

Chapter 23

WATER AND SEWERS

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ARTICLE I. IN GENERAL

Sec. 23-1. Position of Superintendent of Water and Sewers created; appointment.

There is hereby created the position of Superintendent of Water and Sewers, who shall be appointed by the President with the advice and consent of the Village Board of Trustees.

Sec. 23-2. Mandatory use of Village water and sewer service for new construction.

All new single-family dwelling units within the Village must use the Village water and sewer system if such service mains are already in the street fronting the property or are located not more than four hundred (400) feet from the lot boundary. If only water or sewer mains are so located, then that service must be used. All uses other than single-family dwelling units must use both Village water and sewer service. When making new water and/or sewer service connections to serve a property, the public water main and/or public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future connection of additional properties to the public water and sewer systems as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner's expense inclusive of construction, engineering and permitting costs. (Ord. No. 09-18, Sec. 1, 7-15-09)

Sec. 23-3. Application for water and sewer service; conditions of service.

Application to have water turned on shall be made to the Village Clerk. The applicant must abide by and accept all of the provisions of this Chapter and other Village Ordinances relating to the water and sewer system as a condition governing the use of the system, or either part thereof, by the

applicant or his assigns. Failure to so abide is sufficient reason for the Village to terminate water and/or sewer service.

Sec. 23-4. General powers and duties of the Superintendent of Water and Sewers.

- (a) *Waterworks.* The Superintendent of Water and Sewers shall have charge of the operation and maintenance of the municipal water pumping, treatment and distribution system.
- (b) *Sewers.* The Superintendent of Water and Sewers shall have charge of the operation and maintenance of all public sewers in the Village and the wastewater treatment plant.
- (c) *Other Duties.* The Superintendent of Water and Sewers shall have such other duties and responsibilities as may be provided for in Chapter 23, Water and Sewers, of this Code, and such other duties as may be assigned by the Village President or Board of Trustees.

Sec. 23-5. Conflicting laws repealed.

Any and all Ordinances and Codes which conflict with the provisions of this Chapter shall be and hereby are repealed to the extent of such conflict.

Any and all Federal, State and local statutes, codes, rules and regulations and any and all handbooks, manuals, etc. that are referenced herein include any and all subsequent laws, codes, rules, regulations, revisions and editions that are amendatory and supplemental thereto.

Sec. 23-6. Lake Barrington Business and Industrial Park Sanitary Sewer System.

The Lake Barrington Business and Industrial Park Sanitary Sewer System ("LBBIP Sanitary Sewer System") shall be governed by the provisions of this Chapter and the Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington. In case of conflict the terms of the Intergovernmental Agreement shall prevail.

Sec. 23-7. Definitions.

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

- (1) *A:* As in cyanide-A, means amenable to alkaline chlorination.
- (2) *Ammonia-Nitrogen:* The summed weight of nitrogen in both the ionized (ammonium, NH₄⁺) and molecular (NH₃) forms of dissolved ammonia (NH₄ – N plus NH₃ – N). Ammonia values are reported as N (the hydrogen being ignored in analyses). (Ord. No. 08-11, Sec. 1, 6-19-08)

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- (3) *Approved:* Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation or their equivalent.
- (4) *Authorized representative of industrial user* is a:
 - (a) Principal executive officer of at least the level of vice president, if the industrial user is a corporation;
 - (b) General partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
 - (c) Duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to the Village by a person described above.
- (5) *Auxiliary water system:* Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the Village does not have control.
- (6) *Backflow:* The flow of water or other liquids, mixtures, or substances into the distribution pipes of the public water supply system or other potable water system from any source other than the intended source of the potable water supply.
- (7) *Backflow prevention device:* Any device, method, or type of construction intended to prevent backflow into a potable water system.
- (8) *Baseline monitoring report:* The report required by 40 CFR Section 403.12(b)(1--7).
- (9) *BOD:* Biochemical oxygen demand which is defined as the quantity of oxygen used in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Centigrade, determined by standard laboratory test procedures and expressed in mg/l.
- (10) *Building drain:* That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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- (11) *Building sewer*: The extension from the building drain to the public sewer or other place of disposal.
- (12) *Chemical oxygen demand (COD)*: The quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures, as described in standard methods.
- (13) *Combined waste stream formula*: The formula as found in 40 CFR Section 403.6(e).
- (14) *Commercial establishment*: A building or building complex which contains stores, offices, or businesses engaged in trade, sales, and services.
- (15) *Compatible pollutant*: The biochemical oxygen demand, chemical oxygen demand, suspended solids, fecal coliform bacteria and fats, oil or grease.
- (16) *Composite sample*: A sample of wastewater based on a flow proportional or time proportional method.
- (17) *Consistent POTW treatment works removal, pollutant removal or removal*: The reduction in the amount of a pollutant or alteration of the nature or concentration of a pollutant in the influent of the POTW to a less incompatible or concentrated state in the effluent. Consistent POTW removal efficiency shall be the difference between the average concentration of the pollutant in the influent of the treatment plant and the average concentration of the pollutant in the effluent of the treatment plant divided by the average concentration of pollutant in the influent.
- (18) *Consumer or Customer*: The owner, official custodian or person in control of any premises supplied by or in any manner connected to the public water supply system.
- (19) *Consumer's water system*: Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.
- (20) *Contaminant*: Any solid, liquid, or gaseous matter, any odor or any form of energy which, when present in the public water supply system, may cause the water to degrade so that the applicable water quality standards are not met or physical illness or injury to persons consuming the water could result.
- (21) *Contamination*: An impairment of the quality of water by entrance of any substance to a degree which could create a health hazard.
- (22) *Control manhole*: A structure specifically designed and constructed for sampling and metering industrial wastes discharged to a public sewer.

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- (23) *Cooling water*: The water discharged from any use, such as air-conditioning, cooling or refrigeration, to which the only pollutant added is heat.
- (24) *Cross-connection control device inspector or CCCDI*: A person who has successfully completed IEPA sponsored training and certification to install and test backflow devices.
- (25) *Director*: The director of the IEPA.
- (26) *Double check valve assembly*: An assembly composed of single, independently acting check valves approved under or meeting the requirements of ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- (27) *Easement*: An acquired legal right for the specific use of land owned by others.
- (28) *Existing source*: Any building, structure, facility or installation from which there is or may be a discharge which is not a new source.
- (29) *Fats, oil or grease*: Any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is analyzed in compliance with an USEPA recognized analytical method. (Ord. No. 08-11, Sec. 1, 6-19-08)
- (30) *Fecal coliform*: Any number of organisms common to the intestinal tract of man and animals whose presence in water is an indicator of pollution.
- (31) *Federal Act or Act*: The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Public Law 92-500 and Public Law 93-243) and the Clean Water Act of 1977 (Public Law 95-217).
- (32) *Fixed proper air gap or air gap*: The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle. Flexible couplings or spring hoses do not constitute an air gap.
- (33) *Flow*: The volume of wastewater per unit of time.
- (34) *Garbage*: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (35) *Grab sample*: 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.
- (36) *Health hazard*: Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and wellbeing of consumers. The word "severe"

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as used to qualify "health hazard" means a hazard to the health of the user that can be expected to result in death or significant injury, illness or physical impairment.

- (37) *IEPA*: Illinois Environmental Protection Agency.
- (38) *Incompatible pollutant*: All pollutants other than compatible pollutants, as defined in this section.
- (39) *Indirect discharge or discharge*: The introduction of pollutants into the POTW from any non-domestic source, regulated under Section 307(b), (c) or (d) of the Federal Act.
- (40) *Industrial establishment*: A building or building complex which houses mechanical, trade and/or manufacturing activities
- (41) *Industrial user*: For the purpose of user charges, industrial users shall include manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills, and characteristically use power-driven machines and material-handling equipment.
- (42) *Industrial waste*: The wastewater discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource other than human wastes, or wastewater from sanitary conveniences.
- (43) *Institutional establishment*: A building or building complex which houses activities for social, health, educational, or religious purposes such as hospitals, sanitariums, correctional facilities, schools, churches, or charitable organizations or agencies.
- (44) *Interference*: An inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance 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 Act (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 and the Toxic Substances Control Act.

An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

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- (a) Discharges a daily pollutant loading in excess of that allowed by a permit for the POTW or by Federal, State or local law;
 - (b) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge;
 - (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the Village's selected method of sludge management.
- (45) *Intergovernmental Agreement:* The Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington authorized to be entered into by Resolution No. 91-17.
- (46) *LBBIP Sanitary Sewer System:* The Lake Barrington Business and Industrial Park Sanitary Sewer System as described in the Intergovernmental Agreement for Wastewater Treatment Services by and between the Village of Fox River Grove and the Village of Lake Barrington.
- (47) *mg/l:* Milligrams per liter.
- (48) *National categorical pretreatment standard:* 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 from time to time by the USEPA in 40 CFR Chapter I, Subchapter N.
- (49) *Natural outlet:* Any outlet into a watercourse, pond, ditch, lake or other body of surface water.
- (50) *New source:* 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 Federal Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section.
- (51) *Non-potable water:* Water not safe for drinking, personal, or culinary use as determined by the applicable State law and regulations.
- (52) *NPDES permit:* Any permit or equivalent document to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
- (53) *Pass through:* The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or

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duration of a violation). An industrial user significantly contributes to such permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;
 - (b) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
 - (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation;
 - (d) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.
- (54) *Permitted wastewater hauler vehicle:* A vehicle used for hauling wastewater, which has been granted a permit under the requirements of this Chapter and has been issued all other permits required under applicable Federal, State and local laws, rules and regulations.
- (55) *Person:* Any and all persons, natural or artificial, including any individual, firm, company, public or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (56) *pH.*- The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in gram molecular weight (moles) per liter.
- (57) *Plumbing:* The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation, lawn sprinkler systems, from the source of a private water supply on the premises or from a main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.
- (58) *Pollutant:* 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

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waste discharged into water or any other material defined as a pollutant or equivalent under any applicable Federal or State law, rule or regulation.

- (59) *Pollution*: The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the potability of the water.
- (60) *Population equivalent*: A term used to evaluate the impact of industrial or other wastes on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.
- (61) *Potable water*: Water which meets the requirements of applicable State law and regulations for drinking, culinary, and domestic purposes.
- (62) *Potential Cross-Connection*: A fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of a water supply line beyond its termination point.
- (63) *POTW*: The publicly owned treatment works of the Village.
- (64) *POTW treatment plant*: That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of the municipal sewage and industrial waste.
- (65) *Pretreatment*: The treatment of wastewater from sources before discharge into the public sewer.
- (66) *Pretreatment requirements*: Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
- (67) *Pretreatment standards*: Any specified pollutant, prohibitive discharge standards, as set forth in Section 300.105 of the Federal Act; specific limitations on discharge, as set forth in Section 300.110 of the Federal Act; the State of Illinois Pretreatment Standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.
- (68) *Process fluids*: Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or a system hazard if introduced into the public or a consumer's potable water system. Process fluids include but are not limited to:
 - (a) polluted or contaminated waters;
 - (b) process waters;

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- (c) used waters originating from the public water system which may have deteriorated in sanitary quality;
 - (d) cooling waters;
 - (e) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - (f) chemicals in solution or suspension;
 - (g) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
- (69) *Properly shredded garbage*: Garbage 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 one-half (1/2) inch (1.27 centimeters) in any dimension.
- (70) *Public sewer*: A sewer in which all owners of abutting properties have equal rights of connection and use, and is operated, maintained and controlled by the Village or other public agency.
- (71) *Public water supply*: All mains, pipes and structures through which water is obtained and distributed to the public by the Village, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.
- (72) *Publicly owned treatment works (POTW)*: A treatment works, as defined by Section 212 of the Federal Act, owned by the Village. 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 POTW treatment plant, regardless of ownership, but does not include sewers, pipes and other conveyances not connected to the POTW treatment plant.
- (73) *Reduced pressure principle backflow prevention device*: A device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under or meeting the requirements of ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
- (74) *Replacement costs*: Expenditures for purchasing and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewerage works to maintain

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the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

- (75) *Residential or commercial or non-industrial user:* Any user of the sewerage works not classified as an industrial user or excluded as an industrial user. Each dwelling unit of a residential building having two (2) or more dwelling units shall be considered a separate and individual single-family residential user.
- (76) *Residential customer equivalent:* A term used as a basis of billing for sewage collection and treatment service which is equivalent to a single-family residential user with an average sewage load of two and one-half (2.5) times that of a "population equivalent". The residential customer equivalent of residential buildings having two (2) or more dwelling units shall be the total number of dwelling units.
- (77) *Sanitary sewer:* A sewer that conveys sewage and polluted industrial wastes and to which stormwater, surface drainage, groundwater or unpolluted wastewater are not intentionally admitted.
- (78) *Service connection:* The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
- (79) *Sewage:* A combination of the wastewater from residential, commercial, industrial and institutional buildings together with such groundwater infiltration and surface water inflow that may be in the sanitary sewers.
- (80) *Sewage treatment plant:* An arrangement of devices, structures and processes for the treating and disposing of sewage.
- (81) *Sewer.* A pipe or conduit for conveying sewage or any other wastewater, including stormwater, surface water and groundwater drainage.
- (82) *Sewer user service charge:* The total amount to be paid each billing period by public sewer users including the basic user charge, the debt service charge, and a surcharge, if applicable.
- (83) *Sewerage works:* All facilities of the Village for collecting, pumping, treating and disposing of sewage and industrial wastes.
- (84) *Significant industrial user* shall apply to: (a) industrial users subject to categorical pretreatment standards; and (b) any other industrial user that (i) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater calculated on a weekly basis, (ii) contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, (iii) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a)

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of the Federal Act, or is found by the 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, for adversely affecting the POTW's operation or upon the quality of effluent from the treatment works or for violating any pretreatment standard or requirement.

