined herein, discharged to the POTW.
- 606.18 Materials which exert or cause excessive discoloration as determined by the Director (such as, but not limited to, dye wastes and tanning solutions).
- 606.19 Any Pollutant, including oxygen demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which will cause Interference with the POTW.

Section 607. Unless a User has been classified an Industrial User by the District, and has a valid Wastewater Discharge Permit issued by the District which provides alternative limits for a specific Pollutant, no Person shall discharge any Wastewater or waste, based on a working day or 24-hour Composite Sample (except Grab Samples must be used for Hexavalent Chromium, Cyanide, Grease and Oil, Phenols and Volatile Organics) obtained and analyzed under the provisions of this Ordinance, which contains any Pollutants in concentration greater than listed as follows:

<u>Pollutant</u>	<u>Maximum Allowed Concentration (mg/l)</u>
Arsenic (As)	0.25
Barium (Ba)	2.0
Cadmium (Cd)	0.15
Chromium (Cr)	
- Total	1.0
- Hexavalent	0.1

Copper (Cu)	0.5
Cyanide	0.1
Fluoride (F)	15.0
Grease & Oil (FOG)	100
Iron (Fe)	2.0
Lead (Pb)	0.2
Manganese (Mn)	1.0
Mercury (Hg)	0.0005
Nickel (Ni)	1.0
Phenols	0.3
Silver (Ag)	0.1
Total Dissolved Solids (TDS)	3500
Zinc (Zn)	1.0

All Pollutants listed in 40 CFR Part 401.15 and not regulated elsewhere in this Ordinance	0.1
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Alternative limits may be granted to Industrial Users by issuance of a Wastewater Discharge Permit provided the District has determined that no adverse effect on the District's facilities will occur (including but not limited to Pass Through, Interference, POTW Sludge disposal options or violations of Water Quality Standards) from the alternative limits and the Industrial User can justify to the District's satisfaction the above listed limits cannot reasonably be achieved.

Section 608. At the District's discretion, the District may establish equivalent limits in accordance with the provisions of 40 CFR 403.6.

Section 609. Whenever sufficient information is available the District shall establish the maximum levels that can be tolerated by the District to assure that no Interference of the POTW, no Pass Through, nor any reduction in the quality of the District's Sludge occurs with respect to any Pollutants, not otherwise controlled by the provisions of this Ordinance, for which water quality criteria of the District's receiving stream, effluent standards by regulation or by NPDES permit and/or Sludge disposal criteria by IEPA permit have been established.

Section 610. Industrial Users shall provide necessary Wastewater treatment as required to comply with this Ordinance, Federal Pretreatment Standards, as established by 40 CFR Chapter N, Subpart I, State standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards by applicable deadlines.

Section 611. Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review and approval before construction of the facility. The review and approval of plans and operating procedures does not relieve the

Industrial User from complying with the provisions of this Ordinance and permit conditions. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by the District prior to the Industrial User's initiation of the changes.

Section 612. New Sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

Section 613. All conditions of discharge, discharge criteria, and Pretreatment Standards imposed on a User under the Federal or State acts and regulations including, but not limited to 40 CFR Part 403; 40 CFR Chapter I, Subchapter N; 35 Illinois Administrative Code Section 307; and provisions in any applicable NPDES permit or IEPA Water Pollution Control Permit, are Wastewater discharge criteria for purposes of this Ordinance, are enforceable as provisions of this Ordinance, and, if more stringent, take precedence over other Wastewater discharge criteria or conditions provided by this Ordinance. The District shall classify and notify all known affected Industrial Users of the applicable reporting requirement under 40 CFR 403.12. Upon application by the Industrial User, the District will issue or modify a Wastewater Discharge Permit to show the most stringent discharge criteria applicable to that User including any applicable National Categorical Pretreatment Standards.

Section 614. Only after request by an Industrial User and acceptance of all associated costs by that Industrial User will the District, if it is determined by the District to be in its own best interest, develop the procedures whereby the following could be accomplished:

- 614.1 An Industrial User might receive revision of Pretreatment Standards to reflect POTW removal of Pollutants which, if for revision of Federal Categorical Pretreatment Standards, would be in accordance with 40 CFR 403.7 as revised.
- 614.2 An Industrial User might receive variances from Pretreatment Standards for nontoxic Pollutants for fundamentally different factors which, if for revision of Federal Categorical Pretreatment Standards, would be in accordance with 40 CFR 403.13.
- 614.3 An Industrial User's Pretreatment Standards might be adjusted to reflect the presence of Pollutants in the Industrial User's intake water which, if for Federal Categorical Pretreatment Standards adjustment, would be in accordance with 40 CFR 403.15.

Section 615. No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on Industrial Users which are

using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 616. Each User having the ability to cause Interference with the POTW or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.

Section 617. The District may require any User whose Wastewater includes or could include Compatible or Incompatible Pollutants in amounts great enough to cause Interference with the POTW to have detailed plans on file at the District showing facilities and operating procedures to provide protection from Slug discharges. These plans shall contain, at a minimum, the following:

- 617.1 Description of discharge practices, including nonroutine batch discharges.
- 617.2 Description of stored chemicals.
- 617.3 Procedures for immediately notifying the POTW of an accidental or Slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Article.
- 617.4 Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

These Industrial Users shall complete construction of said facilities by the deadline established in the Industrial User's Wastewater Discharge Permit. No Industrial User who begins contributing to or could contribute such Pollutants to the POTW after the effective date of this Ordinance shall be permitted to introduce such Pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the District and installed by the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Section 618. In the case of a Slug or an accidental or deliberate discharge of Compatible or Incompatible Pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this Ordinance, it shall be the responsibility of the Industrial

User to immediately telephone and notify the District of the incident. The notification shall include name of caller, location and time of discharge, type of Wastewater, concentration and volume.

Section 619. Within five (5) working days following such an accidental or deliberate discharge the Industrial User shall submit to the District a detailed written report detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, and the measures to be taken by the User to prevent similar future occurrences. Follow up reports may be required by the District as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to Person or property; nor shall such report relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the District result in the revocation of the Industrial User's Wastewater Discharge Permit.

Section 620. The Industrial User shall control production activities and/or discharges to the District's facilities to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its Pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Section 621. The Authorized Representative of an Industrial User shall receive reports from the Industrial User's employees concerning accidental or deliberate discharges and report to the District as described in this Article. In the same manner, reports of the failure of any aspect of the Industrial User's discharge monitoring equipment and Pretreatment facility are to be received by and reported to the District by the Authorized Representative. To this end, the Authorized Representative shall inform all of the Industrial User's employees of the type and nature of the discharges and equipment failures that must be reported, the information that must be reported, and the urgency of the reporting requirement. The Authorized Representative shall provide to the District upon request evidence that all employees have been informed as required and as to the information provided.

Section 622. Grease, Oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing Grease in excessive amounts, or any sand, flammable wastes, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the District, and shall be located as to be readily and easily accessible for Cleaning and inspection. Such interceptors shall be maintained by the User, at his expense, in continuously efficient operation at all times.

Section 623. Grease and Oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

## ARTICLE VII

### WASTEWATER DISCHARGE PERMITS

Section 701. It shall be unlawful for any Significant Industrial User to discharge Wastewater to the District's POTW without a Wastewater Discharge Permit, or contrary to the conditions of a Wastewater Discharge Permit, issued by the District in accordance with the provisions of this Ordinance.

Section 702. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

Section 703. Except where otherwise provided in this Article, Significant Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the District an application in a form to be prescribed and furnished by the District and accompanied by a fee as may be determined by the District.

Section 704. Proposed new Significant Industrial Users shall apply for a Wastewater Discharge Permit at least 90 days prior to discharging to the POTW.

Section 705. In support of the application, the Significant Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- 705.1 Name, address and location of the facility including the name of the operator and owners.
- 705.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
- 705.3 Name of Authorized Representative of the Industrial User.
- 705.4 Total number of employees and hours of operation of the facility.
- 705.5 List of any environmental control permits held by or for the facility and copies of all currently valid NPDES Permits (and attached applications).
- 705.6 Average and maximum Wastewater flow rates, including monthly and seasonal variations, if any.
- 705.7 Time and duration of discharge.

- 705.8 Industrial User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.
- 705.9 Site plans showing all pipe sizes, manholes and location of Sanitary and Storm Sewers leaving the building or premises, together with all connections to lateral Sanitary and Storm Sewers, and sampling access locations.
- 705.10 Listing of each process activity and, where there are two or more connections to the Public Sewers from the User's facilities, a schematic diagram identifying all processes, the source of water for each process and the drains and Sewers by which each process waste is discharged.
- 705.11 Wastewater constituents and characteristics including, but not limited to, those set forth in this Ordinance as determined by an analytical laboratory approved by the District; sampling and analysis shall be performed in accordance with Standard Methods. Samples shall be daily composite or Grab Samples, as applicable, representative of the Wastewater as discharged to the Public Sewer. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- 705.12 Proposed or actual hours of operation of the Industrial User's Pretreatment system and the name of the IEPA certified Pretreatment operator, if applicable.
- 705.13 Line diagram and basic information, including capacity, of existing or proposed spill containment areas and installation.
- 705.14 Listing of raw materials and chemicals that are used in the manufacturing process and are capable of being discharged into the POTW, and, if not previously provided, Material Safety Data Sheets for each such material or chemical.
- 705.15 If additional Industrial User operation and maintenance or Pretreatment techniques or installations will be required to meet Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the Pretreatment Standard.

- 705.15.1 The schedule shall contain increments of progress 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 Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - 705.15.2 No increment referred to in the above paragraph shall exceed nine months.
  - 705.15.3 Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the District including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the District.
- 705.16 Any other information as may be deemed by the District to be necessary to evaluate the permit application.

Section 706. In support of an application for a revised Wastewater Discharge Permit (equivalent to a Baseline Report), where an Industrial User is subject to a National Categorical Pretreatment Standard, that Industrial User shall submit, in addition to all information listed in Section 806, in units and terms appropriate for evaluation, the following information:

- 706.1 Brief description of the nature, average rate of production, and Standard Industrial Classification of each process and operation carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
- 706.2 Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - 706.2.1 Regulated process streams, and

706.2.2 Other streams as necessary to allow use of the Combined Waste Stream Formula of 40 CFR Section 403.6(e).

706.3 The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall do the following:

706.3.1 Submit the results of sampling and analysis identifying the nature and concentration of regulated Pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. This sample shall be representative of daily operations.

706.3.2 A minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organics. For all other Pollutants, 24-hour Composite Samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

706.3.3 The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

706.3.4 Take the samples 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, in order to evaluate compliance with the National Categorical Pretreatment Standards, the Industrial User shall measure the flows and concentrations necessary to allow use of the Combined Waste Stream Formula of 40 CFR Section 403.6(e). Where an alternate concentration has been calculated in accordance with 40

CFR Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the District.

706.3.5 Perform sampling and analysis in accordance with Standard Methods.

706.3.6 Submit, only with District authorization, a revised Wastewater Discharge Permit Application/Baseline Report which utilizes only historical data, so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures.

706.3.7 Provide, for each report the time, date, and place, of sampling and methods of analysis and certification that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.

706.4 The Industrial User shall provide a statement, reviewed by an Authorized Representative of the Industrial User and certified by an Illinois Registered Professional Engineer, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional Pretreatment is required for the Industrial User to meet the National Categorical Pretreatment Standards.

706.5 If additional Pretreatment or operation and maintenance will be required to meet the National Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional Pretreatment or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

706.5.1 Where the Industrial User's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the Combined Waste stream Formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the Industrial User submits a revised Wastewater Discharge Permit Application/Baseline Report the information required in Sections above shall pertain to the modified limits.

706.5.2 If the National Categorical Pretreatment Standard for the Industrial User is modified after the application for a revised Wastewater Discharge Permit/Baseline Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Sections above and submit them to the District within 60 days after the modified limit is approved.

706.5.3 The conditions described in Section 805.15.1, 805.15.2, and 805.15.3 of this Article shall apply.

Section 707. Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later, existing Industrial Users subject to such National Categorical Pretreatment Standards and currently discharging to the District's POTW shall apply for a revised Wastewater Discharge Permit. The Baseline Report required by 40 CFR Part 403.12(b) will constitute the application for revision.

Section 708. New Sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge to the POTW.

Section 709. The District will evaluate the data furnished by the Industrial User and may require additional information from the Industrial User. After evaluation of the data furnished, the District may issue a Wastewater Discharge Permit. No interim or temporary permit will be issued by the District except as set forth in this Article.

Section 710. A Wastewater Discharge Permit issued to an Industrial User shall be revised by the incorporation of standards and conditions for an Industrial User which has processes regulated by National Categorical Pretreatment Standards. The revised Wastewater Discharge Permit shall include the limits on average and daily maximum Pollutant concentrations from the applicable National Categorical Pretreatment Standard.

Section 711. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the Combined Waste Stream Formula (40 CFR Section 403.6(e)) or net/gross calculations (40 CFR Section 403.15) or Fundamentally Different Factor Variance for non-toxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with USEPA guidelines and regulations.