- (85) *Significant violation*: A violation of Article VI which remains uncorrected forty-five (45) days after notification of such noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Sections 500.115, 500.120 or 500.130 of the Federal Act.
- (86) *Shall* means mandatory; "may" means permissive.
- (87) *Sludge*: The settleable solids separated from the liquids during the wastewater treatment processes.
- (88) *Slug*: Any discharge of sewage, industrial waste or other wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (89) *Standard methods*: The laboratory procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and any other procedures recognized by the USEPA and IEPA.
- (90) *State act*: The Illinois Environmental Protection Act, effective July 1, 1970 (415 ILCS 5/1 et seq.)
- (91) *Storm sewer or storm drain*: A sewer that conveys stormwater runoff and surface water drainage, but excludes sewage and polluted industrial wastes.
- (92) *Stormwater runoff*: That portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.
- (93) *Superintendent*: The Superintendent of Water and Sewers of the Village or his duly authorized deputy or representative.
- (94) *Superintendent of Building and Zoning*: The Superintendent of Building and Zoning of the Village or his duly authorized deputy or representative.

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- (95) *Surcharge*: The amount to be paid each billing period by certain public sewer users.
- (96) *Suspended solids*: Solids that either float on the surface of, or are in suspension of water, sewage, industrial wastes or other wastewater, the quantity of which is determined by standard laboratory filtering test procedures and referred to as non-filterable residue expressed in mg/l.
- (97) *System hazard*: A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.
- (98) *T*, as in *cyanide-T*, means total.
- (99) *Total solids*: The sum of suspended and dissolved solids.
- (100) *Total toxic organics*: The summation of all quantified values greater than one-hundredth (0.01) milligram per liter for the toxic organics, as specified in the applicable regulation.
- (101) *Unpolluted wastewater*: Wastewater that would not cause any violation of water quality standards of the water pollution regulations of the Federal government or Illinois when discharged to a natural outlet or watercourse.
- (102) *Upset*: An exceptional incident in which there is unintentional and temporary noncompliance with applicable 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.
- (103) *USEPA* means the United States Environmental Protection Agency.
- (104) *User class*: The type of user either residential or commercial (non-industrial) or industrial as defined herein.
- (105) *Village*: The Village of Fox River Grove, McHenry and Lake Counties, Illinois.
- (106) *Wastewater*: The wastewater from any domestic, commercial, industrial and institutional uses.
- (107) *Wastewater discharge permit*: The document or documents issued in accordance with the terms of this Chapter.
- (108) *Wastewater hauler*: Any person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.

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- (109) *Watercourse*: Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, ditch, reservoir, lake, pond or other natural or man-made drainageway in or into which stormwater runoff and surface water drainage flow either continuously or intermittently.
- (110) *Waterworks and Sewerage Fund*: The principal accounting designation for all revenues received in the operation of the sewerage works and the operation of the waterworks.
- (111) *Waters of the State of Illinois*: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Illinois or any portion thereof. (Ord. No. 08-11, Sec. 1, 6-19-08)

Sec. 23-8 -- 23-17. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec. 23-18. Only authorized persons to turn water on.

No water from the Village supply shall be turned on for service to any premises by any person except the Superintendent of Water and Sewers or his authorized representative, and then only after he has determined that the proper permits have been obtained, and that the provisions of this chapter and other Ordinances relating to water and sewers are complied with. The occupant or his agent must be on the premises when the water is turned on.

Sec. 23-19. Use of fire hydrants and other unmetered water.

It shall be unlawful for any person other than the Superintendent of Water and Sewers or his authorized representative, or any member of the Fire Protection District, acting only in his official capacity for fire prevention or control, to draw water from any fire hydrant or other unmetered water source, except upon written permission of the Superintendent of Water and Sewers and then only with provision for adequate compensation to the Village for the quantity of water used.

Sec. 23-20. Resale of water.

No water shall be resold or distributed by the recipient thereof from the Village supply to any person or premises other than the one for which application was made and the permit issued, except as may be provided in the Intergovernmental Agreement or any similar agreement.

Sec. 23-21. Tampering with water and sewer system.

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It shall be unlawful for any person, not specifically authorized by the Village, to tamper with, alter, or damage any part of the Village water and sewer system, or any water meter, wherever located.

Sec. 23-22. Polluting or obstructing watercourses prohibited, declared a nuisance.

It shall be unlawful and is hereby declared a nuisance for any person to obstruct or pollute any watercourse or source of water supply in the Village.

Sec. 23-23. Stagnant pools prohibited, declared a nuisance.

Any stagnant pool of water in the Village which is not part of a Jurisdictional Wetland as defined by the latest edition of the Federal Manual for Wetlands Delineation, or by any other applicable law, rule or regulation which confers jurisdiction over the elimination or modification of a standing pool of water to an agency or department of the Federal or State government, is hereby declared to be a nuisance. It shall be unlawful for any person to permit any such nuisance to remain or exist on property under his control.

Sec. 23-24. Water use restrictions and penalty:

- (a) The Superintendent of Water and Sewers shall have the authority to restrict the use of water in the Village in order to ensure adequate water pressures during certain months of the year. When lawn watering restrictions are in force, lawn watering shall be limited to two (2) lawn watering devices. Specifically exempt from the requirements set forth below are handheld hoses or sprinkling cans. Such restriction of water usage shall be enforced as follows:
 - (1) All residential, commercial, industrial and institutional properties designated by a street address with an even number shall be permitted to use water for lawn purposes on even numbered days of the month only.
 - (2) All residential, commercial, industrial and institutional properties designated by a street address with an odd number shall be permitted to use water for lawn purposes on odd numbered days of the month only.
 - (3) Any exceptions to the above restrictions shall require a special Village permit. Such exceptions shall only be authorized by the Superintendent of Water and Sewers.

Signage announcing the watering restrictions shall have the following meanings:

- (1) Blue: Unrestricted watering.
- (2) Yellow: The above described even/odd days restrictions apply. There are no restrictions as to hours of watering.

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- (3) Orange: The above described even/odd days restrictions apply. Watering is limited to the hours of 7:00 p.m. to 9:00 p.m.
- (4) Red: Watering of any lawn is strictly prohibited.

Signage for watering shall be double-sided signs and shall be posted at the following major intersections:

- (1) North River Road and U.S. Route 14
 - (2) Opatrny Drive and Lincoln Avenue
 - (3) School Drive and U.S. Route 14
 - (4) Gardner Drive and Victoria Drive
 - (5) Primrose Drive and U.S. Route 22
 - (6) Foxmoor Road and U.S. Route 14
 - (7) Lexington Avenue and Hunters Way
 - (8) Lexington Avenue and Algonquin Road
 - (9) Algonquin Road and Grove Avenue
 - (10) Beachway Avenue and Lincoln Avenue
 - (11) Old Hunt Road and Algonquin Road
- (b) Penalty: Any person, firm or corporation violating any of the above provisions of this Section shall be subject to a fine not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each such offense. Each day that such a violation exists shall constitute a separate offense.

Secs. 23-25 -- 23-29. Reserved.

DIVISION 2. SERVICE PIPES

Sec. 23-30. Installations to be made by and at cost of owner/applicant; supervision of installation.

All connections from the main to the premises shall be installed and all materials furnished by, and at the cost of the owner of the property to be served or the applicant for service. Such installations shall be under the supervision of the Superintendent of Water and Sewers. At least two (2) business days notice must be given the Superintendent by the owner or applicant before the Superintendent will inspect such installations.

Sec. 23-31. Reserved.

Sec. 23-32. Specifications for pipe, fittings and connections.

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All water service pipes from the main to the meter shall be not less than one (1) inch in size. Only type "K" soft temper copper pipes or tubing shall be used to connect the meter with the mains. All fittings and connections shall be uniform in size and comply with specifications established by the Plumbing Code adopted by the Village. Water meters are required as a condition of service.

Sec. 23-33. Depth of service pipes.

All service pipes shall be buried at least five (5) feet deep in the ground.

Sec. 23-34. Shutoff or service boxes required; location; protection from frost.

Shutoff or service boxes shall be placed on every service pipe, and shall be located between the curbline and the sidewalk line where this is practicable and shall not be installed within five (5) feet of a tree or in the driveway pavement unless such installation in a driveway pavement is approved by the Superintendent of Water and Sewers. Such boxes shall be so located so that they are easily accessible, and shall be protected from frost.

Sec. 23-35. Excavations; backfilling and resurfacing.

Excavations for installing service pipes or repairing the same shall be made in compliance with the provisions of this Code relating to excavations in streets. The owner of the property or the applicant for the service shall backfill and resurface the street after the completed work is approved.

Sec. 23-36. Duty of owners/applicants to repair service pipes; emergency repairs by Village.

- (a) All repairs on service pipes from the shutoff box to the building shall be made by and at the expense of the owners of the premises served or the applicants for the service.
- (b) The Village may, in case of an emergency, repair any service pipe and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served or the applicant for the service within thirty (30) days after the Village issues an invoice for the costs.

Sec. 23-37 -- 23-42. Reserved.

ARTICLE III. SEWERS

Sec. 23-43. Use of public sewers required; prohibited activities.

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

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- (b) It shall be unlawful to discharge to any natural outlet or watercourse within any area under the jurisdiction of the Village, any sewage, pollutant or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to used for the disposal of sewage.
- (d) If the property line of an existing structure, including, but not limited to a house or building, within the Village used as a residence, business or any other purpose is located within two hundred feet (200') of the public sanitary sewer of the Village, the owner or occupant of the structure may be required at the owner's or occupant's expense to connect the structure to the public sanitary sewer, if the Village or an agency or department of McHenry County or the State of Illinois determines that the continued failure to have the structure connected to the public sanitary sewer will endanger, or create a hazard to, the health of the occupants of the structure or will otherwise endanger, or create a hazard to, the health of other persons or the public in general. Such connection of the structure to the public sanitary sewer shall be made within ninety (90) days after the Village issues a notice to the owner or occupant of the structure informing the owner or occupant of the need to connect the structure to the public sanitary sewer. The obligation of the owner or occupant of a structure to connect to the public sanitary sewer as provided in this Subsection shall be a joint and several obligation of the owner and the occupants of the structure. When making a sewer service connection to serve a property, the public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future connection of additional properties to the public sewer system as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner's expense inclusive of construction, engineering, and permitting costs. (Ord. No. 2003-16, Sec. 1, 6-26-03; Ord. No. 2004-13, Sec. 1, 4-15-04, Ord. No. 2009-18, Sec. 2, 7-16-09)

Sec. 23-44. Private sewage disposal.

- (a) Where a public sanitary sewer is not available under the provisions of Section 23-43(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- (b) Before commencement of construction of a private sewage disposal system, the owner or applicant shall first obtain a written permit signed by the Superintendent of Building and Zoning. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent of Building and Zoning. A permit and inspection fee as required by the Village shall be paid at the time the application is filed.

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- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent of Building and Zoning. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent of Building and Zoning when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of written notice by the Superintendent of Building and Zoning.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply with the requirements of the State of Illinois Private Sewage Disposal Licensing Act and Code, the State of Illinois Environmental Protection Agency and the McHenry County Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty-two thousand (22,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet or watercourse.
- (e) The owner or applicant shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the Village.
- (f) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 23-43(d), the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and abandoned in accordance with the county health authority. When making a sewer service connection to serve a property, the public sanitary sewer shall be extended across the full frontage of the property at a depth sufficient to allow the future connection of additional properties to the public sewer system as may be determined to be appropriate by the Superintendent. This work shall be completed at the property owner's expense inclusive of construction, engineering, and permitting costs. (Ord. No. 09-18, Sec. 3, 7-16-09)
- (g) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Building or Zoning Authority having jurisdiction over said property.

Sec. 23-45. Building sewers and connections.

- (a) No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Water and Sewers as provided in Section 23-111 of this Chapter.
- (b) It shall be unlawful to discharge wastewater to any public sanitary sewer except those wastewaters in compliance with standards promulgated pursuant to the Federal Act or the State Act or any rules, regulations, ordinances or standards of the Village.

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- (c) There shall be two (2) separate classes of building sewer permits:
 - (1) For residential or commercial service, and
 - (2) For service to establishments producing industrial wastes.

In either case, the owner or applicant or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of one hundred (\$100.00) dollars for a building sewer permit shall be paid to the Village at the time the application is filed. Said permit and inspection fee is in addition to the connection fees set forth in Section 23-117 of this Chapter. Each industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

- (d) 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 works, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (e) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner or applicant. The person installing the building sewer for said owner or applicant shall be a plumber or sewer contractor and he shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by said installation. Before a building sewer permit is issued, the plumber or sewer contractor shall file with the Village Clerk an indemnity bond in the amount of twenty thousand (\$20,000.00) dollars, with a corporate surety licensed to do business in the State of Illinois on bond form supplied by the Village. In addition thereto, the plumber or sewer contractor shall file with the Village Clerk a certificate of insurance showing that the contractor is insured under a public liability insurance policy per occurrence in the amount of one million (\$1,000,000) dollars or bodily injury and one hundred thousand (\$100,000.00) dollars for property damage.
- (f) A separate and independent building sewer shall be provided for every building; except 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, court, 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.
- (g) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this Article.

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- (h) Building sewers shall not be less than six (6) inch diameter size pipe installed at a minimum invert slope of 0.125 (1/8) inch per foot, or not less than four (4) inch diameter size pipe in lengths of not less than ten (10) feet installed at a minimum invert slope of 0.25 (1/4) inch per foot. Building sewers shall be constructed in accordance with the requirements of the Superintendent as to trench excavation and backfilling, installation of pipe and fittings and testing.
- (i) Building sewers shall be constructed using one of the following listed materials:
 - (1) Polyvinyl chloride (PVC) sewer pipe conforming to the latest revised specification requirements of ASTM D3034, Type PSM. The pipe and fittings shall have a minimum wall thickness SDR 35. The joints shall be either the solvent weld type conforming to the latest revised specification requirements of ASTM D2564 and ASTM D2855, or elastomeric gasket type conforming to the latest revised specification requirements of ASTM D3212. A thicker walled pipe, SDR 26, may be required by the Superintendent or the Village Engineer if a thicker walled pipe is determined to be necessary to protect the public health because of design and/or field conditions. The Superintendent or the Village Engineer shall state in writing the reason why design and/or field conditions necessitate a thicker walled pipe.
 - (2) Acrylonitrile-butadiene-styrene (ABS) sewer pipe and fittings conforming to the latest revision of ASTM Specification D2751 with solvent welded joints or compression-type rubber ring gasket joints conforming to the latest revision of ASTM Specifications D2235 and D3212, respectively, installed in accordance with the manufacturer's recommendations.
 - (3) Extra heavy cast iron soil pipe and fittings conforming to the latest revision of CISPI Specification HS-67 with compression-type rubber ring gasket joints, conforming to the latest revision of ASTM Specification C564, installed in accordance with the latest revision of the Illinois State Plumbing Code.
- (j) The connection of the building sewer into the public sewer shall be made at the branch fitting, if such is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less and no properly located branch fitting is available, the owner or applicant shall, at his expense, install a wye branch fitting in the public sewer at the location specified and installation approved by the Superintendent.
- (k) All building sewers shall be bedded on a layer of gravel or crushed stone, conforming to the latest revision of ASTM Specification D2321, to provide a minimum thickness of four (4) inches under the pipe and initial backfill of twelve (12) inches over the top of the pipe.
- (l) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford

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protection from frost. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted by approved pumping devices and discharged to the building sewer.

- (m) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer, building drain or sump pump which in turn is connected to a public sanitary sewer.
- (n) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- (o) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. All excavations shall be made in compliance with the provisions of this Code relating to excavations in streets. Prior to any excavation, the plumber or sewer contractor shall notify all public and private utility companies.

Sec. 23-46. Use of public sewers.

- (a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any public sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent to a storm sewer or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

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- (3) Any water or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but no limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (d) No person shall discharge or cause to be discharged to a public sanitary sewer the following described substances, materials, waters or wastes if the Superintendent determines that such waters or wastes, singly or by interaction with other wastes, can harm either the sewers, sewage treatment process or equipment; can cause an adverse effect on the receiving stream in violation of Chapter 3 of the Water Pollution Rules and Regulations, adopted by the Illinois Pollution Control Board pursuant to Section 13 of the Illinois Environmental Protection Act, or in violation of the effluent limitations of the NPDES permit; or can otherwise endanger life, limb, public property or constitute a nuisance. In making his determination as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of such waters or wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade).
 - (2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees and sixty-five (65) degrees Centigrade).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.

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- (5) Any industrial wastes containing substances exceeding the categorical pretreatment standards for a particular industry as defined in 40 CFR Chapter I, or the following maximum concentrations of pollutants, whichever is lowest:

	Maximum Concentration Pollutant (in milligrams per liter (mg/l))
Five-day BOD	300.0
Total suspended solids	350.0
Ammonia.....	50.0
Arsenic	0.5
Cadmium.....	1.0
Chromium (hexavalent)	0.5
Chromium (total)	3.0
Copper.....	3.4
Cyanide	1.2
Iron	10.0
Lead.....	0.7
Manganese	1.0
Mercury.....	0.0005
Nickel	4.0
Oil (hexane soluble).....	100.0
Phenols	1.0
Phosphorous.....	25.0
Selenium	1.0
Silver	1.0
Zinc	3.0

- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

- (7) Materials which exert or cause:
- a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

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- d. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- (8) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (e) If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 23-46(c) and (d) and/or which are in violation of the standards for pretreatment provided in 40 CFR, Part 403- *General Pretreatment Regulations For Existing and New Sources of Pollution*, published in Federal Register Volume 53, No. 200, Monday, October 17, 1988, and any amendments thereto, or which in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may reject the wastes; require pretreatment to an acceptable condition for discharge to the public sanitary sewer; require control over the quantities and rates of the discharge; and/or require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, or under the provisions of Section 23-46(k). If the Superintendent permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Codes, Ordinances and laws.
- (f) Automotive grease, oil and sand interceptors shall be provided when the Superintendent determines they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

Each person constructing or operating a facility within the Village, other than a private residence, which will be used for the manufacture, processing or preparation of food or food products, must install and use, at its own expense, a grease trap adequate to prevent a discharge of fats, oils and grease to the Village sewers in prohibited concentrations. Grease traps shall be specified by the State Plumbing Code and kept clean as required by the manufacturer's written instructions and be inspected by a licensed State of Illinois plumbing inspector not less than once per year. The inspection report shall be forwarded to the Village Hall within five (5) working days after the inspection. A log of cleaning and inspections shall be kept on site. (Ord. No. 10-11, Sec. 1, 3-18-10)

- (g) Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner or applicant at his expense.

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- (h) Each industrial user shall be required to install a control manhole and, when determined by the Superintendent to be necessary, the owner or applicant of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner or applicant at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (i) The owner or applicant of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to demonstrate compliance with this Article and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner or applicant, shall be as determined by the Superintendent, 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 owner or applicant shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Superintendent. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis. The owner or applicant shall bear the expense of all measurements, analyses and reporting required or collected by the Village.
- (j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association and *USEPA Guidelines Establishing Test Procedures for Analysis of Pollutants*, pursuant to 40 CFR Part 136, 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 to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite sample or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composite samples, whereas pH's are determined from periodic grab samples.)
- (k) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for

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treatment, subject to payment therefore by the industrial concern, provided such payments are in accordance with and in addition to the applicable rates specified in Section 23-139.

- (l) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 23-155(o) below.
- (m) Dischargers are exempt from the requirements of paragraph (i) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- (n) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the USEPA Regional Waste Management Waste Division Director, and State Hazardous Waste Authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (o) In the case of any notification made under Section 23-46(l)(m) or (n), the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Sec. 23-47. Duty of owners/applicants to repair sewer lines; emergency repairs by Village.

- (a) All repairs on sewer lines from the public sanitary sewer main to the building shall be made by and at the expense of the owners of the premises served or the applicants for the service.

- (b) The Village may, in the case of an emergency, repair any sewer line connected to the public sanitary sewer and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served or the applicant for the service within thirty (30) days after the Village issues an invoice for the costs.
- (c) The costs of cleanup and repair for any backup in the public sanitary sewer caused by the owner of the premises served or the applicant for the service shall be borne by the owner and/or applicant. There shall be no reimbursement to the owner and/or applicant to cover the costs of clean up and/or repairs due to sewer backups unless said backup was the direct result of work done by Village personnel.

Sec. 23-48. Protection of sewerage works from damage.

No person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and damaging public property.

Sec. 23-49. Powers and authority of inspectors.

- (a) Inspections: The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency may enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
 - (1) Credentials: The Superintendent and other duly authorized employees of the Village shall, upon request, disclose proper credentials of his/her respective office for the purpose of inspecting, observing, measuring, sampling and/or testing on the property in the performance of his/her duties under this Article.
 - (2) Inspection Upon Warrant; Right of Entry: Whenever the Superintendent or other duly authorized employees of the Village, after presentation of proper credentials and request for entry to inspect, observe, measure, sample and/or test, is refused access to the property by the owner or applicant or other person in charge subject to the provisions of this Article, the Superintendent is authorized to petition any court having competent jurisdiction, through the Village Attorney, for the issuance of a warrant or order authorizing the inspection, observation, measurement, sampling

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and/or testing of the property as is necessary for the enforcement of the provisions of this Article.

- (b) The Superintendent and other duly authorized employees of the Village bearing proper credentials and identifications shall be permitted to enter all private properties through which the Village has an easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Sec. 23-50. Penalties.

- (a) Any person found to be violating any provision of this Article, except Section 23-48, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Article.
- (b) Any person who violates Section 23-48 or who shall continue to fail to comply with any provision of this Article, other than Section 23-48, beyond the time limit provided for in Section 23-50(a) shall, upon conviction, be fined one hundred (\$100.00) dollars if the conviction is for the first violation by such person to occur within the previous twelve (12) month period. Such fine shall be two hundred fifty (\$250.00) dollars if the conviction is for the second violation by such person within a twelve (12) month period and five hundred (\$500.00) dollars if such person has violated a provision of this Article more than twice during the twelve (12) month period prior the conviction. Each day in which any violation shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 96-08, Sec. 1, 2-15-96)
- (c) Any person violating any of the provisions of this Article shall become liable to the Village by reason of such violation.

Secs. 23-51 -- 23-110. Reserved.

ARTICLE IV. CONNECTIONS

Sec. 23-111. Connection permit required; Notice to Superintendent of Water and Sewers prior to connection and approval by the Village Board of Trustees.

No connection with a water main or sewer shall be made without a permit being issued and two (2) business days notice having been given to the Superintendent of Water and Sewers. No water line

which has a diameter greater than two (2) inches shall be connected to a water main unless the connection has been approved by the Village's Board of Trustees.

Sec. 23-112. Application for connection permit for commercial or industrial use; contents; accompanying data.

- (a) No permit for a water or sewer connection or service shall be issued or granted by the Village for an industrial or commercial use unless an application is first made to the Superintendent of Water and Sewers for such connection or services and unless the applicant first establishes that the applicant or his assigns will not discharge or permit to be discharged any water or effluent into the Village sewer system in violation of any Village Ordinance, State or Federal regulation, and that the quantity or quality of water or effluent sought to be discharged into the Village sewer system will not be beyond the existing Village sewage treatment capacity; however, the amount of wastewater from the LBBIP Sanitary Sewer System into the Village system shall be governed by the Intergovernmental Agreement for Wastewater Treatment Services. The application shall be made in writing and shall be subscribed to under oath by the user, if the applicant is not a corporation, or, if the applicant is a corporation, then by its president. The application shall contain the following information or items:
- (1) The business or corporate name and address of applicant.
 - (2) The name and address of applicant's president, if the applicant is a corporation.
 - (3) The name and address of the owner or owners, if the applicant is not a corporation.
 - (4) The uses for which the water is intended.
 - (5) A detailed flow chart, showing, in sequential order, the flow of all water proposed to be used by the applicant, from the point of its initial entry into the building or structure, through all of the commercial or industrial operations or processes it subsequently passes, to the point where it is finally discharged into the Village sewer. The flow chart shall also show the point or points in the operations or processes at which any chemicals or compounds are injected into the water or sewage flow and shall fully identify the substance so injected.
 - (6) An estimate of the maximum number of gallons of water to be used by the applicant each day and the first use date.
 - (7) A descriptive list of any and all chemicals and compounds that are to be discharged into the sewer, and the maximum quantities to be used each day in the subject's commercial or industrial processes or operations.
 - (8) A statement as to whether or not the applicant proposes to install any water or effluent treatment facilities on the premises in conjunction with its operations or

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processes, and, if it does not, a statement of the reasons why it is not doing so. If the facilities are to be installed, then the applicant shall attach to the application herein, detailed plans and specifications of such facilities and shall state the date of effective operation of such installation.

- (b) The applicant shall file new flow charts with the Superintendent whenever any change or alteration is made in its operations or processes which materially or substantially change the quality or quantity of the water or the effluent discharge into the sewer.
- (c) The applicant shall obtain a Wastewater Discharge Permit in conjunction with the Connection Permit if said permit is required under the provisions of Section 23-155.