Section 712. Where an Industrial User has manufacturing processes which are regulated by more than one National Categorical Pretreatment Standard at the same permitted discharge location, the limitation in the Wastewater Discharge Permit shall be adjusted consistent with USEPA guidelines and regulations.

Section 713. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the District. Wastewater Discharge Permits shall include such conditions as are reasonably deemed necessary by the District 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, protect ambient air quality, and protect against damage to the POTW.

- 713.1 Wastewater Discharge Permits shall contain the following conditions:
  - 713.1.1 A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed 5 years.
  - 713.1.2 A statement that the Wastewater Discharge Permit is nontransferable.
  - 713.1.3 Effluent limits applicable to the User based on applicable standards in Federal, State and local law.
  - 713.1.4 Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  - 713.1.5 Statement of applicable civil, criminal, and administrative 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.
- 713.2 Wastewater Discharge Permits may contain, but not be limited to, the following:
  - 713.2.1 Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirement for flow regulation and equalization.
  - 713.2.2 Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified Wastewater Pollutants or properties.

- 713.2.3 Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the Treatment Works.
- 713.2.4 Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, routine, or Slug discharges.
- 713.2.5 Requirements to control Slug discharges, if determined by the District to be necessary.
- 713.2.6 Requirements for the development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW.
- 713.2.7 The unit charge or schedule of Industrial User charges and fees for the management of the Wastewater discharged to the POTW.
- 713.2.8 Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- 713.2.9 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.
- 713.2.10 Other conditions, including Best Management Practices, as deemed appropriate by the District to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

Section 714. In the event the type, quality, or volume of Wastewater from the property for which a Wastewater Discharge Permit was previously granted shall materially or substantially change or in the event of any change affecting the potential for a Slug discharge (as determined by the District), the Person previously granted such permit shall make a new application to the District, at least 30 days in advance of any such change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by

the permittee. No permittee shall materially or substantially change the type, quality or volume of its Wastewater beyond that allowed by its permit without prior approval of the District.

Section 715. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its permit at least 90 days prior to expiration of the Industrial User's permit. The Industrial User shall apply for reissuance of the permit on a form provided by the District. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Where any changes are made in the Industrial User's permit, a reasonable time shall be given to achieve compliance.

Section 716. Wastewater Discharge Permits are issued to a specific Industrial User for the process activities specified in the permit except at the discretion of the District, General Wastewater Discharge Permits may be issued in accordance with the provisions of 40 CFR 403.8(f)(1)(iii). A Wastewater Discharge Permit shall not be assigned, transferred or sold without the approval of the District. If the premises are sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, then the permit held by the seller shall be reissued by the District to the new owner as a temporary permit, provided that the new owner shall immediately apply for a new permit in accordance with this Ordinance and further provided that the temporary permit shall only be effective for ninety (90) days after the date of sale or transfer. The District shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

Section 717. Detailed plans and specifications, prepared by an Illinois Registered Professional Engineer, of Pretreatment facilities proposed to be constructed shall be submitted to the District for review and must be acceptable to the District before construction of the facility is commenced. The review of such plans shall in no way relieve the Industrial User from the responsibility of modifying its facility as necessary to comply with this Ordinance. Within a reasonable time after the completion of the facility, the Industrial User shall furnish its operations and maintenance procedures for the District to review. Any subsequent alteration or additions to such Pretreatment facilities shall not be made without due notice to and prior approval of the District.

Section 718. No Wastewater Discharge Permit shall be issued by the District to any Person whose discharge of material to Sewers, whether shown upon his application or determined after inspection and testing conducted by the District, is not in conformity with District Ordinances and regulations, or whose application is incomplete or does not comply with the requirements of District Ordinances as applicable. The District shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant, within ten (10) working days after denial.

Section 719. If the application is denied by the District, the Industrial User may obtain review of the denial by the District's Board of Trustees, provided that the Industrial User shall give written notice of this request therefore, within thirty (30) days after receipt of such denial. The

Board of Trustees shall review the permit application, the written denial and such other evidence and matters as the applicant and District shall present. The decision of the Board of Trustees shall be final.

## ARTICLE VIII

### MONITORING FACILITIES, RECORDS, AND REPORTS

Section 801. Within 90 days following the date for final compliance with applicable Pretreatment Standards, or in the case of a New Source, within 90 days following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards shall submit to the District a report, on forms provided by the District, indicating the nature and concentration of all Pollutants in the discharge, using the sampling techniques identified in Section 706.3.2, from the regulated process which are limited by Pretreatment Standards and the average and maximum daily flow for those process units in the Industrial User facility which are limited by such Pretreatment Standards. Where equivalent mass or concentration limits are established by the POTW for a User, this report shall contain a reasonable measure of the User's long-term production rate. Where a User is subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production, the report shall include the User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional Industrial User operation and maintenance or Pretreatment techniques or installations are necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards. This statement shall be signed by an Authorized Representative of the Industrial User and certified by an Illinois Registered Professional Engineer.

Section 802. Any Industrial User subject to an applicable Pretreatment standard, after the compliance date of such applicable Pretreatment Standard or, in the case of a New Source, after discharge of Wastewater to the POTW begins, shall submit to the District on or before the 20th day of the months of July and January, for the preceding two calendar quarters, a certified report indicating the nature and concentration of Pollutants in the effluent which are limited by such applicable Pretreatment Standards. In addition, this report shall include a record of 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 ( or pollution control alternative), the User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the District, this report shall also include concentrations of BOD, SS or other Pollutants specified by the District. The permittee shall sample and analyze its Wastewater for BOD, SS or other Pollutants at the discretion of the District as set forth in the permit issued to the Industrial User. At the discretion of the District and in consideration of such factors as a local high or low flow rate, holidays or budget cycles, the District may alter the months during which the above reports are submitted. The District may require more frequent reporting of flow rates and Pollutant discharges.

Section 803. The District may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 802 shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the

Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of Pollutants contained therein which are limited by the applicable Pretreatment Standards.

Section 804. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR 403.6(c), the report required by Section 802 shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant discharge per unit of production (or other measure of operation), the report required by Section 802 shall include the User's actual average production rate for the reporting period.

Section 805. The District 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. This authorization is subject to the conditions found in 40 CFR 403.12(e)(2).

Section 806. Significant noncategorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District) a description of the nature, concentration, and flow of the Pollutants required to be reported by the District. The District may require more frequent reporting of flow rates and Pollutant discharges.

Section 807. If sampling performed by an Industrial User indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- 807.1 The POTW performs sampling at the Industrial User at a frequency of at least once per month, or
- 807.2 The POTW performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

Section 808. The reports required in this Article shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

Section 809. If an Industrial User subject to the reporting requirements in this Ordinance monitors any Pollutant more frequently than required by the District, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

Section 810. The POTW shall require appropriate reporting from those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards and are not otherwise deemed by the District to be significant.

Section 811. Each Industrial User, where required by the District, shall be required to install, maintain, calibrate, and operate at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer or internal drainage systems. All such facilities and their locations shall be in accordance with plans and specifications approved by the District.

Section 812. No Industrial User which is a New Source may discharge to the POTW without written certification by the District that all Pretreatment Requirements including, but not limited to, the monitoring and Pretreatment facilities required by this Ordinance have been provided and have been inspected by the District.

Section 813. An Industrial User shall provide one metered water supply for the Industrial User's building or complex and connect to the POTW by way of one Building Sewer and Control Manhole unless otherwise approved by the District. If the discharge as measured at the Control Manhole is not representative in quality or quantity of the Wastewaters discharged to the POTW by the Industrial User, or in quantity as measured by the water supply meter, then the District may require remedies, which the Industrial User shall undertake at the Industrial User's own expense, and which may include, but are not limited to, the following:

- 813.1 Require existing Sewer connections be consolidated into one.
- 813.2 Require water meters be installed and maintained to determine the total water supplied and any quantities of water not discharged to the Sewer.
- 813.3 Require that a flume be installed and maintained in each Control Manhole and that a flow monitoring system (including totalizer, recorder and automatic proportional-to-flow sampler actuator) be installed, maintained, calibrated, and operated.

Section 814. Monitoring facilities which may be required of any Industrial User include, but are not limited to, Control Manholes, flumes, weirs, flow monitoring systems, automatic Wastewater sampling systems, pH recorder, and temperature recorders. These and all monitoring facilities shall be constructed and located in accordance with plans and specifications approved by the District. Industrial Users which are New Sources or which are moving, expanding, or improving their facilities within the District shall contact the District to determine which new or revised monitoring facilities will be required.

Section 815. Whenever required by permit, an Industrial User shall install a Control Manhole or sampling chamber for each separate discharge in the Building Sewer in accordance with plans and specifications approved by the District and installed and maintained at all times at the Industrial User's expense. There shall be ample room in each sampling chamber to permit the District to take accurate Composite Samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the District at all times.

Section 816. Where required by the District, additional Control Manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with Pretreatment Standards.

Section 817. 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 District.

Section 818. All measurements, test, and analysis of the characteristics of Wastewater and wastes to which reference is made in this Ordinance shall be determined in accordance with Standard Methods and shall be determined at the Control Manhole provided, or upon suitable samples taken at said Control Manhole. In the event that no special manhole has been required, the Control Manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods, as determined by the District, to reflect the effect of constituents upon the Wastewater Facilities and to determine the existence of hazards to life, limb, and property. The District will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a Grab Sample or samples should be taken.

Section 819. Users and the District shall maintain records of all the information resulting from any monitoring activities required by this Ordinance, and in the case of Industrial Users, shall include the following:

- 819.1 The date, exact place, method and time of sampling and the names of the Person or Persons taking the samples;
- 819.2 The dates the analyses were performed;
- 819.3 Who performed the analyzes;
- 819.4 The analytical techniques/methods used; and
- 819.5 The results of such analyses.

Section 820. The User of any property serviced by a Building Sewer carrying Industrial Wastes shall provide measurements of flow and laboratory tests and analyses of water and wastes to illustrate compliance with this Ordinance and any special conditions for discharge established

by the District or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the User shall be as stipulated by the District but no less than once per year the industry must supply a complete analysis of the constituents of the Wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The User shall report the results of measurements as prescribed by the District. The User shall bear the expense of all measurements, analyses, and reporting required by the District. At such times as deemed necessary, the District reserves the right to take measurements and samples for analysis by an outside laboratory service or by the District's laboratory.

Section 821. Each User who handles, stores, generates, receives, transfers, ships out, treats, or disposes of any hazardous or toxic materials or wastes as defined in the applicable laws, statutes, rules and regulations of the federal and state governments or any other governmental agencies of authority, shall maintain a Material Safety Data (MSD) Sheet (Occupational Safety and Health Administration Form 20 or equivalent) for each of these materials and an inventory list of all of these materials. The inventory list shall show, for each material, the substance and chemical name (or names) as shown on the MSD Sheet, the quantities involved, and the period of time when the material was under the control of or on the premises of the User. These records shall be open for inspection and photocopying by the District, the IEPA, and the USEPA at all reasonable times. Additionally, the District may request and the User shall provide verification that no inventory of toxic or hazardous material has been lost to the environment. Verification may include for instance, the proper testing of underground tanks intended for storage of hazardous or toxic materials to assure that such material does not leak into the ground or Sewers in violation of this Ordinance.

Section 822. A Material Safety Data (MSD) Sheet (OSHA Form 20 or equivalent) may be valuable in determining the character biodegradability, or treatability of a substance. Therefore, in making the determination as to appropriateness for discharge to the District's facilities of a material, the District may request, or a User may provide, appropriate MSD sheets to the District.

Section 823. All Industrial Users with Pretreatment facilities shall maintain records as to the types, quantities, haulers, disposal site, and date of removal for all Sludges or other wastes resulting from the Pretreatment of Industrial waste. Pretreatment facilities include those facilities built to protect Building Drains and Sewers and the POTW as the result of laws of federal, state, and other agencies having jurisdiction.

Section 824. The District and Industrial Users shall maintain all records required by this Ordinance for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of Pollutants by the Industrial User or regarding the operation of the District's Pretreatment program or when requested by the Regional Administrator or the State Director.

Section 825. A User shall provide, upon request, to the District, copies of any records or MSD Sheets the User has or maintains as the result of this Ordinance.

Section 826. All monitoring equipment and facilities obtained, installed or operated by the User as provided by the provisions of this Ordinance shall be maintained continuously in satisfactory and effective operation by the User at his expense. If for any reason, any monitoring equipment or facility does not operate in conformity with these regulations and, in the case of an Industrial User, with the provisions of his Wastewater Discharge Permit, the User shall immediately notify the District so that any feasible corrective action may be taken to protect the POTW. In addition, a written report addressed to the District detailing the date, time, and cause of the equipment malfunction or failure, the estimated time required for repair or replacement, the substitute monitoring being undertaken in the interim, and the corrective action being undertaken to prevent repetitive failures, shall be forwarded by the User within five (5) working days of the equipment malfunction or failure if so requested by the District.

## ARTICLE IX

### POWER AND AUTHORITY OF INSPECTORS

Section 901. The Director and other duly authorized employees or representatives of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in full accordance with the terms of the Easement pertaining to the private property involved.