Sec. 23-113. Permit not to be issued until water and sewer assessments are paid and other required agency approvals obtained.

The Superintendent or other properly designated official shall not issue any permit required by this Article until (1) all outstanding water and sewer assessments and charges on the property are fully paid, including any fees and interest due to date and (2) any and all required approvals or permits are obtained from Federal, State or county agencies.

Sec. 23-114. Superintendent to supervise connections.

All connections shall be made under the supervision of the Superintendent or his duly authorized representative.

Sec. 23-115. Reserved

Sec. 23-116. Work not to be covered prior to inspection.

No connection made pursuant to this Article shall be covered until the materials and work have been inspected by the Superintendent.

Sec. 23-117. Permit fees for property located within the corporate limits of the Village.

The following fees shall be charged for permits to connect property located within the corporate limits of the Village to the Village's water and sewer system:

- (a) Single-family, attached and detached. Permit fees for single family residences shall be based on the size of the water line as set forth below:

<u>Water Line Size</u>	<u>Fees</u>
1 inch.....	\$6,000

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Greater than 1 inch, up to and including 1½ inches.....\$8,850
 Over 1½ inches, up to and including 2 inches\$13,350

No water line connecting a single family attached or detached home to a Village water main shall have a diameter greater than two (2) inches. (Ord. No. 94-32, Sec. 1, 10-24-94, Ord. No. 03-04, Sec. 1, 2-20-03)

- (b) Multiple Family Residences. The permit fee for multiple family residences shall be \$6,000 per residential unit. The minimum required size of the water line for multiple family customers shall be as follows:

<u>Water Line Size</u>	<u>Maximum Multiple-Family Units for Water Line Size</u>
1 inch	2
Greater than 1 inch, up to and including 1½ inches	7
Greater than 1½ inches, up to and including 2 inches	11

The minimum water line size required where the water line will service more than eleven (11) multiple family units shall be established by the Village's Board of Trustees. (Ord. No. 03-04, Sec. 1, 2-20-03)

- (c) Commercial and Industrial Customers. The permit fees for commercial and industrial customers shall be as follows:

<u>Water Line Size</u>	<u>Fees</u>
1 inch	\$7,250 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.
Greater than 1 inch, up to and including 1-1/2 inches	\$9,000 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.
Over 1-1/2 inches, up to and including 2 inches	\$15,000 or the amount calculated using the alternative formula set forth in Section 23-117(d) whichever is greater.

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The permit fee for connection to a Village water main and the Village sewer system for commercial and industrial customers where the diameter of the water line is greater than two (2) inches shall be established by the Village's Board of Trustees. (Ord. No. 94-32, Sec. 1, 10-12-94; Ord. No. 93-21, Sec. 1, 12-8-93, Ord. No. 03-04, Sec. 1, 2-20-03, Ord. 05-02, Sec. 1, 2-17-05)

(d) Alternative Formula for Calculating Connection Fee for Commercial and Industrial Customers; Supplemental Connection Fee.

(1) Whenever a permit is requested to allow commercial or industrial use of a water line to connect to the Village's water distribution system, the owner or developer of the building or structure that is to be connected shall provide the Village with an estimate of the population equivalent water usage which will occur when the building is fully occupied for its intended use. This estimate shall be prepared by a licensed architect or engineer and shall be submitted in writing to the Village's Superintendent of Water and Sewer and to the Village's Engineer. For purposes of this Ordinance one (1) population equivalent equals one hundred (100) gallons of water usage per day per person. The Village Engineer and the Village Superintendent of Water and Sewer must approve the accuracy of the calculation.

(2) The alternative connection fee shall be calculated by multiplying the approved estimate of the population equivalent by thirty-three (33%) percent of the current "1 commercial/industrial connection fee. (Ord. No. 03-04, Sec. 1, 2-20-03, Ord. N. 05-02, Sec. 2, 2-17-05)

(3) A supplemental connection fee shall be paid when a new commercial or industrial structure is constructed on property where (i) a structure already has been connected to the water distribution system, (ii) the new structure is intended to be utilized for a use different from a prior use of the property and (iii) such different use will require either (a) a larger water line or (b) will have a greater population equivalent water usage when such new structure is fully occupied for its intended use. The amount of the supplemental connection fee shall be the difference between the fee for the new structure that would have been imposed had the property not previously been connected to the water distribution system and the amount that would be due for the prior structure and use of the property under Section 23-117 (c) or Section 23-117(d)(1) or (2) whichever would have been applicable at the time the new structure is connected. (Ord. No. 07-01, Sec. 1, 1-18-07)

(e) Connection Fee for Fire Sprinkler Systems. There shall be a fee paid to the Village in the amount of two thousand five hundred (\$2,500.00) dollars prior to a fire sprinkler system, or any other similar fire protection system which is to have its own separate connection, being connected to the Village water system for the first time. This two thousand five hundred (\$2,500.00) dollar fee shall be paid in addition to any other permit or connection fees which

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may be payable to the Village under another provision of this Section 23-117 or any other provision of this Code. This two thousand five hundred (\$2,500.00) dollar fee shall be applicable to the connection of fire sprinkler systems and other similar fire protection systems located in both new and existing buildings and structures. (Ord. No. 03-04, Sec. 1, 2-20-03, Ord. No. 05-02, Sec. 2, 2-17-05)

Sec. 23-118. Permit fees for either water or sewer connection only.

The permit fee for water connection only shall be, in the case of a single-family residence, attached or detached, four thousand two hundred fifty (\$4,250.00) dollars. The permit fee for sewer connection only shall be in the case of single family residence, attached or detached, three thousand (\$3,000.00) dollars. In the case of multi family, commercial or industrial customers, the permit fee for either a water or sewer connection only shall be established by the Board of Trustees. (Ord. No. 94-32, Sec. 2, 10-24-94; Ord. No. 03-04, Sec. 2, 2-20-03)

Sec. 23-119. Permit fee for individual user within the Lake Barrington Business and Industrial Park and the Damien Subdivision ("Industrial Park").

The sewer connection fee to be paid for each individual user within the Industrial Park who connects to the LBBIP Sanitary Sewer System shall be as set forth in the Intergovernmental Agreement.

Sec. 23-120. Reserved.

Sec. 23-121. Connection of property located outside the Village's corporate limits.

No property located outside the corporate limits of the Village of Fox River Grove shall be connected to either a Village water main or to a Village sewer unless the connection is first approved by the Village's Board of Trustees. The Village's Board of Trustees shall establish the permit fee for the connection of property located outside the Village's corporate limits to a Village water main and/or to a Village sewer at the time the connection is approved.

Sec. 23-122. Shutoff devices.

No tees, valves, or other shutoff devices shall be installed between the water main and meter, except for the Village's shutoff valve located in the public right-of-way, in what is commonly called the "buffalo box".

Secs. 23-123--133. Reserved.

ARTICLE V. METERS AND RATES

Sec. 23-134. Meter Usage.

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- (a) All residential water system connections shall install a meter with a dual check valve and expansion chamber and pay for service at the metered rate. All commercial and industrial water system connections shall install a meter with a proper backflow device as required by Section 23-190 herein, and pay for service at the metered rate.
- (b) A single-family premise using sewer services only has the option of either installing a meter and paying for service at the metered rate or may receive such service and pay the flat rate hereinafter provided.
- (c) Metered usage shall be read to the lowest even increment of one thousand (1,000) gallons.
- (d) Commercial, industrial, institutional and other nonresidential sewer users who obtain any portion of their water service from other than public water supply sources shall install and maintain, at no expense to the Village, water meters of a type approved by the Superintendent.
- (e) Wherever required by the Superintendent, sewage metering devices shall be installed and maintained, at no expense to the Village, when the volume of wastewater discharged to the public sewer cannot be otherwise determined by use of water meters.
- (f) Metering devices shall not be removed without the consent of the Superintendent unless sewer use service is cancelled.

Sec. 23-135. Meter or application to be made prior to occupying premises.

Before any premises using Village water service is occupied, a water meter shall be installed therein as required by this Article or application shall be made for such water service at a flat rate of charge until such meter can be installed or no water shall be furnished to such premises.

Sec. 23-136. Installation and maintenance of meters.

The owner of the property to be served or the applicant for the service shall purchase the required meter from the Village at the price established by the Superintendent. Water meters shall be maintained by the Village, and shall be installed by the owner or applicant or his agent at his own cost in a location providing easy access for reading and testing. The meter and its installation shall be at the cost of the owner or applicant. Installations shall be under the supervision of the Superintendent of Water and Sewers. The installation and maintenance of the meters for the LBBIP Sanitary Sewer System shall be governed by the Intergovernmental Agreement.

Sec. 23-137. Type of meters.

Water meters, expansion chambers and dual check valves installed pursuant to this Article shall be of a type and size specified by the Superintendent.

Sec. 23-138. Billing periods for water usage; reading of water meters.

The Superintendent, subject to the provision of this Section, shall determine the billing period for each water or water and sewer user in the Village. The Superintendent shall cause each water meter used in the Village to be read and each premise in the Village to be billed every two (2) months. The billing periods and reading of water meters for the LBBIP Sanitary Sewer System shall be as set forth in the Intergovernmental Agreement. (Ord. No. 97-26, Sec. 1, 8-21-97)

Sec. 23-139 Rates established.

- (a) The rates and charges for the use of and for the services supplied by the combined municipal waterworks and sewage system of the Village, based upon meter readings of the amount of water consumed in each two (2) month period on each premises located within the Village’s corporate limits, supplied with water, or water and sewage service by said system, shall include a basic charge and usage component.

The basic charge for residential customers shall be as follows:

	Water Only	Water and Sewer
Basic charge	\$23.47	\$44.57

The basic charge for each non-residential customer located within the Village’s corporate limits receiving water service shall be based on each two hundred thousand (200,000) gallons or fraction thereof of actual water used during the prior one (1) year period and shall be calculated as provided in Section 23-139 (b).

The user charges for all customers located within the Village’s corporate limits shall be as follows:

	Water Only	Water and Sewer
For each 1,000 gallons or fraction thereof,	\$2.59	\$6.36

The rates and charges for the use of and for the services supplied by the combined municipal waterworks and sewage system of the Village, based upon meter readings of the amount of water consumed in each two (2) month period on premises and customers located outside the corporate limits of the Village which are supplied with water or water and sewer services by said system, shall be 1.5 times the basic charge and usage charge imposed on premises and customers located within the corporate limits of the Village. (Ord. 97-26, Sec. 2, 8-21-97, Ord. 2000-25, Sec. 1, 4-27-00, Ord. 01-06, Sec. 1, 3-15-01, Ord. 03-12, Sec. 1, 4-17-03, Ord. 04-11, Sec. 1, 4-15-04, Ord. 05-11, Sec. 1, 4-21-05, Ord. 06-14, Sec. 1, 4-20-06, Ord. 07-15, Sec. 1, 4-19-07, Ord. 08-05, Sec. 1, 4-17-08, Ord. 09-16, Sec. 1, 5-14-09; Ord. 10-12, Sec. 1, 3-18-10, Ord. 11-08, Sec. 1, 4-21-11)

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- (b) In the case of all non-residential customers receiving water service, the amount of the basic charge to be paid as part of each bi-monthly payment that is due during the one (1) year period beginning as of May 1st of each year shall be calculated by multiplying the amount of the basic charge for residential users specified in Section 23-139(a) that is applicable to the type of service being provided to the customer by a number equal to each two hundred thousand (200,000) gallons or fraction thereof used by the customer during the one (1) year period that ended as of the last billing period that concluded prior to the previous April 1.
- (c) For purposes of calculation of the basic charge for multi-family residences each dwelling unit shall be considered as a separate premise.
- (d) Rates and charges for the use of the Village sewer works and wastewater treatment facility in each two (2) month period for each single-family dwelling supplied with the Village sewage service only shall be fifty-one dollars and sixty-eight cents (\$51.68).
- (e) Rates and charges for the use of the Village sewer works and wastewater treatment facility for each factory, apartment building or multiple family dwelling, hospital, restaurant, motel, lodge, institutional user, place of business and all other users, except single family dwellings, supplied with the Village sewer treatment and disposal service only, shall be based upon meter readings of the amount of waste and water emitted from the premises in each two (2) month period, or fraction thereof, and shall include a basic charge and usage component, as follows:

	Charge
Basic Charge per Unit	\$51.68
Each 1,000 gallons or fraction thereof, per 1,000.....	\$3.75

The number of units in the basic charge to be paid for premises which are not single family dwellings and which receive only sewage treatment and disposal service during the one (1) year period beginning as of May 1st of each year shall be calculated by multiplying the amount of the basic charge per unit specified above by a number equal to each two hundred thousand (200,000) gallons or fraction thereof of waste and water emitted, or of water used whichever is utilized to calculate the usage component, to the premises during the one (1) year period that ended as of the last billing period that concluded prior to the previously April 1. (Ord. No. 01-06, Sec. 1, 3-15-2001, Ord. No. 2003-12, Sec. 1, 4-17-03, Ord. No. 2004-11, Sec. 1, 4-15-04, Ord. No. 2005-11, Sec. 1, 4-21-05, Ord. No. 2006-14, Sec. 1, 4-20-06, Ord. No. 07-15, Sec. 1, 4-19-07, Ord. No. 08-05, Sec. 1, 4-17-08, Ord. No. 09-16, Sec. 1, 5-14-09; Ord. No. 10-12, Sec. 1, 3-18-10; Ord. No. 11-08, Sec. 1, 4-21-11)