Section 902. The District, the IEPA, the USEPA, and their authorized representatives may inspect the facilities of Users to ascertain whether the purposes of this Ordinance are being met and if all requirements of this Ordinance are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which reports are being kept shall allow the Director and other duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives, bearing proper credentials and identification, ready access at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of any other duties. The Director and other duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives shall have the right to set up on the User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where a User has security measures in force which would require suitable identification, necessary arrangements with their security guards shall be completed so that upon presentation of suitable identification, duly authorized personnel from the District shall be permitted immediate entry for the purposes of performing their specific responsibilities.

Section 903. While performing the necessary work on private properties, the Director or duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives shall observe all reasonable safety rules applicable to the premises established by the User, and the User shall be held harmless for injury or death to the District employees, and the District shall indemnify the User against loss or damage to its property by District employees and against liability claims and demands growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions as required in this Ordinance.

## ARTICLE X

### CONFIDENTIAL INFORMATION

Section 1001. Information and data relating to a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

Section 1002. When requested by the Person furnishing a report, and until such time as the District determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, and for use by the state or any state agency in judicial review or enforcement proceeding involving the User furnishing the report.

Section 1003. Information and data provided to the District which is effluent data shall be available to the public without restriction.

Section 1004. Information claimed by a User to be confidential shall not be transmitted to the general public by the District until and unless a thirty day notification is given to the User.

Section 1005. The District shall implement measures to prevent the negligent release of confidential information; however, the District or its employees shall not be held legally responsible for release of information if they have acted in good faith.

Section 1006. Nothing in this Article shall be construed as a reason for a User not to provide required information to the District.

Section 1007. Nothing in this Article shall be construed to interfere with the District providing a User with information directly related to that User if such information does not conflict with the confidentiality of information relating to other Users.

## ARTICLE XI

### PROTECTION OF SEWAGE WORKS FROM DAMAGE

Section 1101. No Person shall willfully, maliciously or negligently break, deface, destroy or injure any District Sewer, manhole or other appurtenance thereto, or any pumping station or Treatment Works or any other aspect of the POTW. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE XII

### ENFORCEMENT PROCEDURES AND PENALTIES

Section 1201. The term "permit" as used in this Article shall mean the District's NPDES Permit, the Water Pollution Control Permit issued by the IEPA covering the District's Sludge management and disposal system, the Building Sewer Permit, and/or the User's Wastewater Discharge Permit, as indicated by the context in which the term is used.

Section 1202. Any User or other Person who violates any provision of this Ordinance, any permit condition, any Pretreatment Standards or Requirements, the Illinois Environmental Protection Act or the Federal Act or regulations promulgated under either act, or who:

- 1202.1 Fails to factually report the Wastewater constituents and characteristics of its discharge as determined by the User's or the District's analysis, or
- 1202.2 Fails to report significant changes in process activity or Wastewater constituents or characteristics, or
- 1202.3 Refuses reasonable access to premises by authorized District personnel for the purpose of inspection, monitoring, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of any other duties, or
- 1202.4 Tampers with, disrupts, or destroys District equipment, or
- 1202.5 Fails to report a Slug discharge as defined in Article I of this Ordinance, or
- 1202.6 Fails to report an accidental discharge of a Pollutant, or
- 1202.7 Fails to report an Upset of the User's Pretreatment facilities, or
- 1202.8 Violates conditions of the User's Wastewater Discharge Permit,

is subject to the procedures and penalties set forth in this Article.

Section 1203. Whenever the District has cause to believe a User or other Person has committed or is committing any of the violations set forth in Section 1202., the District may prepare a Notice of Violation to be served on the User or other alleged violator in any of the following manners, or combinations thereof:

- 1203.1 By regular first class mail addressed to the User or other alleged violator at his place of business where it is reasonably believed that he will receive the Notice;
- 1203.2 By certified or registered mail, return receipt requested, addressed to the User or other alleged violator at his place of business or residence or other address where it is reasonably believed that he will receive the Notice;
- 1203.3 By personal or abode service in the manner and by person that would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice of law of Illinois in effect at the time of service, except that no court order appointing the person shall be required; or
- 1203.4 By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served at least ten (10) days before the meeting where the service is by mail and at least five (5) days before the meeting where personal or abode service is utilized and a first publication at least thirty (30) days before the meeting if publication service is utilized. Service by mail is accomplished upon mailing. The affidavit of the person who mailed, served or published the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary.

Section 1204. The Notice of Violation shall specify with reasonable detail the violation and, at the discretion of the District, the time and place for a compliance meeting to be attended by representatives of the District and by the User or other alleged violator. The District may also notify any other Person with an interest in the matter whose rights may be affected by the continued enforcement proceedings.

Section 1205. Any request for a continuance of the compliance meeting must be in writing to the Director setting forth in detail the reasons for the request. The Director may grant or deny continuances upon said written request.

Section 1206. The purpose of the compliance meeting shall be to obtain a voluntary plan to remedy the specific violation. It is specifically designed as an informal process and is not penal in nature.

Section 1207. The compliance meeting shall be conducted by the Director. No formal rules of evidence shall be in effect and the proceedings shall not be transcribed by a court reporter. The Director shall discuss with the User or other alleged violator a compliance plan for remedying the specified violation.

Section 1208. Within a reasonable time after the conclusion of the compliance meeting, a letter shall be issued by the Director indicating the results of the meeting and a compliance plan for remedying the specified violation. The letter may contain a compliance schedule of events as may be required to remedy the specified violation.

Section 1209. The Director is, in his discretion, hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User or other Person responsible for violation or noncompliance. Such orders may include compliance schedules, stipulated fines, specified remedial actions, and signatures of the User and other violator or their Authorized Representatives. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 1222.

Section 1210. In the event that the user or other alleged violator does not appear at a scheduled compliance meeting, said User shall be deemed to have waived the right to a formal show cause hearing, and waiving rights to a show cause hearing, the Director may make the recommendations to the Board of Trustees that a hearing officer could make under Section 1220, and the Board of Trustees may act pursuant to Section 1222, and may proceed in all respects as if a show cause hearing had taken place.

Section 1211. Nothing herein shall prohibit the Director from attempting by less formal means to persuade the User or other violator to cease and eliminate the alleged violation.

Section 1212. The Director may, in the case of:

- 1212.1 A failure at a compliance meeting to reach a voluntary agreement to remedy the specified violation, or
- 1212.2 A failure on the part of a User or other alleged violator to perform according to the compliance plan developed at a compliance meeting, or
- 1212.3 Discovery of an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to Interfere or Interferes with the operation of the POTW,

order the User, other alleged violator, or whoever causes or contributes to such discharge to show cause why the violation or discharge should not be discontinued and why other appropriate enforcement action should not be taken, and the provisions set forth in Section 1213 through 1226 shall apply.

Section 1213. A notice shall be served on the offending party specifying the violation, the time and place of a show cause hearing, and requiring the User or other alleged violator to appear at the hearing and show cause, if any, before an impartial hearing officer appointed by the Board of Trustees, why an Order should not be entered directing the discontinuance of the User's or other

alleged violator's discharge or violation or directing that other appropriate enforcement action be taken. The Notice to Show Cause may be served on the User or other alleged violator in the manner set forth in Section 1203. The District may also notify any other party with an interest in the matter whose rights may be affected by continual enforcement proceedings whether or not a duly notified User or other alleged violator appears as noticed, enforcement action may be pursued as appropriate.

Any requests for a continuance must be made in writing to the hearing officer with a copy to the Director setting forth in detail reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests and may, if he desires, ask for the Director's response to the request before ruling, a copy of which shall be provided to the requesting party. Additionally, the hearing officer may in his discretion ask for argument before ruling. The grant of a continuance may be conditioned on such terms as the hearing officer in his discretion believes appropriate.

Section 1214. The hearing officer shall conduct the hearing and take the evidence.

Section 1215. Upon written request prior to the hearing, the District shall provide the following:

- 1215.1 A list of all witnesses expected to testify at the show cause hearing;
- 1215.2 Copies of any documents expected to be used at the show cause hearing;
- 1215.3 An opportunity to examine any physical evidence expected to be used at the show cause hearing or upon which any documentary evidence is based.

Section 1216. The District shall make its employees available for examination at the show cause hearing upon written request. Further, upon the request of any party to the show cause hearing, or upon his own request, the hearing officer shall issue subpoenas to compel the attendance of witnesses and the production of evidence reasonably necessary to the resolution of the matter under consideration and may examine witnesses.

Section 1217. The Director may enter into stipulations of fact or law on behalf of the District.

Section 1218. The following procedures shall apply to all show cause hearings:

- 1218.1 Testimony shall be taken under oath and recorded stenographically. The transcript so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore;

- 1218.2 The hearing officer shall open the hearing by stating his name and stating the User's or other alleged violator's name and the matter involved;
- 1218.3 The hearing officer shall ask for the appearances of the parties and in responding thereto, any persons representing the various parties shall state for the record their names and whom they represent;
- 1218.4 The District shall offer a copy of the Notice to Show Cause as an exhibit into evidence and establish the date of mailing, publication, or personal service thereof. The User or other alleged violator shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the User or other alleged violator;
- 1218.5 The hearing officer shall determine for the record whether due notice was given;
- 1218.6 Following the determination of notice, the hearing officer shall solicit an opening statement from the District and then from the User or other alleged violator;
- 1218.7 Following the opening statements, the District shall call and examine its witnesses and present its documentary and physical evidence. The User or other alleged violator shall be afforded an opportunity to cross-examine and object to any documentary or physical evidence;
- 1218.8 After the District presents its witnesses and documentary and physical evidence, the User or other alleged violator shall be afforded the same opportunity to call witnesses and present documentary and physical evidence. The District shall be afforded the opportunity to cross-examine the witnesses and object to any documentary or physical evidence presented by the User or other alleged violator;
- 1218.9 The hearing officer shall accept or reject any documentary or physical evidence offered. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;
- 1218.10 Following the presentation of witnesses and documents, the hearing officer shall solicit closing statements from the District, then from the User or other alleged violator, and then rebuttal from the District.

- 1218.11 The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Section 1219. The District shall have the burden of showing by a preponderance of the evidence the following elements:

- 1219.1 Notice of the hearing conforming to the provisions of this Article, if not waived by the user or other violator;
- 1219.2 The specified violation;
- 1219.3 That the User or other alleged violator is or was responsible for the specified violation.

Section 1220. The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 1219. herein within thirty (30) days of the hearing. If the hearing officer finds that the District has proven each of the elements set forth in Section 1219. herein, the hearing officer shall transmit a report of the evidence and hearing, which need not include the transcript, together with recommendations, to the Board of Trustees for action thereon. The recommendation of the hearing officer may consist of one or more of the following:

- 1220.1 That any permits held by the User or other violator be revoked immediately;
- 1220.2 That following a specified time any permits held by the User of other violator be revoked;
- 1220.3 That the User or other violator cease the discharge immediately;
- 1220.4 That the User or other violator cease the discharge after a specified period of time;
- 1220.5 That the relevant permits held by the User or other violator be revised to include conditions that will eliminate violations; which may include but not be limited to installation of adequate treatment and Pretreatment facilities, devices or other appurtenances, installation of Pretreatment technology, additional self-monitoring and management practices;
- 1220.6 That the User or other violator engage qualified persons and carry out designated permit conditions (for instance, engage a consultant qualified by the District to sample or analyze a given waste);

- 1220.7 That fines be assessed against the user or other violators as provided in Section 1226.
- 1220.8 That such other actions deemed necessary by the hearing officer to abate the specified violation be taken by the Board of Trustees.

Section 1221. In all cases where the hearing officer finds that the District has proven a specified violation, the hearing officer may assess the costs of enforcement as part of the recommendations. The costs shall include hearing officer fees, service fees, reasonable attorney's fees and other expenses incurred by the District in relation to the hearing.

Section 1222. After reviewing the report and recommendations transmitted by the hearing officer, or a recommendation by the Director pursuant to Section 1210., the Board of Trustees may issue an order to the User or other violator directing the implementation of one or more of the recommendations made by the hearing officer or directing implementation of such other action as deemed necessary by the Board of Trustees to cure the specified violation. The Board of Trustees may, independent of any recommendation of the hearing officer, assess the costs of the proceedings against the User or violator. Any cost and any fines assessed hereunder may be added to the User's monthly bill and the District may pursue appropriate collection proceedings in a court of appropriate jurisdiction. Fees and costs incurred in collection are also chargeable to the User or other violator.

Section 1223. Following an order of revocation or suspension of its Wastewater Discharge Permit, the User or other violator shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to the POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

Section 1224. If the User or other violator fails to cease the discharge or violation in accordance with the Order of the Board of Trustees, the District may physically disconnect the user from the POTW by any effective and appropriate means.

Section 1225. A violation of any order of the Board of Trustees shall be considered a nuisance. If any person discharges Sewage or Industrial Waste or other wastes or Pollutants into any Waters contrary to the orders of the Board of Trustees, the District, acting through the Director, may commence an action in the Circuit Court for the purpose of having the discharge stopped either by mandamus or injunction.