- (f) A treatment service surcharge shall be levied to all sewer users whose wastewater exceeds the normal concentrations of two hundred (200) mg/l of BOD, two hundred fifty (250) mg/l

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of suspended solids, one hundred (100) mg/l of fats, oils and grease, or twenty (20) mg/l of ammonia-nitrogen as determined by waste sampling which shall be performed as often as deemed necessary by the Superintendent and shall be binding as the basis for computing the surcharge. The surcharge rates shall be as follows:

- (1) Fifty-nine cents (\$0.59) per pound of BOD in excess of 0.17 pounds per one hundred (100) gallons.
 - (2) Fifty-nine cents (\$0.59) per pound of suspended solids in excess of 0.21 pounds per one hundred (100) gallons.
 - (3) One dollar and eighteen cents (\$1.18) per pound of fats, oils, and grease in excess of 0.08 pounds per one hundred (100) gallons.
 - (4) Five dollars and ninety centers (\$5.90) per pound of ammonia-nitrogen in excess of 0.02 pounds per one hundred (100) gallons. . (Ord. 08-11 Sec. 2, 6-19-08, Ord. No. 09-16, Sec. 1, 5-14-09)
- (g) A fire sprinkler surcharge of twenty-seven dollars and fifty-one cents (\$27.51) per month shall be added to each bill for water service that is issued for premises on which a sprinkler system designed to suppress fires is located. (Ord. No. 07-15, Sec. 1, 4-19-07)
- (h) The sewer service user charge for the LBBIP Sanitary Sewer System shall be as set forth in the Intergovernmental Agreement (Ord. No. 97-26, Sec. 2, 8-21-97, Ord. No. 2000-25, Sec. 1, 4-27-2000, Ord. No. 08-05, Sec. 1, 4-17-08)

Sec. 23-140. Joint and severable liability.

The owner and occupant of any premises and the user of either water or sewage service, or both water and sewage service, shall be jointly and severally liable to pay for the service on said premises, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the service, are jointly and severally liable therefor to the Village.

Sec. 23-141. When bills are to be rendered; due date; penalty for late payment.

Water and sewer bills shall be rendered at the end of each two (2) month period as established in this Article and shall be payable within fifteen (15) days after the date of the original bill. If the bill is not paid within the initial fifteen (15) day period, a penalty of five (5%) percent of the amount of the bill shall be added thereto and become due. If the bill is not paid within forty-five (45) days from the date the bill was issued, the penalty shall be increased to ten (10%) percent of the original bill. The sewer bills for the LBBIP sewer and water user charges shall be rendered and payable pursuant to the provisions of the Intergovernmental Agreement. (Ord. No. 97-26, Sec. 3, 8-21-97, Ord. No. 98-28, Sec. 1, 7-16-98; Ord. 10-07, Sec. 1, 2-18-10)

Sec. 23-142. Delinquent bills; lien on premises; authority to file notice of lien.

In the event a water or sewer bill including any penalty then due is not paid within sixty (60) days after the date of billing, such charges and penalty shall be deemed and are hereby declared to be delinquent, and thereafter the Village shall file a statement of lien claim with the County Recorder of Deeds. This statement of lien claim shall include the legal description of the property to which service was provided, the amount unpaid including penalty, and a notice that the Village claims a lien for the stated amount as well as for all water or sewer charges and penalties, subsequent to the period for which the bill was rendered. Whenever the person whose water or sewer bill is delinquent is not the owner of the property to which service was provided by the Village, and the Village has previously received notice of this, notice of delinquency and lien shall be mailed to the owner of the property if his address is known by the Village. The failure of the Village to record the lien with the County Recorder of Deeds or to mail the notice of delinquency and lien to the owner of the property or failure of the owner to receive such notice shall not affect right of the Village to foreclose the lien for unpaid bills as mentioned in the foregoing Section.

Sec. 23-143. Foreclosure of lien for delinquent bills.

Property subject to a lien for unpaid water or sewer charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village. The Village Attorney is hereby authorized and directed to initiate such proceedings against any property for which the bill has remained unpaid ninety (90) days after it has been rendered.

Sec. 23-144. Disconnection of service for nonpayment; notice and hearing, reinstatement; fee.

The water supply or sewer service may be shut off from any premises for which the water or sewer bill remains unpaid sixty (60) days after the issuance of the original bill for such service. Such service shall be discontinued after a hearing on the proposed shut off before the President and Board of Trustees, or such person or persons designated by them to hold such hearings. Notice of the hearing shall be mailed or delivered to the customer's billing address not less than seven (7) days before the scheduled date of hearing. If no one appears at the hearing or if following the hearing the Village decides to discontinue water and/or sewer service, notice of the date on which water and/or sewer service shall be shut off shall be mailed to the customer and shall be posted on the premises where the service is to be discontinued not less than twenty-four (24) hours prior to shutting off the service. If water and/or sewer service is discontinued, service shall not be reinstated until all past due bills and penalties due thereon are paid in full, together with the payment of a fee of eighty (\$80.00) dollars to cover the cost of reinstating service during normal hours of 7:00 a.m. to 3:30 p.m. Monday through Friday or one-hundred twenty-five (\$125.00) dollars if the customer requests that service be reinstated during a time which is not part of the normal work hours. If a bill is paid after notice is posted on the premises that water and/or sewer service to the premises will be shut off but prior to the service actually being shut off, a fee of twenty-five (\$25.00) dollars shall be added to the

bill to cover the cost of posting the notice and otherwise initiating shut off procedures. (Ord. No. 97-26, Sec. 4, 8-21-97, Ord. No. 98-28, Sec. 2, 7-16-98, Ord. No. 99-02, Sec. 1, 2-18-1999; Ord. No. 2002-37, Sec.1, 12-19-02)

Secs. 23-145 -- 23-149. Reserved.

ARTICLE VI. WASTEWATER PRETREATMENT REGULATIONS

Sec. 23-150. Purpose and policy.

Pursuant to the requirements of Title III of the Clean Water Act of 1977, as amended (33 U.S.C. Sec. 1251 et seq.) and regulations promulgated thereunder, and the Illinois Environmental Protection Act of 1970, as amended (415 ILCS 5/1 et seq.), the purpose of this Article is to establish wastewater pretreatment regulations to prevent the introduction of pollutants into the public sanitary sewer system which will interfere with the operation of the sewage treatment plant, including interference with its use or disposal of municipal sludge, or which will pass through the sewage treatment plant or otherwise be incompatible with such treatment works as required under applicable provisions of Article III, Section 46 of the Code of Ordinances.

Sec. 23-151. Incorporation of the National Categorical Treatment Standards.

The National Categorical Pretreatment Standards promulgated by the USEPA and set forth in 40 CFR, Chapter I, subchapter N, parts 405-471, three (3) copies of which have been on file in the office of Village Clerk for a period of not less than fifteen (15) days prior to the date of the adoption of this Article, shall be and hereby are incorporated by reference. If said National Categorical Pretreatment Standards for a particular industrial user are more stringent than the limitations otherwise imposed under this Article for sources in that category, the National Categorical Pretreatment Standards shall supersede the limitations and conditions otherwise imposed under this Article; and said standards shall be complied with by all industrial users subject to such National Categorical Pretreatment Standards. The Village shall notify all known effected users of the applicable reporting requirements under 40 CFR Section 403.12.

Sec. 23-152. Pretreatment.

All industrial users shall provide necessary wastewater pretreatment as required to comply with this Article and shall achieve compliance with all applicable pretreatment standards within the time limitations, as specified by appropriate statutes and regulations. The National Categorical Pretreatment Standards shall be added to this Article as amendments. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the user's expense. All industrial users shall obtain all necessary construction-operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified wastewater treatment operator. Any subsequent significant changes in

the pretreatment facilities or method of operation shall be reported to and be accepted by the Village prior to the industrial user's initiation of the changes.

Sec. 23-153. Excessive discharge.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards (NCPS), when effective, or in any other pollutant-specific limitations developed by the Village.

Sec. 23-154. Containment.

- (a) Each industrial user having the ability to cause interference with the POTW treatment plant or to violate the regulatory provisions of this Article shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.
- (b) All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file with the Village, showing facilities and operating procedures to provide protection from accidental discharge. All industrial users shall complete construction of said facilities by the compliance date required by the National Categorical Pretreatment Standards. No industrial user who begins contributing to or could contribute such pollutants to the POTW after the effective date of this Article shall be permitted to introduce such pollutants into the POTW, until accidental discharge facilities and procedures, as appropriate, have been approved by the Village 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 Article.
- (c) In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause interference at the POTW or violate requirements of this Article, it shall be the responsibility of the industrial user to immediately telephone and notify the Superintendent of this incident. The notification shall include the name of caller, the location and time of discharge and the type of wastewater, concentration and volume.
- (d) Within fifteen (15) days following such an accidental or deliberate discharge, the industrial user shall submit to the Village a detailed written report, describing the cause 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 Village 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 user of any fines, civil penalties or other liability

which may be imposed by the Village. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the Village, result in the revocation of the discharger's wastewater discharge permit.

- (e) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility, until the facility is restored, or an alternative method of treatment is provided. This requirement includes the situation when, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (f) A notice in English and the language of common use shall be permanently posted on the industrial user's bulletin board or other prominent place, advising employees whom to call in the event of an accidental or illegal discharge. Employers shall ensure that all employees who are in a position to cause, discover or observe such discharge are advised of the emergency notification procedure.

Sec. 23-155. Wastewater discharge permit.

- (a) When requested by the Superintendent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this Chapter.
- (b) It shall be unlawful for any significant industrial user to discharge wastewater into the Village's POTW without first obtaining a wastewater discharge permit. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.
- (c) The Superintendent may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Chapter.
- (d) Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall within one hundred twenty (120) days after said date, apply for a wastewater discharge permit in accordance with Section 23-155(f) and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with a wastewater discharge permit issued by the Superintendent.

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- (e) Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin.
- (f) In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 23-112 and the additional information listed below:
 - (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - (2) Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - (3) Each product produced by type, amount, process or processes, and rate of production.
 - (4) Type and amount of raw materials processed (average and maximum per day).
 - (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - (6) Time and duration of the discharge.
 - (7) A list of any environmental control wastewater discharge permits held by or for the facility.
 - (8) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (9) Identify the categorical pretreatment standards applicable to each regulated process.
 - (10) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Village) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in Section 23-46.

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- (11) A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (12) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

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

- (g) All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

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

- (h) The Superintendent will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Superintendent may deny any applications for a wastewater discharge permit.
- (i) Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (j) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent 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.

Wastewater discharge permits must contain the following conditions:

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- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
 - (2) A statement that the wastewater discharge permit is nontransferable.
 - (3) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
 - (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.
 - (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.
- (k) Wastewater discharge permits may contain, but need not be limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
 - (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

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- (7) 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.
 - (8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Chapter and State and Federal laws, rules and regulations.
- (l) Any person, including the industrial user, may petition the Village to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (2) In it's petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (4) If the Village fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- (m) The Superintendent may modify the wastewater discharge permit for good cause including, but not limited to, the following:
- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
 - (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters.
 - (5) Violation of any terms or conditions of the wastewater discharge permit.

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- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (n) Wastewater discharge permits may not be reassigned or transferred to a new owner, operator or lessee. A new wastewater discharge permit must be requested by the new owner, operator or lessee.
- (o) Each industrial user is required to notify the Superintendent of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.
 - (1) The Superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 23-155(f).
 - (2) The Superintendent may issue a wastewater discharge permit or modify an existing wastewater discharge permit.
 - (3) No industrial user shall implement the planned changed condition(s) until and unless the Superintendent has responded to the industrial user's notice.
 - (4) For purposes of this requirement, flow increases of ten (10%) percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

Section 23-156. Inspection, sampling and record keeping.

- (a) The Superintendent may inspect the facilities of all industrial users to ascertain whether the purposes of this Chapter are being met and if all requirements of this Chapter are being complied with. If persons or occupants of the premises on which a discharge source or treatment system is located or in which records are kept do not voluntarily allow the Superintendent or his representative ready access upon presentation of credentials at reasonable times to all parts of said premises for the purpose of inspecting, sampling, examining and photocopying records required to be kept by this Chapter and the performance of their other duties, then the Superintendent is authorized to petition any court having competent jurisdiction through the Village Attorney for the issuance of a search warrant

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which will allow such inspection, sampling, examination and photocopying and the performance of any of their other duties. If the Superintendent or his representative finds that it is necessary to set up on the industrial user's property devices that are necessary to conduct sampling, monitoring and metering operations, the Superintendent shall request permission from the industrial user to set up such devices. If the industrial user refuses to grant such permission, the Superintendent shall apply to the appropriate court through the Village Attorney for a warrant or order which will allow such devices to be set up on the industrial user's property.

- (b) The industrial users and the Village shall maintain records of all information resulting from any monitoring activities required by this Article, and the records shall include:
 - (1) The date, exact place, method and time of sampling and the names of the persons taking the samples;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques/methods used; and
 - (5) The results of such analyses.
- (c) The Village and the industrial users shall maintain such records 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 operation of the POTW pretreatment program or when requested by the regional administrator of the USEPA or the director of IEPA.

Sec. 23-157. Public notification of significant violations.

The Village shall annually publish in a newspaper, which has a general circulation within the Village, a list of the industrial users who committed significant violations of any pretreatment requirement or standard during the previous twelve (12) months.

Sec. 23-158. Compulsory compliance procedures.

- (a) Notice of violation and compliance meeting. Should a violation of this Article by an industrial user occur, whether or not a significant industrial user, the Village shall notify the offending user, in writing, through a "notice of violation" as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "compliance meeting") to be attended by representatives of the Village and the industrial user. The purpose of such a meeting shall be to establish such procedures, investigations,

studies and compliance measures as the Village deems necessary and desirable to control and prevent a violation of this Chapter. The industrial user shall cooperate fully with the Village in making such investigations and studies.

(b) Order

- (1) Following the completion of any procedures, investigations or studies as described in Section 23-156(a) above, the Village may issue an order which may:
 - a. Require compliance with applicable pretreatment standards and requirements;
 - b. Control the discharge to the POTW to ensure compliance with applicable pretreatment standards and requirements;
 - c. Require the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and the submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to, the reports required by 40 CFR Section 403.12.
- (2) If the Village has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an order directing and requiring the industrial user to take such action, including pretreatment, without further investigation or study.
- (3) Failure to comply with the order of the Village shall be deemed a violation of this article and may be grounds for revocation of the industrial user's wastewater discharge permit and grounds for such other actions as may be authorized for a violation of this Article.

Sec. 23-159. Revocation of permit.

- (a) Conditions for revocation. Any significant industrial user who violates this Article, an order issued pursuant to Section 23-158(b) of this Article, the Illinois Environmental Protection Act, or the Federal Act, or regulations promulgated under either Act, or any of the following is subject to having its wastewater discharge permit revoked in accordance with the procedures of this Section:
 - (1) Failure of an industrial user to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge, as determined by the industrial user's or the Village's analysis;

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- (2) Failure of the industrial user to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the industrial user's premises by Village representatives for the purpose of inspection or monitoring;
 - (4) Tampering with, disrupting or destroying POTW equipment;
 - (5) Failure to report an accidental discharge of a pollutant;
 - (6) Failure to report an upset of the industrial user's treatment facilities; or
 - (7) Violations of any condition of the wastewater discharge permit.
- (b) Procedures for revocation.
- (1) The Village may order any industrial user who causes or allows any action which is subject to revocation under Section 23-159(a) above to show cause before the Board of Trustees why its wastewater discharge permit should not be revoked. A notice shall be served on the industrial user, specifying the time and place of a hearing to be held by or on behalf of the Board of Trustees regarding the violation, the reasons why the action is to be taken, the proposed action and directing the industrial user to show cause why its wastewater discharge permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 - (2) The Board of Trustees may itself conduct the hearing and take the evidence or may designate any of its members or its attorney to:
 - a. Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.
 - (3) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be

made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor.

- (4) After the Board of Trustees has reviewed the evidence, it may issue an order to the industrial user responsible for the discharge directing either: that the wastewater discharge permit be revoked and the service disconnected; or that following a specified time, the wastewater discharge permit shall be revoked and sewer service discontinued, unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the wastewater discharge permit; or direct the user to cease the unauthorized discharge effective after a specified period of time; or that such other action as deemed necessary by the Board to abate the discharge done by the industrial user. Further orders and directives as are necessary may be issued.
- (5) Following an order of revocation of its wastewater discharge permit, the industrial user 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.

Sec. 23-160. Immediate disconnection of service.

- (a) Conditions for immediate disconnection of service. Any industrial user is subject to immediate disconnection of service under either of the following conditions:
 - (1) Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the Superintendent to present an imminent endangerment to the health or welfare of persons; or
 - (2) Whenever the industrial user's wastewater discharge permit is revoked.
- (b) Procedures for immediate disconnection. Notwithstanding Sections 23-158 and 23-159 of this Article, the Superintendent shall have the authority, after informal notice to the industrial user, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the industrial user, stating the problem and requiring immediate cessation of the discharge. The Superintendent's actions may include the disconnection of wastewater collection service. The Superintendent shall obtain the concurrence of the Village Attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the industrial user and the POTW employees, telephone calls, letters, hand-delivered messages or notices posted at the industrial user's premises or point of discharge.

- (c) Right to request hearing. Any industrial user which is disconnected pursuant to Section 23-160(a)(1) above shall have the right to request a hearing before the Board of Trustees of the Village, at which time the industrial user shall be given the opportunity to show cause as to why it should not be disconnected from the Village's wastewater collection system. Such hearings shall commence within seven (7) days after a written request for the hearing is received by the Village President. Such hearing shall be conducted in accordance with the procedures contained in Section 23-159(b) of this Article.

Sec. 23-161. Elimination of discharge; reinstatement.

Any industrial user notified of a disconnection of the wastewater service under Section 23-160 and/or revocation of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the disconnection or revocation order, the Village shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Superintendent exercises his authority under Section 23-160(a)(1), the Superintendent shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

Sec. 23-162. Injunctive relief.

- (a) The Village may institute a civil action for an injunction to restrain violations of this Article.
- (b) The Village may, upon discovering 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 of McHenry or Lake County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given an informal notice of the Village's intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand-delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted but shall not be a condition precedent to the Village petitioning for obtaining a temporary restraining order.

Sec. 23-163. Additional remedies.

- (a) In addition to remedies available to the Village set forth elsewhere in this Article, if the Village is fined by the State of Illinois or the USEPA for a violation of the POTW NPDES permit or a violation of water quality standards as the result of the discharge of pollutants, then the fine, including all Village legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible industrial user. Such charge shall be in

addition to, and not in lieu of, any other remedies the Village may have under this Article, statutes and regulations, at law or in equity.

- (b) If the discharge from any industrial user causes a deposit, obstruction or damage to any part of the POTW wastewater facility, the Village may cause the deposit or obstruction to be removed or cause the damage to be repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person or industrial user causing such deposit, obstruction or damage.
- (c) The remedies provided in this Article shall not be exclusive, and the Village may seek whatever other remedies are authorized by statute, at law or in equity, against any person or industrial user violating the provisions of this Article.
- (d) In addition to any fine levied, the Village may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system or to provide such other affirmative relief as may be appropriate.

Sec. 23-164. Penalties and costs.

Any industrial user who is found to have violated an order of the Village or who has failed to comply with any provision of this Article and the orders, rules and regulations and wastewater discharge permits issued hereunder shall be fined in an amount not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each violation. For the purpose of this Section, each day in which any such violation shall occur shall be deemed a separate violation; and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in this Article found to exceed the limits established in this Article during any such day. In addition to the penalties provided herein, the Village may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.

Sec. 23-165. Falsification.

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 Article or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Article, shall be subject to the penalties and costs provided in Section 23-164 and shall, in addition, be guilty of a misdemeanor and, upon conviction, be punished by a fine of not more than ten thousand (\$10,000.00) dollars.

Sec. 23-166. Jurisdiction.

This Article shall apply to the Village and to persons outside the Village who are, by contract or agreement with the Village, users of the POTW.

Sec. 23-167. Right of revision.

The Village may from time to time amend, and/or supplement the rules and regulations of this Article. Any such amendments and/or supplemental rules and regulations which are promulgated after the effective date of this Chapter shall be incorporated and made a part of this Article as if fully set forth herein. In the event of a conflict between any of the rules and regulations contained in this Article and subsequent amendments and/or supplemental rules and regulations made hereto, the later amendments and/or supplemental rules and regulations shall prevail.

The Village reserves the right to establish more stringent limitations or requirements on discharges to the POTW by amendments to this Article.

Sec. 23-168 -- 23-172. Reserved.

ARTICLE VII. WASTE TREATMENT

Sec. 23-173. Discharge by wastewater hauler; permit required.

No waste, including, but not limited to septage and sludge, shall be transported or conveyed for treatment or disposed to the POTW's treatment plant by a waste hauler or by means other than the Village's sewer system unless the person transporting such waste has been issued a permit approved by the Village's Board of Trustees.

Sec. 23-174. Rates.

The following rates shall be charged for the treatment of waste that is transported or conveyed to the POTW treatment plant by means other than the Village's sewer system:

- (1) Fifteen (.15) cents per gallon for domestic septage.
- (2) Fifteen (.15) cents per gallon for sludge.

For the purposes of this Section, sludge shall be considered to be that waste where the percentage of solids exceeds two (2%) percent. (Ord. No. 94-04, Sec.1, 3-17-94)

Sec. 23-175. Penalty for late payment; interest.

Bills for waste treatment shall be issued monthly and shall be payable within thirty (30) days after the date of the original bill. If payment of the entire amount of the bill is not received by the Village on or before thirty (30) days after the date of the original bill, then interest at the rate of one and one-half (1½%) percent per month or any fraction thereof shall be added to the amount of such unpaid bill and become due. Such interest shall accrue from the thirtieth day after the date of the original

bill and shall continue to accrue until all waste treatment bills more than thirty (30) days old are paid in full.

Secs. 23-176 -- 23-185. Reserved.

ARTICLE VIII. CROSS-CONNECTION CONTROLS

Sec. 23-186. Water system.

- (a) The water system within the Village shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- (b) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system up to the point where the consumer's water system begins.
- (c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- (d) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- (e) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

Sec. 23-187. Cross-connection prohibited.

- (a) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the public water supply enters the public water supply unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and Sewers and the IEPA.
- (b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any arrangement or connection by which a pollutant or contaminant may enter the public water supply.
- (c) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where cross-connection control devices or methods which meet the requirements of this Article and any applicable State law or regulation are installed, tested and maintained to insure proper operation on a continuing basis.

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

Sec. 23-188. Survey and investigations.

- (a) It shall be the duty of the Superintendent of Water and Sewers to cause a survey to be made of properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. This survey shall be an inventory of water uses by service connection and is not intended to include a visual inspection of piping or plumbing systems. Surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Superintendent of Water and Sewers shall deem necessary. Records of such surveys shall be maintained and available for review for a period of a least five (5) years.
- (b) The Superintendent of Water and Sewers or a CCCDI may inspect the premises of all consumers to ascertain the presence or absence of cross-connections within the premises, to inspect and test cross-connection control devices within the premises and for the purposes of verifying information submitted pursuant to this article. If the owners or occupants of the premises do not voluntarily allow the Superintendent or a CCCDI ready access upon presentation of credentials at reasonable times to all parts of said premises for the purpose of inspecting, sampling, examining and photocopying records required to be kept by this Article and the performance of their other duties, then the Superintendent or the CCCDI is authorized to petition any court having competent jurisdiction, through the Village Attorney, for the issuance of a warrant or order authorizing such inspection, sampling, examination and photocopying and the performance of any of their other duties. If the Superintendent or the CCCDI finds that it is necessary to conduct sampling and monitoring operations, the Superintendent shall request the permission from the consumer to set up such devices. If the consumer refuses to grant such permission, the Superintendent or CCCDI shall apply to the appropriate court, through the Village Attorney, for a warrant or order which will allow such devices to be set up on the premises.
- (c) Water consumers which are commercial, institutional or industrial establishments shall conduct annual surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public water supply system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3(1) as now or hereafter amended.
- (d) The consumer shall prevent backflow into the public water system by ensuring that:

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- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices are installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices are inspected at least annually by a CCCDI. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) All cross control devices are tested and records made and maintained as follows:
 - a. Each device shall be tested at least annually or more frequently if recommended by the manufacturer.
 - b. Records submitted to the Village shall be available for inspection by Village personnel and IEPA personnel in accordance with 415 ILCS 5/4(e) as now or hereafter amended.
 - c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type of date of repairs.
 - d. A maintenance log shall be maintained and include:
 - (i) date of each test;
 - (ii) name and number of person performing the test;
 - (iii) test results;
 - (iv) repairs and date completed; and
 - (v) service performed and date completed.

Sec. 23-189. Where cross-control protection is required.

- (a) An approved backflow device shall be installed on each service line to a consumer's water system serving premises where because of operations upon or the use of the premises there is an actual or potential hazard that a contaminant, pollutant or other substance which may affect the potability of the public water supply may flow from the service line directly or indirectly into the public water supply system.
- (b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 - (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and Sewers and the source is approved by the IEPA.