Section 1226. Notwithstanding and in addition to any other Section of this Ordinance, any User or other Person who violates any provision of this Ordinance, orders of the Board of Trustees, or permits and orders issued hereunder, may be fined in an amount not less than \$100.00 nor more than \$1,000.00, except, when the violation is by an Industrial User of a Pretreatment Standard or Requirement, as those terms are used in 40 CFR 403, the fine shall be no less than \$1,000.00 nor more than \$10,000.00 per day per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled Sewer user charge bill and the Director shall have such other collection

remedies as he has to collect other user charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. If the fine was not assessed following the procedures in Section 1203, through Section 1224, then the User shall upon his request made within 30 days of this notification by regular first class mail of the fines, be entitled to a show cause hearing as a matter of right, and the show cause procedures shall apply. Such user or other Person shall also be liable for reasonable attorney's fees, court costs and other expenses of litigation.

Section 1227. The Director may in lieu of proceeding under Section 1203, through Section 1224, suspend the Wastewater Treatment service, Wastewater Discharge Permit, and/or any permit held by any User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent and substantial endangerment to the health or welfare of Persons, the efficient operation of the POTW, or the environment.

1227.1 Any User notified of a suspension of the Wastewater Treatment service, the Wastewater Discharge Permit, or other permit pursuant to the preceding paragraph shall immediately stop or eliminate its discharge to District facilities. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the endangerment has passed.

1227.2 A User which is responsible, in whole or in part, for such imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to being allowed to recommence its discharge to the POTW.

Section 1228. If any Person discharges Sewage, Industrial Wastes, or other wastes into the Wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder or violates any other provision of this Ordinance, the Director may commence an action for appropriate legal and/or equitable relief in State or Federal courts. In addition, the Director may, upon discovery of an ongoing or potential discharge of Pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of Persons, seek and obtain from the Circuit Court a Temporary Restraining Order and an injunction to halt or prohibit such discharge or proceed under any other provision of this Ordinance. The remedies hereunder may be utilized immediately, without first resorting to other available procedures.

1228.1 In addition to all other applicable provisions of this Ordinance, and all applicable statutes, regulations and laws, the District may institute a civil action for an injunction which restrains or compels activities of the User: To assure compliance with applicable

Pretreatment Standards and Requirements; to assure compliance with any provisions of the District's Ordinances; or to assure compliance with any order of the Board of Trustees. It shall not be a requirement that the District show an inadequate remedy at law or irreparable injury.

- 1228.2 The District, in its discretion, may commence a civil action for the assessment of fines for violations of this Ordinance and permits pursuant to the provisions of Illinois Compiled Statutes, Chapter 415, Act 5, Section 46.
- 1228.3 In the event that all or part of the relief prayed for in an action brought pursuant to this Section is granted, the District shall be entitled as a part of its judgment, to its attorney's fees, costs, expert witness fees and all other costs and expenses of litigation.
- 1228.4 The District may commence an action for recovery of actual damages caused by any User to District property.

Section 1229. The District may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to Interfere with the operation of the POTW, immediately issue an order to the responsible User to show cause before the Board of Trustees why the District should not disconnect service, revoke or suspend the User's Wastewater Discharge Permit or seek injunctive relief to prohibit the User from making the discharge to the POTW. Procedures to be followed by the Board of Trustees in said show cause hearing shall be in accordance with this Article. After said hearing, the District may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW.

Section 1230. In addition to remedies available to the District set forth elsewhere in this Ordinance, if the District is fined by the State of Illinois or the United States for violation of its NPDES Permit or its Sludge permit (issued by the IEPA) or for violation of Effluent or Water Quality Standards or for a fish kill as the result of a discharge of pollutants, then the fine, including all District legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible User. Such charge shall be in addition to, and not in lieu of, any other remedies the District may have under this Ordinance, statutes, regulations, at law or in equity.

Section 1231. If the discharge from any User causes a deposit, obstruction, or damage to any of the District's Wastewater Facilities, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the Person causing such deposit, obstruction, or damage.

Section 1232. Any Person violating any of the provisions of this Ordinance shall become liable to the District for any expense, including reasonable attorney's fees, loss, or damage occasioned the District by reason of such violation.

Section 1233. Any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or Wastewater Discharge Permit, shall be subject to the penalties and costs provided in this Article and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) and/or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed six (6) months.

Section 1234. In the case of Industrial Users, the District shall annually publish in a daily newspaper, which general circulation area includes the District, a list of Industrial Users who were in Significant Noncompliance of any Pretreatment Standard or Requirement during the previous twelve months. The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same twelve months.

Section 1235. A User shall have an affirmative defense in any action brought against it alleging an Interference and/or Pass Through violation of this Ordinance where the User can demonstrate that the User did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause a Pass Through or Interference; and

1235.1 A District limit or prohibition designed to prevent Pass Through and/or Interference, as the case may be, has been established in this Ordinance or in the User's Wastewater Discharge Permit for each Pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit or prohibition directly prior to and during the Pass Through or Interference; or

1235.2 In the case where a District limit or prohibition designed to prevent Pass Through and/or Interference, as the case may be, has not been established for the Pollutant(s) that caused the Pass Through or Interference, and the User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or in constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirement and, in the case of Interference, applicable requirements for Sewage sludge use or disposal.

Section 1236. The District may institute a civil action to specifically enforce the terms of an agreement entered into by the District with any User, including any Industrial User. When such agreement relates to protection of the environment or protection of the POTW, and/or when the

agreement relates to affirmative acts to be undertaken by the User, it shall not be a defense to the User that the agreement is to imprecise, indefinite or otherwise unclear to be enforced specifically under the traditional equitable principles, nor shall it be a defense that contracts for construction of works on structures should not be specifically enforced.

Section 1237. In addition to the authority granted elsewhere in this Article, the District shall have all powers and capabilities as may be necessary to comply with Section 307 of the Federal Water Pollution Control Act and regulations promulgated thereunder, as now required, or as may be required by amendment from time to time. It is the specific intent of this provision that the District shall not be required to amend its Ordinance from time to time to have the powers and capabilities required of it by the Act and regulations herein referenced.

Section 1238. Bypass

- 1238.1 Subject to the requirements of Section 1338.3, an Industrial User may allow any Bypass to occur which does not violate Pretreatment Standards or Requirements, but only if it is for essential maintenance to assure efficient operation. These Bypasses are not subject to 1338.2.
- 1238.2 Notice
  - 1238.2.1 If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the District, if possible at least ten days before the date of the Bypass.
  - 1238.2.2 An Industrial User shall orally notify the District of an unanticipated Bypass that exceeds applicable Pretreatment Standards or Requirements within 24 hours of becoming aware of the Bypass. A written submission shall also be provided within 5 days of becoming aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact times and dates, and if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass.
- 1238.3 Prohibition of bypass
  - 1238.3.1 Bypass is prohibited and the District may take enforcement action against an Industrial User for a Bypass, unless: (i) Bypass was unavoidable to prevent loss of life, personal injury or Severe Property Damage;

(ii) There are no feasible alternatives to Bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime (This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance); and (iii) The Industrial User submitted notices as required by paragraph 1338.2.

1238.3.2 The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph 1338.3.1.

Section 1239. Upset provisions

- 1239.1 For the purposes of this section, "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- 1239.2 An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph 1339.3 are met.
- 1239.3 An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- 1239.3.1 An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
- 1239.3.2 The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.
- 1239.3.3 The Industrial User has submitted the following information to the District within 24 hours of becoming aware of the Upset (if this information is provided

orally, a written submission must be provided within five days):

1239.3.3.1 A description of the discharge and cause of noncompliance;

1239.3.3.2 The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue;

1239.3.3.3 Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

1239.4 In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

1239.5 The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

ARTICLE XIII  
GENERAL

Section 1301. On the effective date of this Ordinance all other Ordinances or parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict. Specifically 408 (July 20, 1993), Ordinance No. 422 (July 19, 1994), Ordinance No. 449 (August 19, 1997), Ordinance No. 451 (October 21, 1997), Ordinance No.531 (April 19, 2005, and Ordinance No. 575 (November 17, 2009) are hereby repealed on the effective date of this Ordinance. This Ordinance shall be effective and applicable only from the effective date of this Ordinance and shall not affect the validity or enforceability of causes of action pursuant to the provisions of Ordinance No. 408 and prior amendments thereto prior to the effective date of this Ordinance.

Section 1302. The invalidity of any provision of this Ordinance or amendments thereto shall not impair the validity of any other provision. Any provision of this Ordinance or amendments thereto determined by a court of competent jurisdiction to be unenforceable will be deemed severable and the Ordinance or amendments thereto shall be enforced with that provision severed or as modified in the court.

Section 1303. Failure on the part of the District to exercise any rights or remedies provided for in this Ordinance shall not be deemed to be a waiver of any of the provisions of this Ordinance or of any such rights and remedies and shall not preclude the District from the exercise of any such rights and remedies upon any future violation of the terms and provisions of this Ordinance.

Section 1304. Each right, power and remedy herein, or by law conferred upon the District is cumulative of every other right, power or remedy of the District, whether herein or by law conferred, and the exercise of one or more of the same shall not be deemed or considered an election of remedies. Any and all such rights, powers and remedies may be exercised and enforced concurrently and whenever and as often as the occasion therefore arises.

Section 1305. Any mention herein of the Code of Federal Regulations (CFR) or any particular rule, regulation, statute or law, and any specific sections or paragraphs thereof by reference, means the text thereof and not necessarily the heading, section or paragraph number, and shall continue to apply to and mean the text thereof as it exists on the date hereof, as amended from time to time, even if such rule, regulation, statute or law is renumbered or becomes a part of another rule, regulation, statute or law. Any mention of a particular title, office, position, government, or agency thereof, as used herein shall also mean any successor title, office, position, government or agency thereof who shall assume or be given the duties of the title, office, position, government or agency thereof, on the date of adoption of this Ordinance. It is the express intent of this paragraph to try to avoid amendments to this Ordinance every time a rule, regulation, provision of the Code of Federal Regulations, statute or law is renumbered, amended, or placed elsewhere in the rules, regulations, statutes and laws of various governments, or when the duties of a particular title, office, position, government or agency thereof are transferred to someone or somewhere else.

ARTICLE XIV

EFFECTIVE DATE

Section 1401. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law or on May 1, 2011, whichever is later.

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

BY Michael J. Mankin  
President

ATTEST:

Christoph S. Mohr  
Clerk



Passed: January 18, 2011

Approved: January 18, 2011

Recorded: January 18, 2011

Published: January 21, 2011

**GREATER PEORIA SANITARY DISTRICT**  
**TABLE A**  
**Effective Date May 1, 2011**

Section 407.1	
Wastewater Hauler Bond Amount	\$25,000
Section 407.2	
Wastewater Hauler License Amount (per year from May 1st)	\$25.00
Section 504	
<u>Building Sewer Permit Class</u>	<u>Permit Fee</u>
Residential, Each Living Unit	\$125.00
Commercial	\$250.00
Section 506	
Building Sewer Bond Amount	\$25,000.00
Section 507	
Building Sewer Construction/Maintenance License (per year from May 1st)	\$25.00

ORDINANCE NO. 627

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

AN ORDINANCE ADOPTING CHARGES FOR SEWAGE TREATMENT CAPACITY, THE EXTENSION OF PUBLIC SEWERS, THE RECOVERY OF CAPITAL, THE CONNECTION OF BUILDINGS TO PUBLIC SEWERS, ESTABLISHMENT OF REGULATIONS FOR THE USE OF SUCH CHARGES FOR THE EXPANSION AND IMPROVEMENT OF THE WASTEWATER TREATMENT AND SEWAGE COLLECTION SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS.

WHEREAS, the Board of Trustees of The Greater Peoria Sanitary and Sewage Disposal District, has, heretofore, adopted regulations for the purpose of regulating and controlling the use of public sewers and drains and the discharge of wastewaters into the sewerage system tributary to the wastewater treatment works of the District; and

WHEREAS, the Board of Trustees has, heretofore, adopted charges for the equitable distribution of the operation, maintenance, replacement and improvement costs of the wastewater treatment and sewage collection facilities that are the District's responsibility and under the District's control; and

WHEREAS, all past and present users of the District's services have substantially contributed to and invested in the District's wastewater treatment and sewage collection system; and

WHEREAS, the Board of Trustees is desirous of facilitating economic development through the expansion of the District's services and facilities to areas that are adjacent and contiguous to the boundaries of the District and such areas should contribute to a fair and equitable share of the capital invested in the District's wastewater treatment and sewage collection system;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 101. "District" shall mean The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, acting by a duly constituted Board of Trustees or other duly authorized representative or representatives.

Section 102. "District sewer" shall mean any sewer owned or under the jurisdiction of the District.

Section 103. "Director" shall mean the Executive Director of The Greater Peoria Sanitary and Sewage Disposal District of Peoria, Illinois, or his authorized deputy, agent or representative.

Section 104. "Infiltration" shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)

Section 105. "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

Section 106. "Inflow" shall mean the water discharged into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration.)