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- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water and Sewers.
 - (3) Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 - (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 - (5) Premises having a history of two (2) or more cross-connections being established or re-established within a ten (10) year period.
- (c) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but necessarily limited to, the following types of facilities:
- (1) Hospitals, mortuaries, clinics, nursing homes.
 - (5) Laboratories.
 - (6) Piers, docks, waterfront facilities.
 - (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
 - (5) Food or beverage processing plants.
 - (6) Chemical plants.
 - (7) Metal plating industries.
 - (8) Petroleum processing or storage plants.
 - (9) Car washes.
 - (10) Commercial or industrial establishments which process or manufacture materials that are considered to be contaminants or pollutants.

Sec. 23-190. Type of back flow prevention device required.

When a back flow prevention device is required, the type of device shall be as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a pollutant, contaminant or other substance that could cause a system hazard or a health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water system may be contaminated or polluted with substances that could cause a hazard not dangerous to health.
- (4) Where the public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire sprinkler systems connected to the public water supply when:
 - (a) the sprinkler system contains antifreeze;
 - (b) water is pumped into the system from another source; or
 - (c) there is a connection whereby another source can be connected to the sprinkler system.
- (5) The type of protection required unless otherwise specified in this Section shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

Sec. 23-191. Inspection and maintenance.

- (a) It shall be the duty of the consumer at any premises on which a backflow prevention device required by this Article is installed to have the backflow device inspected, tested, maintained and repaired in accordance with the following schedule or as specified in the manufacturer's manual if the manual provides for more frequent inspections, testing or maintenance.
 - (1) Fixed proper air gap separations shall be inspected at the time of installation and at least annually thereafter.
 - (2) Double check valve assemblies shall be inspected and tested for tightness at time of installation.

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- (3) Reduced pressure principle backflow prevention devices shall be tested at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.
- (b) Testing shall be performed by a person who has been approved by the IEPA as competent to service the device. Proof of approval shall be in writing.
- (c) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (d) A maintenance log shall be maintained and include:
 - (1) date of each test or visual inspection;
 - (2) name and approval number of person performing the test or visual inspection;
 - (3) test results;
 - (4) repairs or servicing required;
 - (5) repairs and date completed; and
 - (6) servicing performed and date completed.
- (e) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer within five (5) days provided that if the device cannot be repaired or replaced within five (5) days because of unavailability of parts, materials or labor, it shall be repaired or replaced as soon thereafter as possible.
- (f) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water and Sewers.

Sec. 23-192. Booster pumps.

- (a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.
- (b) It shall be the duty of the consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water and Sewers at least once a year that the device is operable.

Sec. 23-193. Inspection fee.

- (a) *Annual Certification Fee.* The annual fee for certification of required cross-connection control devices is as follows:

Fee per devise on a premises:	\$65.00
Administrative Fee.....	\$15.00
Total Annual Certification Fee per device	\$80.00

- (b) *Bi-monthly Payment of Certification Fees.* The Annual Certification Fees for a premises shall be included as part of the bi-monthly billing period for each cross-connection control device certified. (Ord. No. 99-34, Sec. 1, 9-16-99, Ord. No. 08-07, Sec. 1, 5-15-08)

Sec. 23-194. Compliance required.

- (a) Consumers must comply with this Article in order to continue to receive water service from the public water supply system.
- (b) If the public water supply is contaminated or polluted by backsiphoned material or backflow, then if the contamination or pollution occurs through an improperly installed, maintained or repaired backflow prevention device, or because a backflow prevention device has been bypassed, then the consumer responsible shall, in addition to any fines or other amounts due, pay to the Village any and all costs incurred in removing the contaminant or pollutant from the public water supply system, including the cost of effecting compliance with and enforcing this Article.

Sec. 23-195. Disconnection of service.

- (a) The premises of a consumer who violates a provision of this Article may be disconnected from the public water supply system as provided in this Section.
- (b) Procedures for immediate disconnection:
 - (1) Any consumer is subject to having the consumer's premises immediately disconnected from the public water supply system whenever immediate disconnection is required to halt or prevent any pollutant or contaminant from flowing from the premises into the public water supply system which reasonably appears to the Superintendent of Water and Sewers to present a severe health hazard.
 - (2) The Superintendent of Water and Sewers shall have the authority, after informal notice to the consumer, to immediately and effectively halt or prevent any discharge

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of pollutants or contaminants to the public water supply system that reasonably appears to present a severe health hazard. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the consumer, stating the problem and requiring immediate cessation of the discharge. The Superintendent's actions may include the disconnection of water service. The Superintendent shall obtain the concurrence of the Village Attorney before initiating the action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the consumer and Village employees, telephone calls, letters, hand-delivered messages or notices posted at the user's premises or point of discharge.

- (3) Right to request hearing. Any consumer which is disconnected pursuant to Section 23-195(b)(1) above shall have the right to request a hearing before the Village President, at which time the consumer shall be given the opportunity to show cause as to why it should not be disconnected from the public water supply system. Such hearings shall commence within seven (7) days after a written request for the hearing is received by the Village President. Such hearing shall be conducted in accordance with the procedures contained in Section 23-195(c) of this Article.
- (c) Procedures for disconnection in non-emergency situations:
- (1) The Superintendent of Water and Sewers may order any consumer who causes or allows any condition to occur which violates the provisions of this Article to show cause before the Village President why the premises where the condition occurred should not be disconnected from the public water supply system. A notice shall be served on the consumer specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed action and directing the consumer to show cause why the premises should not be disconnected. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 - (2) The Village President may conduct the hearing and take the evidence or may designate the Village Attorney to:
 - (a) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village President for action thereon.
 - (3) After the Village President has reviewed the evidence, he may issue an order to the consumer directing either: that the premises be disconnected from the public water supply system; or that

following a specified time, the premises shall be disconnected and water service discontinued, unless the condition causing the violation is corrected.

- (4) Following an order to disconnect, the Superintendent of Water and Sewers shall cause whatever action is needed to be taken in order to disconnect the consumer's premises from the public water supply system.
- (c) Restoration of Water Service: If water service to premises is disconnected pursuant to this Section, water service shall not be restored to the premises until such time as the condition which caused the violation is corrected and a reconnection fee of twenty-five (\$25.00) dollars is paid to the Village. (Ord. No. 92-33, Sec. 1,12-16-92)

**ARTICLE IX. GROUNDWATER PROTECTION REGULATIONS –
CHEMICAL SUBSTANCE CONTROLS**

Sec. 23-200 Abbreviations and Definitions

- (a) The following abbreviations, when used in this Article, shall have the designated meanings:

- 1. C.F.R. - Code of Federal Regulations

- (b) Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall have the meanings hereinafter designated and shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 5/14 et seq.), as amended from time to time. Fully capitalized definitions are statutory, and if there is any conflict between the definition set forth in this Article and the definition in the Illinois Environmental Protection Act or the Illinois Groundwater Protection Act, the statutory definition shall govern. Where there is a reference to a provision of the C.F.R. or any other state or federal statute or regulation, the reference shall include any subsequent amendment to such statute or regulation and to include any statute or regulation which is intended to replace or supercede the referenced statute or regulation.

- 1. Chemical Substance” means any “Extremely Hazardous Substance” listed in Appendix A of 40 C.F.R. Part 355; Any “Hazardous Substance” listed in 40 C.F.R. Section 302.4; any petroleum product including crude oil or any fraction thereof, and any of the following chemicals, metals and compounds:

- | | |
|---------------------------|-------------------------|
| 1. 0-DICHLOROBENZENE | 13. ALDRIN |
| 2. 1,1,1-TRICHLOROETHANE | 14. ANTI FREEZE |
| 3. 1,1,2-TRICHLOROETHANE | 15. ANTIMONY |
| 4. 1,1-DICHLOROETHYLENE | 16. ARSENIC |
| 5. 1,2,4-TRICHLOROBENZENE | 17. ATRAZINE |
| 6. 1,2-DICHLOROETHANE | 18. BARIUM |
| 7. 1,2-DICHLOROPROPANE | 19. BENZENE |
| 8. 2,4,5-TP (SILVEX) | 20. BENZO (A) PYRENE |
| 9. 2,4-D ALACHLOR (LASSO) | 21. BERYLLIUM |
| 10. ALDICARB | 22. BHC-GAMMA (LINDANE) |
| 11. ALDICARB SULFONE | 23. CADMIUM |
| 12. ALDICARB SULFOXIDE | 24. CARBOFURAN |

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- | | |
|--|-------------------------------------|
| 25. CARBON TETRACHLORIDE | 45. HEXACHLORO-CYCLOPENTADIENE |
| 26. CHLORDANE | 46. LEACHATE |
| 27. CHROMIUM | 47. MERCURY |
| 28. CIS-1,2-DICHLOROETHYLENE
CUTTING OILS | 48. METHOXYCHLOR |
| 29. CYANIDE | 49. MINERAL OIL |
| 30. DALAPON | 50. MONOCHLOROBENZENE |
| 31. DI(2-ETHYLHEXYL) – ADIPATE | 51. OXAMYL (VYDATE) |
| 32. DI(2-ETHYLHEXYL) - PHTHALATE | 52. P-DICHLOROBENZENE |
| 33. DIBROMOCHLOROPROPANE (DBCP) | 53. PENTACHLOROPHENOL |
| 34. DICHLOROMETHANE | 54. PICLORAM |
| 35. DIELDRINDINOSEB | 55. POLYCHLORINATED BIPHENYLS (PCB) |
| 36. DIQUAT | 56. SELENIUM |
| 37. ENDOTHALL | 57. SIMAZINE |
| 38. ENDRIN | 58. STYRENE |
| 39. ETHYLBENZENE | 59. TETRACHLOROETHYLENE |
| 40. ETHYLENE DIBROMIDE | 60. THALLIUM |
| 41. FLUORIDE | 61. TOLUENE |
| 42. HEPTACHLOR | 62. TOXAPHENE |
| 43. HEPTACHLOR EPOXIDE | 63. TRANS-1,2-DICHLOROETHYLENE |
| 44. HEXACHLOROBENZENE | 64. TRICHLOROETHYLENEXYLENE |

2. “Chemical Substance Storage Permit” means an authorization by the Village for a person to store, handle, use, or produce a chemical substance in excess of ten (10) pounds or five (5) gallons.
3. “Containment Device” means a device that is designed to contain a release, retain it for cleanup, and prevent released materials from penetrating into the ground.
4. “Facility” means the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business.
5. “Groundwater” means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.
6. “Occupant” means any person who leases or rents from an owner or who otherwise has the right to occupy a site, facility or unit or part of a site, facility or unit, or the land on which the site, facility or unit is located.
7. “Operator” means any person in control of or having responsibility for daily operation of a facility.
8. “Owner” means any person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located. Where real property is subject to a leasehold, the term owner includes both the lessor and the lessee.
9. “Person” means any individual person, corporation, firm, association, joint venture, trust,

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partnership, unit of local government that is subject to the regulatory authority of the Village as exercised in this Article or other legal entity that is subject to the regulatory authority of the Village as exercised in this Article.

10. "Premises" means the site, facility or unit and the land or leasehold on which the site, facility or unit where a Chemical Substance has been or is being stored or where a Release of a Chemical Substance has occurred. If the release occurs from a vehicle on a public right of way, then the term "premises" as used in this Article shall mean the vehicle from which the release occurred.
11. "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, discharging or disposing of a Chemical Substance into a containment device, into the air, into the groundwater, surface water, surface soils or subsurface soils, or into sanitary or storm sewers. Releases do not include: intentional withdrawals of Chemical Substances for the purpose of legitimate sale, use, or disposal; and discharges permitted under federal, state, or local law.
12. "Superintendent" means the Village of Fox River Grove Superintendent of Water and Sewer.
13. "Village" means the Village of Fox River Grove, Illinois. (Ord. No. 10-28, Sec. 1, 9-16-10)

Sec. 23-201 Applicability and Administration.

- (a) This Article applies to all persons who own or who occupy real property in the Village of Fox River Grove or real property which is provided with potable water by the Village of Fox River Grove. The owner(s) and occupant(s) of real property subject to this Article are jointly and severally responsible for complying with the applicable provisions of this Article. The failure of an owner or occupant of real property to comply with the requirements of this Article shall not be excused because of a lack of knowledge as to such requirements or their applicability.
- (b) Except as otherwise provided in this Article, the Superintendent shall administer, implement and enforce the provisions of this Article. The Superintendent, the Superintendent's designees, and any other person who is a peace officer shall have the authority to issue citations or sign complaints on behalf of the Village for the purpose of enforcing the provisions of this Article. Any powers granted to or duties imposed on the Superintendent by this Article may be delegated by the Superintendent to other employees, officers or agents of the Village.

Sec. 23-202 Release of Chemical Substances Prohibited.

It shall be unlawful for any person to intentionally or recklessly release, any Chemical Substance or combination of Chemical Substances in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into the Village's potable water supply system.

Sec. 23-203 Reporting Requirements in the Event of a Release of a Chemical Substance.