Section 107. "Intercepting sewer" shall mean a sewer that receives dry-weather flow from a number of transverse sewers or outlets and frequently additional predetermined quantities of storm water (if from a combined system), and conducts such waters to a point for treatment or disposal.

Section 108. "Isolated sewerage system" is a system for the collection, storage and treatment of wastewater which serves more than 15 persons.

Section 109. "Lateral sewer" shall mean a public sewer, whose principal function is receiving wastewater from individual single family and multi-family residences and other establishments, which discharge directly, or through other interconnected lateral sewers, to a trunk sewer.

Section 110. "Operation and maintenance costs" shall mean all expenditures attributable to administration, treatment and collection of wastewaters necessary to insure adequate wastewater collection and treatment on a continuing basis, conform to applicable regulations, and assure optimal long term facility management, exclusive of debt service and capital improvements.

Section 111. "Ordinance" means this ordinance.

Section 112. "Person" shall mean any individual, occupant, inhabitant, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, government, government agency, or any other legal entity or their legal representative, agent, or assigns.

Section 113. "Population equivalent" shall mean the equivalent of 100 gallons per person per day. Lots zoned for a single-family dwelling shall be calculated at 3.5 persons per dwelling unit. Where lots are zoned for residential use, other than single family units, Title 35 Illinois Administrative Code, Subtitle C, Chapter II, Section 370, Appendix A, Table No. 1, latest edition, shall apply. Where the proposed development is nonresidential, flow allowances shall be as stated in 35 Illinois Administrative Code, Chapter II, Section 370 Subtitle C, Appendix B, Table No. 2 or as otherwise determined by the District.

Section 114. "Private sewerage system" is a system for the collection, storage and treatment of wastewater or other wastes which serves less than 15 persons.

Section 115. "Public sewer" shall mean a sewer provided by or subject to the jurisdiction of the District and shall also include sewers within or outside the District boundaries that serve one or more persons and ultimately discharge into the sanitary or combined sewer system, even though those sewers may not have been constructed with District funds.

Section 116. "Pumping station" shall mean a station positioned in a public sewer system at which wastewater is elevated to a higher level.

Section 117. "Replacement Expenditures" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater facilities to maintain the capacity and performance for which such facilities were designed and constructed.

Section 118. "Replacement and improvements reserve" shall mean an account for the segregation or resources to meet capital consumption of personal and real property.

Section 119. "Sanitary sewer" shall mean a sewer that conveys sewage or industrial wastes, or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

Section 120. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm waters as may be present. Sewage is also used interchangeably with "wastewater".

Section 121. "Sewer" shall mean a pipe or conduit for conveying sewage or other waste liquids, including storm, surface, and groundwater drainage.

Section 122. "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

Section 123. "Shall" is mandatory; "may" is permissive.

Section 124. "Treatment works" or "sewage treatment plant" shall mean individually or collectively those facilities or devices, except sewers, used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of by-products from such wastewater.

Section 125. "Trunk sewer" shall mean a sewer that receives many tributary branches and serves a large territory.

Section 126. "User" shall mean every person using any part of the wastewater facilities of the District.

Section 127. "Wastewater" shall mean the spent water of a community and is a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present. Wastewater is also used interchangeable with "sewage".

Section 128. "Wastewater facilities" shall mean structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Section 129. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

Section 130. "Wastewater source" shall mean any equipment, facility, or other point source of any type whatsoever which discharges wastewater.

## ARTICLE II

### TREATMENT CAPACITY CHARGE

Section 201. Effective on the date of this ordinance, except as may be hereafter set forth, all properties, lots, parcels and tracts of land annexed to the District in accordance with the laws of the State of Illinois shall be subject to the one-time payment of a treatment capacity charge (TCC).

Section 202. The person who is the owner of record of the property, lot, parcel or tract of land shall be responsible for payment of the TCC.

Section 203. The charge established by this ordinance shall be in an amount determined by the following formula:

TCC = T x A in which  
TCC = Treatment Capacity Charge in dollars, and  
T = Charge Rate per acre as stated in Exhibit A, and  
A = Total area of property, lot, parcel, or tract of land in acres.

Section 204. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable TCC at such later date as they are connected to a District sewer at the rates in effect at that time.

### ARTICLE III

#### SEWER EXTENSION CHARGE

Section 301. Owners of properties, not in a special assessment district and where sewers are being extended at the expense of the property owner or buildings are being directly connected to District sewers, shall be charged a sewer extension charge (SEC) in an amount as determined by the following formula in which:

SEC = S x A in which  
SEC = Sewer Extension Charge in dollars, and  
S = Charge Rate per acre as stated in Exhibit A, and  
A = Total area of property, lot, parcel, or tract of land in square feet.

Section 302. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable SEC at such later date as they are connected to a District sewer at the rates in effect at that time.

Section 303. Owners of properties in a special assessment district who have paid a direct benefit assessment and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a SEC provided special assessment installments are current.

Section 304. SEC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

## ARTICLE IV

### CAPITAL RECOVERY CHARGE

Section 401. Owners of properties, not in a special assessment district and where sewers are or have been extended at the expense of the property owner with financial contribution by the District or buildings are being directly connected to District sewers that have received a financial contribution by the District, shall be charged a capital recovery charge (CRC) in an amount as determined by the following formula in which:

CRC = C x A in which

CRC = Capital Recovery Charge in dollars, and

C = Charge Rate per acre as stated in Exhibit A, and

A = Total area of property, lot, parcel, or tract of land in square feet.

Section 402. Total areas shall include usable land serviced by the District sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable CRC at such later date as they are connected to a District sewer at the rates in effect at that time.

Section 403. Owners of properties in a special assessment district who have paid a direct benefit assessment and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a CRC provided special assessment installments are current.

Section 404. CRC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

## ARTICLE V

### BUILDING CONNECTION CHARGE

Section 501. Owners of properties not in a special assessment district, where buildings are connected directly to District sewers, shall be charged a building connection charge (BCC) in an amount as determined by the following formula in which:

BCC = B x PE in which

BCC = Building Connection Charge in dollars, and

B = Charge Rate per population equivalent as stated in Exhibit A, and

PE = Total population equivalent.

For buildings requiring private pumping facilities, PE shall be reduced by 20%.

Section 502. Owners of properties in a special assessment district who have paid a direct benefit and indirect benefit assessment for sanitary sewer service shall be exempt from payment of a BCC provided special assessment installments are current.

Section 503. BCC shall not apply to the redevelopment of a lot, parcel or tract of land previously served by District sewers and where a charge, fee or assessment with similar intent to recover public investment in sewer capacity has been paid.

## ARTICLE VI

### PAYMENT OF TREATMENT CAPACITY, SEWER EXTENSION, CAPITAL RECOVERY AND BUILDING CONNECTION CHARGES

Section 601. The TCC, SEC, CRC and BCC shall be due and payable in accordance with the following provisions.

- 601.1 In cases where District Sewers are being extended at the expense of the property owner with or without financial contribution by the District, TCC, SEC and CRC shall be due and payable prior to acceptance of the sewer improvement by the District.
- 601.2 In cases where District sewers are not being extended to serve the property, lot, parcel or tract of land being served, TCC, SEC and CRC shall be due and payable prior to the issuance of a building sewer permit for connection of a wastewater source to a District or public sewer system.
- 601.3 The BCC is due at the time the District issues a building connection permit.
- 601.4 In cases where there are existing wastewater source(s) on the property, lot, parcel or tract of land being served and such wastewater source(s) are served by and connected to a public sewer, isolated sewerage system or private sewerage system, the TCC, SEC, CRC and BCC shall be due and payable prior to the connection of said sewerage system to a District or public sewer.
- 601.5 The District may at its option extend, by written agreement, the time for payment as set forth in 601.1, 601.2, and 601.3 for a period not to exceed one (1) year. In such cases, interest shall be charged at a rate of one (1) percent per month on the unpaid balance.

Section 602. The TCC as stated in Article II shall apply to all lots, parcels or tracts of land annexed to the District after February 16, 1983.

Section 603. A bill for the charges specified in this ordinance shall be submitted to the property owner of record. The charges, so billed, shall be considered delinquent unless payment is rendered by the due date stipulated in the bill. Delinquent billings shall be subject to the payment of interest at a rate equivalent to one (1) percent per month on the unpaid balance. All delinquencies may also be subject to such additional costs and penalties as may be otherwise provided in this ordinance.

Section 604. Where special circumstances are encountered, the amount charged shall be determined by the District subject to approval by the District Board of Trustees.

## ARTICLE VII

### UTILIZATION OF TREATMENT CAPACITY, SEWER EXTENSION, CAPITAL RECOVERY AND BUILDING CONNECTION CHARGES

Section 701. All payments for TCC, SEC, CRC and BCC together with any interest or penalties collected thereon shall be reserved for capital improvements.

Section 702. All funds accumulated in accordance with Section 701, shall be used only for projects designated by the District and under no circumstances for operation and maintenance of the District's wastewater facilities. Projects include but are not limited to the following general categories:

- 702.1 Improvements, replacements, extensions, additions, modifications and expansions to the District's wastewater treatment works and sewerage system;
- 702.2 Construction of those sewers or structures necessary to reduce or eliminate excessive flow conditions in intercepting, trunk and lateral sewers;
- 702.3 Reduction or elimination of sewer system infiltration/inflow;
- 702.4 Rehabilitation of the District's wastewater treatment and sewerage collection system;  
and
- 702.5 Construction of new wastewater treatment works.

## ARTICLE VIII

### DELINQUENCIES AND PENALTIES

Section 801. Any amounts that are delinquent shall be subject to collection under the terms and conditions of this Article and, in addition, to any resolution that may be adopted from time to

time by the District setting forth procedures for the collection of delinquent amounts.

Section 802. In the event of failure to pay for the charges after they have become delinquent and the penalties as specified in this Article have been initiated, the District shall have the right to remove or close any connection to any wastewater source and enter upon the property for accomplishing such purpose. The expense of such discontinuance, removal or closing as well as the expense of restoring service, shall be a debt due the District. Service shall not be restored until all charges, including interest accrued and the expense of removal, closing and restoration have been paid.

Section 803. Whenever bills for TCC, SEC and/or BCC become delinquent, the same shall become and constitute a lien upon the real estate to which service is supplied. Statements rendered for such charges shall be deemed notice to all parties, whether or not served. The claim for lien shall be made in the form of a sworn statement setting out (a) a description of the real estate, sufficient for the identification thereof, upon or for which the service was supplied, (b) the amount or amounts of money due for such service, and (c) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording, as provided by law, the District may foreclose such lien in like manner and with like effect as in the foreclosure for mortgages on real estate. In the alternative, the District, may, in its discretion, file suit to collect such amounts as are delinquent and due against the owner of the real estate in a civil action, and shall collect, as well, all attorney's fees incurred by it, the same to be fixed by order of the court. In addition to penalties and costs attributable and chargeable to the recording of such notices of lien, the owner shall be liable for interest upon all unpaid balances at the rates set forth in Section 603.

Section 804. In all cases where the TCC, SEC, CRC and/or BCC have become delinquent and the District elects to file a statement or notice thereof in the Office of Recorder of Deeds as hereinabove set forth, there shall be added in addition to the amount due the District such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the District as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Director or a duly appointed employee of the District shall be authorized and directed to include such additional costs in the amount claimed due the District in the notice of lien.

Section 805. The District reserves the right to revoke discharge permits and disconnect service to any wastewater source whenever TCC, SEC, CRC and/or BCC bills become delinquent.

Section 806. All amounts charged under this Article are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the District is paid in full for all amounts due it.

Section 807. The Director is, hereby, authorized to sign and file, for and on behalf of the District, all liens and release of liens as may be required in accordance with the provisions of this article.

ARTICLE IX

ORDINANCES REPEALED

Section 901. Ordinance No. 540 as amended is hereby repealed in its entirety; said repeal shall not affect the validity or enforceability of capital investment charges, sewage connection charges, and causes of action accrued pursuant to said Ordinance No. 540.

ARTICLE X

VALIDITY

Section 1001. The invalidity of any section, clause, sentence, provision or part of this ordinance shall not affect the validity of any section, sentence, clause, provision, or part of this ordinance which can be given effect without such involved section, clause, sentence, provision or part.

ARTICLE XI

EFFECTIVE DATE

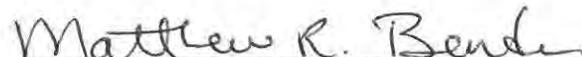
Section 1101. The dates for commencement of the charges stated in this Ordinance are stated in Exhibit A. This Ordinance shall take effect from and after its passage, approval, recording and due publication as required by law.



ATTEST:

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

BY   
Michael F. Menke, President

  
Matthew R. Bender, Assistant Clerk

Passed: February 20, 2018  
Approved: February 20, 2018  
Recorded: February 20, 2018  
Published: February 23, 2018

EXHIBIT A

	Treatment Capacity Charge "T" (\$/Acre)	Sewer Extension Charge "S" (\$/Acre)	Capital Recovery Charge "C" (\$/Acre)	Building Connection Charge "B" (\$/PE)	Effective Dates
Growth Cells 2A & 3 Service Area	2,000	5,770	0	150	March 1, 2018
I-74 at IL Route 6 Service Area	2,000	4,900	0	150	March 1, 2018
Special Assessment Districts	2,000	0	0	0	March 1, 2018
Charter Oak Phase III Service Area	2,000	2,552	0	150	March 1, 2018
West Half Sec. 35, Radnor Twp	2,000	5,770	2,500	150	March 1, 2018
All other areas.	2,000	5,000	0	150	March 1, 2018

Growth Cells 2A and 3 service area is defined as all areas served by the District's Trigger Road Pump Station as shown on the District's records of the sewerage collection system.

I-74 at IL Route 6 Service Area is defined as the sewer service area served by any portion of the Vinton Highlands Trunk Sewer, which is the sewer segment between Manholes K13D 1+46.8 and K26D 6+73.02 as shown on the District's records of the sewerage collection system.

Charter Oak #3 Service Area is defined as the sewer service area served by any portion of the Charter Oak Phase #3 Trunk Sewer, which is the sewer segment between Manholes K10D 2+67.2 and K15C 3+07 as shown on the District's records of the sewerage collection system.

ORDINANCE NO. 637

OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

ORDINANCE PROVIDING FOR AMENDED AND RESTATED BYLAWS, RULES AND REGULATIONS, RULES OF ORDER, AND REPEALING CERTAIN ORDINANCES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, LOCATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, LOCATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS:

ARTICLE I  
AUTHORITY

Section 101. That, pursuant to authority set forth in Sections 301 and 303 of an Act to Create Sanitary Districts to Provide for Sewage Disposal (70 ILCS 2405/0.1 et seq.), approved June 22, 1917, the following Amended and Restated By-Laws, Rules and Regulations and Rules of Order be and the same are hereby approved and adopted, amending and restating any prior versions of same, to wit:

ARTICLE II  
MEETINGS

Section 201. That the meetings of the Board of Trustees of the District shall be open to the public, except as provided by law.

Section 202. Regular meetings of the Board of Trustees shall be held at the office of the District, 2322 South Darst Street, Peoria, Illinois, on the third Tuesday of each month at 9:30 A.M. Regular meetings of the Board of Trustees may be rescheduled on the request of three Trustees.

Section 203. Special meetings of the Board shall be called by the Clerk on the written request of three Trustees or of the President. It shall be the duty of the Clerk to mail or electronically mail to each Trustee, at the last address recorded with the Clerk, written notices of the time and place of each special meeting at least twenty-four hours in advance thereof. The call for each special meeting shall state the purposes thereof. At every special meeting the call for the same shall be read and afterwards filed with the Clerk, and no business other than that proposed by the call shall be in order at such meeting. General business may be transacted at any special meeting called for the purpose of considering general business, provided the call for the meeting was mailed or electronically mailed not less than forty-eight hours in advance thereof, but at any special meeting of the Board of Trustees, where all the members are present, any business that the Board desires to take up may be considered with the unanimous consent of all members of the Board present.

Section 204. The regular May meeting of the Board of Trustees of the District shall be considered to be the annual meeting.

Section 205. Each member of the public, before addressing the Board, shall be recognized by the President. Each member of the public addressing the Board shall be limited to five (5) minutes, unless authorized to speak longer by the President or a vote of a majority of the Trustees then voting, or if more than three (3) people desire to speak on the same topic, the time for speaking shall be limited to three (3) minutes. The President shall have the discretion to recognize the person who has requested an opportunity to speak at the meeting. Once recognized, the member of the public addressing the Board must restrict their remarks to District issues. The President shall have the discretion to recognize a member of the public to speak at the time the matter to be addressed by the member of the public is under consideration and debate by the Board. The President also has the discretion to ask any member of the public to leave the meeting in the event the President determines that the member of the public is disruptive to the meeting.

### ARTICLE III BOARD OF TRUSTEES

Section 301. The officers of the Board shall be a President, Vice-President, Clerk, Assistant Clerk, and Treasurer.

Section 302. The President shall be a member of the Board and shall be the presiding officer at all meetings of the Board, shall sign all ordinances, bonds, contracts, and other documentary papers of every kind, for and on behalf of the Board. He shall do and perform all duties that are customary and usual for Presidents of like organizations to do, and any other duties as may be imposed upon him by law or by the direction of the Board from time to time.

Section 303. The Vice President shall be a member of the Board and shall do and perform, in the absence or disability of the President, or in case there is a vacancy in the office of President, all duties hereby imposed upon the President.

Section 304. The Clerk shall be a member of the Board, and shall be the principal officer in charge of all the papers, books, records and accounts of the District. He shall attend all meetings of the Board and shall keep its records and corporate seal, and shall affix the seal to all papers which require it. He shall, in general, do and perform all duties usually performed by similar officers of like organizations, and any other duties as may be imposed upon him by law or by the direction of the Board.

Section 305. The Assistant Clerk shall be a member of the Board, and shall do and perform, in the absence or disability of the Clerk, or in case there is a vacancy in the office of the Clerk, all duties hereby imposed upon the Clerk.

Section 306. The Treasurer shall be a member of the Board, and shall receive all moneys of the District, and shall make all payments of principal and interest on bonds issued by the District when due. He shall pay into the treasury of and account to the District for all sums received as interest of any deposit of funds of the District. He shall report to the Board at the first meeting of the Board in

each month a detailed account showing all receipts and disbursements for the preceding month. He shall make other reports as required by the Board, and act as financial officer of the Board of Trustees. He shall do and perform any other duties as may be required by the Board.

Section 307. The President, Vice President, Clerk, Assistant Clerk and Treasurer of the Board shall be elected by the Board at its first meeting in May of each year.

Section 308. The salary of the members of the Board of Trustees shall be determined by a resolution of the Board.

#### ARTICLE IV OFFICERS OF DISTRICT

Section 401. The Board shall have the right, if deemed necessary and expedient, to appoint an Assistant Treasurer, an Attorney, Executive Director and Deputy Director, or anyone or more of them as officers of the District. These officers shall hold their respective offices during the pleasure of the Board and shall have charge of their respective departments under the direction of the Board.

Section 402. A Board of Local Improvements may also be appointed which shall consist of five members, all of whom shall be Trustees. These members shall serve during the pleasure of the Board.

Section 403. The Treasurer shall give the bond as may be required by the Board, with sureties to be approved by the Board.

Section 404. All checks and vouchers shall be signed by any two members of the Board of Trustees of the District, unless officers of the District, or any others as may be designated, are authorized to sign checks and vouchers by a resolution of the Board.

Section 405. The officers of the District shall have charge of all District activities under and by the direction of the Board of Trustees, shall hold office at the pleasure of the Board, and shall receive compensation for services as the Board of Trustees may from time to time determine.

Section 406. The Board of Trustees may retain and employ a Consulting Engineer or Engineers, and all other consultants which it may deem advisable and expedient, and they shall retain their employment at the will of the Board, and shall receive compensation for their services as the Board may from time to time determine.

Section 407. The Attorney appointed by the Board shall advise the Trustees and staff regarding legal matters and shall devote time to the duties of his or her office as may be necessary. He or she shall attend or be represented at all meetings of the Board. He or she shall draft and/or review drafts of various documents associated with the District's operations; supervise all litigation involving the District; represent the District in matters involving the District; and supervise ordinance enforcement proceedings. The Board may employ and retain a Consulting Attorney or Attorneys, and the Attorney or Consulting Attorney shall retain employment at the will of the

Board, and shall receive compensation for their services as the Board may from time to time determine.

Section 408. The Executive Director appointed by the Board shall have administrative charge of all operating departments in accordance with all rules, regulations, policies and ordinances as may be adopted by the Board of Trustees. The Executive Director shall, with the advice and consent of the Board, appoint department heads. The Executive Director shall appoint all other employees. All employees shall discharge their duties and responsibilities under the direction of the Executive Director.

Section 409. The Assistant Treasurer appointed by the Board shall do and perform, in the absence or disability of the Treasurer, or in case there is a vacancy in the office of the Treasurer, all duties hereby imposed upon the Treasurer.

## ARTICLE V RULES AND REGULATIONS

Section 501. The fiscal year of the District shall be from May 1st through and including April 30th of the subsequent year.

Section 502. No vouchers or checks shall be issued for payment of any obligation of the District until same has been approved by the Board of Trustees at any special or regular meeting unless payment of vouchers and checks has been authorized by others by a resolution of the Board.

Section 503. All contracts, writing, obligations, papers, documents, evidences of indebtedness and any other written instruments provided to be made and entered into by and on behalf of The Greater Peoria Sanitary and Sewage Disposal District under any resolution, order or ordinance of the Board may be signed by either (1) the President and attested by the Clerk of the District or (2) the Executive Director after approval by the Board. In the event of the absence or disability of the President, the instruments to be signed by him, shall be signed by the Vice President of the Board, and in the event of the absence or disability of the Clerk, the instruments herein to be signed by him shall be signed by the Assistant Clerk of the Board.

Section 504. Three members of the Board, all of whom must be physically present, shall constitute a quorum thereof.

Section 505. If a quorum of the Board is physically present as required by Section 504, a majority of the Board may allow a member to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the District; or (iii) a family or other emergency. "Other means" is by video or audio conference. If a member wishes to attend a meeting by other means, the member must notify the Clerk or Executive Director before the meeting unless advance notice is impractical. After calling the meeting to order and roll call, the President may ask for a motion and second to allow the member not physically present, to join the meeting. Upon the motion carrying by at least three affirmative votes, the member may join the meeting and participate as if physically present.

Section 506. Vacancies in any office which the Board has authority to fill from any cause may be filled by the Trustees at any regular or special meeting.

Section 507. When a quorum is present, the Board shall proceed to the business before it, as stated in the agenda.

Section 508. The proceedings of the Board, except as otherwise provided herein, shall be governed by Robert's Rules of Order.

Section 509. All amendments and changes of these rules and regulations must be made by ordinance, except that the annual and regular meetings of the Board may be changed by resolution of the Board.

## ARTICLE VI REQUESTS FOR RECORDS AND INFORMATION

Section 601. The provisions of this ARTICLE shall govern all matters relating to requests for public documents pursuant to the Freedom of Information Act as adopted by the Illinois General Assembly, effective July 1, 1984 or any amendments, thereto.

Section 602. For the purpose of this ARTICLE, the Executive Director, or his or her designee, shall be considered the "Head of the Public Body" as defined in Section 2(e) of the Freedom of Information Act. Additionally, the Executive Director, or his or her designee, is authorized to issue and sign any certificates as may be required attesting to the authenticity of any records being furnished.

Section 603. All requests for public records shall be in writing directed to the attention of the Director of Administration or the Executive Director on forms supplied by the District for that purpose, and shall be mailed or delivered to the District's office, 2322 South Darst Street, Peoria, Illinois.

Section 604. Notices indicating the need for additional time, and notices indicating approval of document requests in whole or in part shall be signed and mailed by the Executive Director, or his or her designee,.

Section 605. Notices indicating denial of document requests, in whole or in part, shall be signed and mailed by the Executive Director, or his or her designee, upon consultation with the other persons as may be appropriate.

Section 606. After approval of a document request, the documents shall be made available for inspection and copying at the District office on regular business days and during regular business hours, or at any other times or places as the Executive Director, or his or her designee, and the person requesting the documents may agree.

Section 607. Unless the fee is waived by the Executive Director, or his or her designee, for reasons

set forth in the Freedom of Information Act, the fee for copies shall be in accordance with state law.

## ARTICLE VII CONFLICTS OF INTEREST

Section 701. When a member of the Board must take official action on any matter as to which he or she has a conflict situation created by a personal, family, or client interest, he or she should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he or she should consider the possibility of abstaining from such official action. In making his or her decision as to abstention, the following factors shall be considered: (i) whether a substantial threat to his or her independence of judgment has been created by the conflict situation; (ii) the effect of his or her participation on public confidence in the integrity of the Board; (iii) whether his or her participation is likely to have any significant effect on the disposition of the matter; and (iv) the need for his or her particular contribution, such as special knowledge of the subject matter, to the effective functioning of the Board.

Section 702. He or she need not abstain if he or she decides to participate in a manner contrary to the economic interest which creates the conflict situation. If he or she does abstain, he or she should disclose that fact to the remainder of the Board.

Section 703. The provisions of this Article shall be in addition to those provisions in Ordinance No. 523 entitled "Ordinance Implementing the Provisions of the State Officials and Employees Ethics Act" 5 ILCS 430/1-1, *et. seq.*

## ARTICLE VIII INDEMNIFICATION

Section 801. "Official" means any former or present Trustee or officer of the District.

Section 802. "Employee" means any person, formerly or presently employed by the District.

Section 803. That in consideration for the performance by each Official and Employee of the District of their duties as required by their respective relationship with the District, the District agrees to defend, indemnify and hold harmless, in whole or in part, the Officials and Employees of the District from costs and expenses, including court costs, investigation costs, actuarial studies, attorneys' fees and actual (but not punitive) damages, arising out of any civil proceedings (including but not limited to proceedings alleging antitrust violations or the deprivation of civil or constitutional rights), claims, demands or judgments instituted, made or entered against the Official or Employee by reason of its, his or her wrongful or negligent statements, acts or omissions, or the performance of their official duties, provided that the statements, acts or omissions: (i) occur while the Official or Employee is acting in the discharge of its, his or her duties and within the scope of employment; (ii) do not constitute willful and wanton misconduct; and (iii) does not result in him or her being convicted of a crime. Nothing in this Section shall prevent the District from providing a defense to a claim against an employee in which both compensatory and

punitive damages are sought, provided that the other requirements of this Section are met.

Section 804. In the event that an Official or Employee, who has acted in good faith in the discharge of its, his or her official duties or in the course of its, his or her employment, becomes involved in any investigation which can lead to a criminal prosecution where the subject matter of the investigation concerns District matters, the District shall indemnify the Official or Employee for any reasonable costs incurred, including reasonable attorneys' fees, in connection with the investigation or proceedings.

Section 805. Whenever a claim, action, investigation, or proceeding, as described in this Article arises out of conduct which results in an Official or Employee being convicted of a crime, the Official or Employee shall not be entitled to indemnity.

Section 806. That the above agreement of the District to indemnify its Officers and Employees is contingent upon the following terms or conditions:

- 806.1 That the action of an Officer or Employee giving rise to the possible loss or liability was not meant to willfully or intentionally harm another;
- 806.2 That the Officer or Employee notify the Executive Director (the Executive Director to notify the President of the Board of Trustees if the claim or potential liability involves acts of the Executive Director) of all possible claims and potential liability within 30 days of the former becoming aware of the existence of the claims or potential liability ;
- 806.3 That the Officer or Employee fully assist the District in the investigation and defense of the claims; and,
- 806.4 That the Officer or Employee not settle any claims without the consent of the Board of Trustees.

## ARTICLE IX EQUAL EMPLOYMENT OPPORTUNITY

Section 901. The letter and the spirit applicable under Federal, State, and local laws will be observed in providing equal employment opportunity for all applicants and employees.

Section 902. It has been and will continue to be the policy of The Greater Peoria Sanitary and Sewage Disposal District to promote equal employment opportunities to all employees and applicants for employment without regard to race, creed, color, veteran/handicapped status, marital status, sex, age, religion or natural origin in any personnel activity or action including recruiting, selecting, hiring, placing, formal and informal training (such as on-the-job training, co-op programs, apprenticeships, and management trainee programs), seniority listing, transfer, promotion, layoff, recall, and termination.

Section 903. Similarly, all salaries, wages, insurance programs and social or recreational programs will be administered in conformance with this policy.

Section 904. It is the objective of the Greater Peoria Sanitary District to recruit, hire and promote individuals qualified and/or trainable for positions by virtue of job related standards of education, training, experience and personal qualifications.

ARTICLE X  
VALIDITY

Section 1001. An Ordinance No. 602 entitled "Ordinance Providing for By-Laws, Rules and Regulations, Rules of Order, and Repealing Certain Ordinances of the Greater Peoria Sanitary and Sewage Disposal District, located in the County of Peoria and State of Illinois" passed, signed and recorded July 15, 2014, is hereby repealed and replaced with this Ordinance.

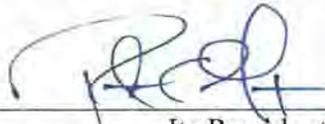
Section 1002. The invalidity of any section, clause, sentence or provision of this Ordinance, shall not affect the validity of any other parts of this Ordinance which may be given effect without such invalid part or parts.

ARTICLE XI  
EFFECTIVE DATE

Section 1100. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law.

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

(Corporate Seal)

By  \_\_\_\_\_  
Its President

ATTEST:

By  \_\_\_\_\_  
Its Clerk

Passed: April 21, 2020  
Signed and Approved: April 21, 2020  
Recorded: April 21, 2020



ORDINANCE NO. 642  
 COMBINED ANNUAL BUDGET AND APPROPRIATION ORDINANCE  
 of  
THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT FOR  
 THE FISCAL YEAR BEGINNING MAY 1, 2021 AND ENDING APRIL 30, 2022

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA  
 SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS:

Section 1. This Budget and Appropriation Ordinance is made in compliance with the provisions of Section 3, of "An Act Providing For and Regulating Methods of Adopting Budgets and Making Appropriations by Certain Tax Levying Bodies of This State", approved July 12, 1937, as amended (50 ILCS 330/3).

Section 2. The following sums of money, or as much thereof as may be authorized by law, or as may be needed or deemed necessary to defray all expenses and liabilities of The Greater Peoria Sanitary and Sewage Disposal District of Peoria County, Illinois, be and the same are hereby appropriated and budgeted for the corporate and specific purpose and obligation of said Sanitary District as hereinafter specified, for the fiscal year commencing on the 1st day of May, A.D. 2021 and ending on the 30th day of April, A.D. 2022.

Estimated Cash on Hand, Beginning of Year	\$ 750,000
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SOURCES OF FUNDS:

Operating Revenue

Charges for Services - User Charges	\$ 11,386,140
Capital Improvement and Replacement Charge	8,971,712
Service and Permits	543,500
Connection Charges	21,500
Other	55,600
Sub-total	\$ 20,978,452

Non-Operating Revenue

Replacement Taxes	\$ 1,100,000
Special Assessment Principal and Interest	28,709
Investment Income	215,400
Real Estate Taxes	-
Sub-total	\$ 1,344,109

Loans/Reserves

Debt Financing	\$ 30,000,000
Investment Reserves and Operations	-
Sub-total	<u>\$ 30,000,000</u>

TOTAL SOURCES OF FUNDS: \$ 52,322,561

USE OF FUNDS:

Operating Expenses

Operations

Salaries and Wages	\$ 2,906,220
Supplies	1,066,500
Services	698,200
Utilities	952,300
Insurance	406,000
Sub-total	<u>\$ 6,029,220</u>

Planning and Construction

Salaries and Wages	\$ 558,240
Supplies	14,000
Services	140,800
Utilities	11,300
Sub-total	<u>\$ 724,340</u>

System Rehabilitation/Maintenance

Salaries and Wages	\$ 58,870
Supplies	6,000
Services	577,500
Sub-total	<u>\$ 642,370</u>

Vehicles and Equipment:

Salaries and Wages	\$ 46,060
Supplies	148,000
Services	100,000
Insurance	39,000
Overhead Recovery	(25,400)
Sub-total	<u>\$ 307,660</u>

Administrative		
Salaries and Wages		\$ 1,559,870
Supplies		233,450
Services		1,335,200
Utilities		35,000
Insurance		1,577,000
Overhead Recovery		(464,270)
Sub-total		<u>\$ 4,276,250</u>
TOTAL OPERATING EXPENSES		\$ 11,979,840
<u>Capital Improvements</u>		
Consent Decree Projects		\$ 3,600,000
Permit Requirements		100,000
Treatment Plant		9,450,000
Collection System		3,955,395
Innovation Projects		250,000
Vehicles/Equipment/Other		1,075,000
For Future Use		17,709,987
Sub-total		<u>\$ 36,140,382</u>
<u>Debt Service</u>		
Revenue Bonds		\$ 600,000
State Revolving Fund Loan		3,602,339
		<u>\$ 4,202,339</u>
TOTAL USES OF FUNDS		<u>\$ 52,322,561</u>
Estimated Cash on Hand, End of Year		<u><u>\$ 750,000</u></u>

Section 3. The foregoing items of appropriation and budget shall constitute the budget of the authority of The Greater Peoria Sanitary and Sewage Disposal District for said fiscal period.

Section 4. That the amounts herein specified shall be deemed to be the limit of the amounts to be expended except by transfer authorized by the Board of Trustees; but any unexpended balance of any item may be expended in making up deficiencies in any item in the same general purpose or in like appropriations made by this Ordinance.

Section 5. The unexpended appropriations and unexpended balance of appropriations for the last preceding fiscal year ending April 30, 2021 are hereby appropriated for the purposes hereinbefore set forth.

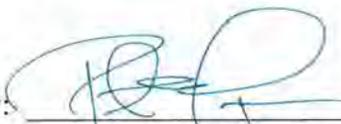
Section 6. The appropriation herein of the amounts to defray the expense of any project or purpose shall not be construed as an approval by this Board of any said bills or contract liabilities of any project or purpose mentioned herein, but shall be regarded only as the provisions of a fund for the payment thereof when such bills or contract liabilities have been found to be valid and legal obligations against The Greater Peoria Sanitary and Sewage Disposal District, and when properly vouchered, audited and approved by this Board of Trustees, or when any project or purpose is approved and authorized by the Board of Trustees of said The Greater Peoria Sanitary and Sewage Disposal District.

Section 7. This Ordinance shall be in full force and effect from and after its passage and due publication as required by law.

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

Corporate Seal



By:   
Robert C. Gates, President

ATTEST:

  
Stephen Morris, Clerk

Passed: April 20, 2021  
Approved: April 20, 2021  
Recorded: April 20, 2021  
Published: April 21, 2021

ORDINANCE NO. 643

AN ORDINANCE AMENDING ORDINANCE NO. 571  
OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

ENTITLED

AN ORDINANCE ADOPTING CHARGES FOR THE DISCHARGE OF DOMESTIC WASTEWATER AND COMMERCIAL AND INDUSTRIAL WASTES TO THE WASTEWATER FACILITIES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING CERTAIN ORDINANCES THEREIN NAMED IN THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT OF PEORIA COUNTY, ILLINOIS:

Section 1. That TABLE A – USER CHARGE RATES of Ordinance No. 571 be deleted and a new TABLE A – USER CHARGE RATES attached to this Ordinance be substituted therefore, and that the new rates are effective May 1, 2021.

Section 2. That this Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law. This amendment shall not affect the validity or enforceability of user and/or other charges and causes of action accrued pursuant to the provisions of Ordinance No. 571 prior to the effective date hereof.

Section 3. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such involved part or parts.



Attest:

Stephen Morris, Clerk

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

By: Robert C. Gates, President

(SEAL)

Passed: April 20, 2021  
Approved: April 20, 2021  
Recorded: April 20, 2021  
Published: April 21, 2021

**The Greater Peoria Sanitary and Sewage Disposal District**  
**Table A - User Charge Rates**  
**Effective May 1, 2021**

Reference Section	Description of Rate	Rate
204	Commercial Domestic Metered/CCF (Disposal Only)	\$ 0.9990
206.2	Residential Domestic Metered/CCF (Disposal Only)	\$ 0.9291
204	Commercial Domestic Metered/CCF (Lateral & Disposal)	\$ 2.2130
206.2	Residential Domestic Metered/CCF (Lateral & Disposal)	\$ 2.0581
204	Domestic Unmetered/Quarter (Disposal Only)	\$ 23.98
204	Domestic Unmetered/Quarter (Lateral & Disposal)	\$ 53.11
205	Transported Waste/1,000 gallons	\$ 211.00
310	Industrial User ( Disposal Only)	
	Quantity of Wastewater/CCF	\$ 0.2249
	Removal of Biochemical Oxygen Demand/lb.	\$ 0.1214
	Removal of Suspended Solids/lb.	\$ 0.3523
	Oxidation of Ammonia Nitrogen/lb.	\$ 0.9315
310	Industrial User ( Lateral & Disposal)/CCF	\$ 1.4382
206.2	Residential Credit for Water not Discharged (Lawn Sprinkling/Watering)	7.00%
502.1	Capital Improvement & Replacement Charge	80.00%
602	Interest rate per annum on Delinquent Accounts	24.00%
602	Minimum Charge per Month	\$ 2.00
1104	Lien Fees*	\$ 136.00
1103	Collection Fees (\$10.00 Collection +\$20.00 Shutoff)	\$ 30.00
1103.1	Returned Funds Fee	\$ 30.00
1224	Water Shut-off Fee	\$ 104.40

\* Current Peoria County Recording and Release Fee

STATE OF ILLINOIS     )  
  )  
COUNTY OF PEORIA     )

I, Stephen Morris, do hereby certify that I am the duly qualified Clerk of The Greater Peoria Sanitary and Sewage Disposal District, Peoria County, Illinois, and as such official, I have charge and custody of the records and minutes of the Board of Trustees meetings of said District.

I further certify that the above Resolution is true, correct and exact copy of an ordinance duly adopted by the Board of Trustees of said District at the meeting held on April 20, 2021, by the unanimous vote of all the Trustees of the said District as the same appears in the official records of said Board now in my charge and custody.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the corporate seal of said District this 20th day of April 2021.

  
\_\_\_\_\_  
Clerk

## **APPENDIX F**

### **City of Peoria Sewer Code**

## ARTICLE II. - SEWERS AND SEWAGE DISPOSAL

## FOOTNOTE(S):

(99) **Cross reference**— Pollution control facilities and economic development projects, § 10-226 et seq.

## DIVISION 1. - GENERALLY

## Sec. 31-26. - Title.

This article shall be known and may be cited as the "Sewers and Drains Code of the City of Peoria."

(Code 1957, § 34-1)

## Sec. 31-27. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Biochemical oxygen demand (B.O.D.)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter by weight.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Director* means the director of public works of the city or his authorized agent or representative.

*District* means the Greater Peoria Sanitary and Sewage Disposal District acting by its duly constituted board of trustees or other duly authorized representative or representatives.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial wastes* means the liquid wastes from industrial processes as distinct from sanitary sewage.

*Isolated sewage system* means a system for the collection and treatment of sewage which serves more than 15 persons.

*Multiple dwelling unit* means any single structure designed for occupancy by more than a single family.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Population equivalent* means 0.17 pound of five-day biochemical oxygen demand as determined by the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

*Private sewage system* means a system for the collection of and treatment of sewage which serves less than 15 persons, which is not served by a governmental agency.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Residence* means a single-family dwelling or one dwelling unit.

*Sanitary sewer* means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

*Sewer* means a pipe or conduit for carrying sewage.

*Shredded garbage* means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

*Storm sewer* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Suspended solids* means solids that either float on the surface of, or are in suspension in water, sewage or other liquids which are removable by laboratory filtering.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1957, § 34-2)

**Cross reference—** Definitions and rules of construction generally, § 1-2.

#### Sec. 31-28. - Emergency repairs.

The owner of any dwelling wherein the sewer or drainage system is damaged, decayed or in a state of disrepair to such extent as to create a clear and present danger of injury or damage to adjacent property, or to any person who might be in or about the premises, may be ordered to repair the sewer or drain, as the case may be, within 24 hours after due notice is served upon the owner or occupant of the premises, in person or by certified mail, return receipt requested. If the danger persists and the owner has not repaired the defect at the expiration of 24 hours, the director is hereby authorized, with approval of the city

manager, to repair the sewer or drain, as the case may be, forthwith, at the expense of the city and recoverable by civil action against the owner, his successors and assigns. Repairs made pursuant to this section, upon filing a notice of lien with the recorder of deeds of the county, shall constitute a lien in favor of the city against the premises on which the repairs were made.

*(Code 1957, § 34-12)*

Sec. 31-29. - Responsibilities and powers of director.

The director shall be responsible for enforcing the provisions of this article. He is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this article for effective enforcement, provided that such rules and regulations shall not be valid until they have been filed in the office of the city clerk for not less than ten days before their respective effective dates.

*(Code 1957, § 34-13)*

Sec. 31-30. - Establishment of sewer districts.

The city council may establish by ordinance sewer districts in specific geographic locations, within or without the boundaries of the city, which may contain direct or indirect connections with the sewage systems of the city, and which may contain sewage systems and sewage treatment plants operated and maintained either by the city or by the Greater Peoria Sanitary District in accordance with the terms of an agreement or agreements between the city and the Greater Peoria Sanitary District.

*(Code 1957, § 34-16)*

Sec. 31-31. - Access to records.

The Illinois EPA and the United States EPA or their authorized representatives shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges for the purpose of making audits, examinations, excerpts and transcriptions thereof to ensure compliance with the terms of special and general conditions of any state grant, agreement and rules of any state loan or regulations and conditions of any federal grant.

*(Code 1957, § 34-26)*

Sec. 31-32. - Private means of disposal.

No person shall use septic tanks or other private means of sewage disposal where a public sewer is reasonably available. If a person has made use of a septic tank or other private means of sewage disposal prior to a public sewer being available to that person, not later than one year after a public sewer becomes reasonably available to him, he shall discontinue use of whatever private means of disposal he has and shall connect on to the public sewer.

*(Code 1957, § 34-5.1)*

Sec. 31-33. - Discharge of sewage into stormwater sewers.

No person shall discharge or cause to be discharged any sewage or industrial wastewater into any connection with any sewer or drain designated by the director, for the exclusive conveyance of stormwater.

*(Code 1957, § 34-6)*

Sec. 31-34. - Discharge of steam into sewers.

No person shall discharge steam into any sewer or drain.

*(Code 1957, § 34-9)*

Sec. 31-35. - Obstructions and deleterious substances.

No person shall stop or obstruct the free flow and passage of water in any street, gutter, public sewer, culvert, natural drainageway, water pipe or hydrant; nor shall any person introduce into any sewer or drainage system any substance which will cause substantial deterioration of the system.

*(Code 1957, § 34-10)*

Secs. 31-36—31-50. - Reserved.

DIVISION 2. - CONNECTIONS

FOOTNOTE(S):

<sup>(100)</sup> **Cross reference**— Licenses and miscellaneous business regulations, ch. 18.

Sec. 31-51. - License, bond and fee for connections.

Any person who makes connections with any city sewer as a regular and routine part of his business shall obtain a license from the city comptroller, prior to making any connection with any city sewer. The fee for such license shall be \$50.00 per calendar year. Each licensee shall give to the city a bond in the amount of \$10,000.00 guaranteed by a corporate surety for the faithful and workmanlike performance and compliance under this article.

*(Code 1957, § 34-3)*

Sec. 31-52. - Permit, bond and fee for connection.

(a) No connection shall be made with any sewer or drain in any public street, avenue, alley or other

public place in the city without a written permit issued by the director.

- (b) The director shall prescribe, as a condition to issuance of any permit, the point in such sewer where such lateral connection shall be made; the form, size and material to be used in making such connection; how the connection shall be connected at each end of such lateral; the time of the day when the street or public thoroughfare may be dug up for such purpose and the property for which such connection is made and the procedures for notice by the permittee for inspection by the director. Each permittee shall give to the city a bond in the amount of \$1,000.00 guaranteed by a corporate surety for the faithful and workmanlike performance and compliance under this article.

*(Code 1957, § 34-4)*

Sec. 31-53. - Permit classes and fees.

There shall be two classes of sewer permits: class 1 (residential service) and class 2 (service other than residential). In any case, the owner or his agent shall make application on a form furnished by the director. The permit application shall be supplemented by any plans, specifications or other information required by the director and necessary for the proper enforcement of this division. A permit fee shall be paid by each permittee as follows:

*Fee*

- (1) Class 1, single-family residences .....\$ 25.00
- (2) Class 2, buildings other than single-family residences based on floor area as follows:
  - a. Up to but less than 1,000 square feet .....50.00
    - 1,000 square feet or more but less than 5,000 square feet .....100.00
  - b. 5,000 square feet or more but less than 10,000 square feet .....150.00
  - c. 10,000 square feet or more but less than 50,000 square feet .....200.00
  - d. 50,000 square feet or more .....300.00

*(Code 1957, § 34-4.1)*

Sec. 31-54. - District permit required.

No person shall construct for connection, or connect any sewer, directly or indirectly, to a sewer of the Greater Peoria Sanitary and Sewage Disposal District, unless a permit has previously been obtained for such construction or such connection from the district. The director shall not issue any permit required under this division until he has evidence that the applicant has received, or will receive, a permit from the district.

*(Code 1957, § 34-5)*

Sec. 31-55. - Multiple connections.

No person shall connect two buildings to any one sewer going to the main sewer without prior written consent of the director.

*(Code 1957, § 34-7)*

Sec. 31-56. - Downspout connections.

No person shall connect any downspout, footing tile, septic tank, or cesspool to the building sewer, nor shall any other source of storm or groundwater be permitted into the sanitary sewers. Storm water drains should be connected to a storm sewer if one is reasonably available, or designated to drain onto the surface of the property or the street.

Building sewers subject to flooding or ponding conditions shall be provided with drain plugs or valves to protect the sanitary sewers and property owner's building during heavy rain or high water periods. Exposed drain lines shall be protected from freezing as directed by the director.

*(Code 1957, § 34-8; Ord. No. 14437, § 1, 1-20-98)*

Sec. 31-57. - Disconnection of inflow sources.

The owner of any property which has existing downspouts, footings, sump pump discharges or other storm water sources connected to a combined sewer shall disconnect such connections and reconnect them to a storm sewer within one year after a public storm sewer becomes reasonably available. Such disconnection and reconnection shall require a permit, as provided under section 31-52, except that the permit fee will be waived.

*(Ord. No. 14437, § 1, 1-20-98)*

Sec. 31-58. - Separate building sewers required.

No person shall connect a new building sewer which contains combined sources of sanitary sewage and storm water or ground water without prior written consent of the director. A separate sanitary building sewer which conveys only sanitary sewage shall be connected to the appropriate sanitary or combined sewer as provided in the permit for such connection issued under section 31-52.

*(Ord. No. 14437, § 1, 1-20-98)*

Secs. 31-59—31-75. - Reserved.

DIVISION 3. - RATES AND CHARGES

## FOOTNOTE(S):

<sup>(101)</sup> **Cross reference**— Licenses and miscellaneous business regulations, ch. 18.

Sec. 31-76. - Nonresident sewer rental charges.

The owners or occupants of any premises outside the corporate limits of the city which are now connected, or which may be connected with the sewers of the city, shall pay as sewer rental the following charges:

- (1) One-family dwellings, \$50.00 per annum and for each plumbing fixture in excess of six, \$10.00 per fixture per annum.
- (2) Multiple-family dwellings, \$100.00 per annum and for each plumbing fixture in excess of 11, \$10.00 per fixture per annum.

*(Code 1957, § 34-11)*

Sec. 31-77. - Established by city council.

The city council shall establish rates or charges for the use and service of the sewerage system within the sewer districts in such manner and amounts as may be prescribed.

*(Code 1957, § 34-17)*

Sec. 31-78. - Hearings.

- (a) The city council shall schedule a public hearing prior to the establishment of or increase in the rates to be charged for the use of the sewerage system in the sewer district. Notice of the proposed rates and time and place of the public hearing; shall be sent by mail not less than ten days prior to the hearing to each person who is to be charged for the use of the sewerage system and shall be published once in a newspaper of general circulation not less than ten days prior to the hearing; provided that if the number of people to be charged for the use of the sewerage system is greater than 500, the only notice of the public hearing required shall be publication at least three times in a newspaper of general circulation, with final publication not less than ten days prior to the hearing.
- (b) Decreases in the rates may be adopted by resolution without need for a hearing or publication.

*(Code 1957, § 34-18)*

Sec. 31-79. - Liability for payment.

All owners and occupants of any premises containing any building, structure or other improvement having a building drain which is connected to the sewerage system in the sewer district shall be jointly and severally liable for payment of the sewerage system charges.

*(Code 1957, § 34-19)*

Sec. 31-80. - Billing.

Charges for the sewerage service shall be made each quarter of the calendar year. All bills are to be rendered as of the first day of the month following the quarter for which charges are made and shall be due and payable on the date of rendition thereof. Bills are to be paid in person or by mail to the treasurer of the city. The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.

*(Code 1957, § 34-20)*

Sec. 31-81. - Delinquent charges.

- (a) If the charges for sewerage services are not paid within 30 days after the date they become due and payable, such charges shall be deemed, and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute a lien upon the real estate for which service is supplied and may be perfected and enforced against such owner and occupant and against subsequent purchasers, lienholders, mortgagees and other transferees of such property.
- (b) The city clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the recorder of deeds of the county, and the filing of such statements shall be deemed notice of lien of such charges for such service. The statements shall contain a description thereof; the amount of money due for the sewerage service; and the date when such amount became delinquent.
- (c) The remedy by enforcement of lien claims for unpaid sewerage service charges shall not be exclusive for any other legal remedy to collect the amounts delinquent.

*(Code 1957, § 34-21)*

Sec. 31-82. - Late fees.

Should any charges for sewerage services become delinquent as defined by section 31-81, a late fee shall be added thereto and collected at the rate of one percent per month or portion thereof from the date of delinquency plus a processing fee of \$0.85.

*(Code 1957, § 34-21.1)*

Sec. 31-83. - Discontinuance of service.

All sewerage service may, at the option of the city, be discontinued without further notice if the rates or charges for such service are not paid within 60 days after they become due and payable. The service shall remain discontinued until payment has been made in full of all amounts due, plus interest. Interest shall accrue on the unpaid charges at the rate of one percent per month from the due date thereof until paid in full. In addition, the sewerage service shall not be reinstated until payment of the cost of reconnection is made.

*(Code 1957, § 34-22)*

Sec. 31-84. - Single-family dwellings.

For single-family dwellings, the rates and charges established by the city council shall be collected from the owners, occupants or the users of the premises of the single-family dwelling within each district.

*(Code 1957, § 34-23)*

Sec. 31-85. - Multiple dwelling units.

For multiple dwelling units or residences, the rates and charges established by the city council shall be collected from the owners of the multiple dwelling units or residences who shall be responsible for the payment of the use of the sewerage system within the sewer district.

*(Code 1957, § 34-24)*

Sec. 31-86. - Condominiums.

If individual dwelling units within a condominium complex do not have individual water meters, the rates and charges established by the city council shall be collected from the condominium owners association. If individual dwelling units within a condominium complex have individual water meters, the rates and charges established by the city council shall be collected from the owner or occupant of each unit. The condominium owners association shall be responsible for any sewerage charge related to any common area of the condominium complex.

*(Code 1957, § 34-25)*

Secs. 31-87—31-105. - Reserved.