- (a) Whenever there is any release of a Chemical Substance or combination of Chemical Substances that exceeds more than ten (10) pounds in weight or five (5) gallons in volume in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into the Village's potable water supply system, the owner and the occupant of the Premises where the release occurred shall immediately notify the Superintendent and provide the following information:
 - 1. Any and all actions that have been and are intended to be taken to halt the release of the Chemical Substance.
 - 2. An estimate of the quantity of the Chemical Substance released.
 - 3. The methods that are to be used to clean up and otherwise remediate the Chemical Substance that was released.
- (b) The notification provided for in Section 23-203(a) must be given even if the release would not constitute a violation of Section 23-202. The initial notification of a Chemical Substance release may be made by telephoning the Superintendent or the Village's Police Department. If initial notification of a release is made by telephone or other oral communication, then a written notification of the release containing the information required under Section 23-203(a) must be made to the Superintendent no later than forty-eight (48) hours after the release occurred or was first discovered, whichever occurs last.
- (c) It shall be unlawful for any person to fail to give the notification of a release of a Chemical Substance or combination of Chemical Substances as provided in this Section 23-203.

Sec. 23-204 Remediation of Releases.

- (a) If a release occurs for which notification is required under Section 23-203, then the owner and occupant of the Premises where the release occurred, shall be required to submit a plan to the Village for the remediation of the release. Such plan must be submitted to the Village within the time period specified by the Superintendent, but no later than seven (7) days after the date on which the Release was first discovered to have occurred.
- (b) Following the submission of the remediation plan provided for in Section 23-204(a), the Superintendent shall schedule a conference with the person(s) who submitted the remediation plan. The purpose of the conference shall be to discuss and establish the procedures, investigations, studies and compliance measures that the Village deems necessary in order to control and prevent any Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village's potable water supply system as a

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result of the release. Following the conference, the Superintendent shall issue a "Remediation Order" which sets forth in writing the steps which the owner and any occupants of the Premises on which the release occurred must take in order to remediate the release and the time periods within which such steps must be taken.

- (c) It shall be unlawful for the owner or occupant of Premises on which a release has occurred to fail to comply with a Remediation Order.
- (d) The owner and occupant of any Premises on which a release has occurred shall be jointly and severally liable to reimburse the Village for any costs and expenses which the Village may incur as the result of the release. Payment of any such costs and expenses must be made to the Village not more than forty-five (45) days after the date that the Village issues an invoice for the costs and expenses.
- (e) If an owner or occupant fails to comply with a Remediation Order, or if it otherwise becomes reasonably necessary for the Village to remediate the effects of a release in order to prevent a Chemical Substance from coming into contact with or being absorbed into groundwater or will enter into the Village's potable water supply system or to eliminate a Chemical Substance from the ground water or the Village's potable water supply, then the Village may take whatever steps it determines in the reasonable exercise of its discretion are necessary to remediate. The owner and any occupants of the Premises on which the release of the Chemical Substance occurred and any other person who caused the release of the Chemical Substance or the contamination of the groundwater or the Village's potable water supply with the Chemical Substance shall be jointly and severally liable to reimburse the Village for the cost of any such remediation work performed by or on behalf of the Village. Such reimbursement shall be made not less than forty-five (45) days after the Village issues an invoice for the cost of the remediation work.

Sec. 23-205 Chemical Substance Storage Permit Required.

- (a) Except as provided in Section 23-205(b) and (c) it shall be unlawful for any person to store Chemical Substances which weigh more than ten (10) pounds or have a volume of more than five (5) gallons in any single container without first obtaining a Chemical Substance Storage Permit from the Superintendent.
- (b) The permit requirements contained in Section 23-205(a) of this Article shall not apply to the following:
 - 1. Fuel tanks that have been issued a license by the Illinois or United States Department of Transportation.
 - 2. Fuel tanks and fluid reservoirs which are attached to motor vehicles licensed by the federal or a state government and which are used in the operation of such vehicles.

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3. Fuel containers and fluid reservoirs that are attached to lawn or yard maintenance equipment and which are used in the operation of such equipment.
 4. Fuel containers that are attached to or associated with water craft and which are used in the operation of the water craft.
- (c) The permit requirements contained in Section 23-205 (a) of this Article do not apply to the owner or occupant of premises used for residential purposes with respect to Chemical Substances stored or maintained on the premises that are being stored by the owner or occupant of the premises for the owner's or occupant's own use, provided (I) that the Chemical Substances stored or maintained are not used or intended to be used in connection with a business and (ii) are intended to be used on the Premises where they are being stored.

Sec. 23-206 Applications for Chemical Substance Storage Permits.

- (a) Persons required to obtain a Chemical Substance Storage Permit shall submit to the Superintendent a permit application containing the following information:
1. Description of activities, facilities, and processes on the premises to be covered by the permit, including a list of the Chemical Substances to be used or stored on the premises to be covered by the permit;
 2. Number and type of employees, hours of operation,;
 3. Site plans, floor plans;
 4. A Release Prevention, Containment and Control Plan as described in Section 23-207; and
 5. Such other information as the Superintendent in the reasonable exercise of his discretion determines is required in order to be able to evaluate whether a Chemical Substance Storage Permit should be issued and what, if any conditions should be attached to the permit.
- (b) If the Village provides a form for the application for a Chemical Substance Storage Permit, the application for a Chemical Substance Storage Permit must be submitted using the Village application form.
- (c) Incomplete or inaccurate applications shall be returned to the applicant for correction prior to review and action by the Superintendent.
- (d) All Chemical Substance Storage Permit applications must be signed by the owner or

occupant of the premises where the Chemical Substances are to be stored or an authorized agent. Applications shall include the following certification statement:

“I certify that the information contained in the attached application for a Chemical Substance Storage Permit is, to the best of my knowledge and belief, true, accurate, and complete, and that I understand that the submission of false or inaccurate information is unlawful and will subject me to being fined.”

Sec. 23-207 Release Prevention, Containment and Control Plan

- (a) Each application for a Chemical Substance Storage Permit shall be accompanied by a Release Prevention, Containment and Control Plan for the premises where the Chemical Substances are to be stored. The Release, Prevention, Containment and Control Plan shall include, at a minimum, the following components:
 - 1. Emergency contact information;
 - 2. Description of activities, facilities, and plant processes on the premises;
 - 3. Description of stored Chemical Substances, locations, and quantities;
 - 4. Description of Chemical Substance disposal practices;
 - 5. Procedures for immediately notifying the Superintendent of any release as required by Section 23-203(a) of this Article; and
 - 6. Procedures to prevent accidental releases and to eliminate or minimize adverse impacts from accidental releases. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of Chemical Substances, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing Chemical Substances, and/or measures and equipment for emergency response.
- (b) The Release, Prevention, Containment and Control Plan shall also contain such additional information and components which the Superintendent determines in the reasonable exercise of his discretion, are necessary in order to provide a plan of action which will protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village’s potable water supply system and/or which will reduce the likelihood that an accidental release of Chemical Substances might occur.
- (c) After the issuance of the initial permit allowing the storage of Chemical Substances on a premises, the Release, Prevention, Containment and Control Plan shall be updated not less than once every three (3) years. The updated Release, Prevention, Containment and Control

Plan shall be submitted to the Superintendent, for the Superintendent's review and approval. The Superintendent, may in the reasonable exercise of his discretion, require that a Release, Prevention, Containment and Control Plan for a premises be updated more frequently than once every three (3) years if he determines that the Release, Prevention, Containment and Control Plan needs to be updated in order to protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the Village's potable water supply system and/or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.

- (d) There shall be no application fee for a Chemical Substance Storage Permit.

Sec. 23-208 Chemical Substance Storage Permit Issuance, Duration and Contents.

- (a) The Superintendent shall review each Chemical Substance Storage Permit application in consultation with the Village Engineer and within forty-five (45) days of receipt of a complete permit application, the Superintendent shall issue a decision as to whether the Chemical Substance Storage Permit should be issued. The reasons the Superintendent may refuse to issue a Chemical Substance Storage Permit include, but are not limited to the following:
 - 1. The permit application is incomplete or inaccurate.
 - 2. The proposed Release, Prevention, Containment and Control Plan does not meet the requirements of Section 23-207 or will not provide adequate protection against Chemical Substances coming into contact with or being absorbed into groundwater or entering into the Village's potable water supply system or does not adequately reduce the likelihood that an accidental release of Chemical Substances might occur.
 - 3. The storage of the Chemical Substance for which permission to store is being sought will create an unacceptable risk to the public health if stored on the premises in the application in the manner described in the application.

If the Superintendent refuses to issue the Chemical Substance Storage Permit, he shall inform the applicant in writing of the reasons the Chemical Substance Storage Permit was not issued.

- (b) The duration of a Chemical Substance Storage Permit shall be determined by the Superintendent, provided that no Chemical Substance Storage Permit shall have a duration of more than three (3) years from the effective date of the permit. The Superintendent may issue a Chemical Substance Storage Permit which has a duration of less than three (3) years if (1) the period of time that the Chemical Substance will be stored on the premises described in the permit application is to be less than three (3) years; or (2) the storage of the Chemical Substance presents a potential hazard which requires that the premises covered by the permit

be inspected or that the Release Prevention, Containment and Control Plan for the premises covered by the permit be reviewed and updated more frequently than once every three (3) years.

- (c) A Chemical Substance Storage Permit shall include those conditions which the Superintendent determines are reasonably necessary to protect against the release of the Chemical Substances covered by the permit. A Chemical Substance Storage Permit shall also include the following:
1. The expiration date of the permit.
 2. A description of the premises for which the permit is being issued.
 3. A statement that the permit is not transferable to a new permittee unless the transfer is approved as provided in Section 23-211.
 4. A list of the Chemical Substances which the permit allows to be stored on the premises described in the permit.
 5. A statement that any release of a Chemical Substance must be reported immediately as provided in Section 23-203.
 6. A statement that the permit is conditioned upon compliance with the Release Prevention, Containment and Control Plan.

Sec. 23-209 Appeals of Decisions Relating to the Issuance of a Chemical Substance Storage Permit.

- (a) If the Superintendent denies an application for a Chemical Substance Storage Permit, the applicant may file a written request for reconsideration of the decision by the Superintendent. The request for reconsideration shall state in detail the reasons why the applicant believes the decision denying the application for a Chemical Substance Storage Permit should be reconsidered and the permit should be issued. The request for reconsideration shall be filed with the Village Clerk.
- (b) The Superintendent shall provide notice of the issuance of a Chemical Substance Storage Permit by posting a notice of the issuance of the permit in the building where the office of the Village Clerk is located and by publishing a notice in a newspaper which has a general circulation within the Village. Any person residing in the Village, any person who owns or occupies real property that is connected to the Village's potable water supply system and the applicant shall be entitled to request in writing that the Superintendent reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the Village Clerk. Any request for reconsideration must state the conditions or terms in the

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permit which the person making the request wants to be modified. The request for reconsideration may also request that the permit not be issued or that additional conditions be included in the permit. Any request for reconsideration shall state in detail the reasons the request for reconsideration is being made.

- (c) Any request for the reconsideration of the issuance or denial of a permit must be made not more than thirty (30) days after the date notice of the issuance of the permit is published in a newspaper of general circulation in the Village as provided in Section 23-209(b). If no request for reconsideration is filed with the Village Clerk within such thirty (30) day time period, the decision to issue the permit shall become final for purposes of judicial review.
- (d) If a request for reconsideration of the issuance of a Chemical Substance Storage Permit is made by a person other than the applicant, then the Superintendent shall promptly notify the applicant by sending a copy of the request for reconsideration to the applicant along with a notice stating that the applicant has seven (7) days from the date of the notice to file a written response to the request for reconsideration with the Village Clerk.
- (e) If the Superintendent fails to act on a request for reconsideration within thirty (30) days after the request for reconsideration is filed, then the request for reconsideration shall be considered to have been denied, provided that the Superintendent may extend for a period not to exceed ninety (90) days the time within which the Superintendent will decide whether to grant or deny the petition for reconsideration. Any decision by the Superintendent to deny a request for reconsideration shall constitute a final decision for purposes of judicial review.

Sec. 23-210 Modification of Chemical Substance Storage Permits.

- (a) The Superintendent may modify a Chemical Substance Storage Permit for any of the following reasons:
 - 1. To incorporate any requirements resulting from a new or revised Federal, State or local law, ordinance, rule or regulation.
 - 2. To take into account any technological developments.
 - 3. To take into account any new information relating to the storage or potential dangers or hazards of the Chemical Substances allowed to be stored under the Chemical Substance Storage Permit.
 - 4. To take into consideration and address any substantial alterations or additions to the operations or activities which occur on the premises covered by the Chemical Substance Storage Permit that have occurred since the date the permit was issued.
 - 5. Because of a violation of this Ordinance or another applicable law, rule or regulation

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or because of a failure to comply with a term or condition contained in the Chemical Substance Storage Permit.

6. To correct typographical or other errors in the Chemical Substance Storage Permit or in the Release Prevention, Containment and Control Plan.
 7. To correct misrepresentations or the failure to disclose information in the application for the Chemical Substance Storage Permit.
 8. To reflect a transfer in the ownership or occupancy of the premises covered by the Chemical Substance Storage Permit, provided that the transfer has been approved as provided in Section 23-211.
 9. To protect against Chemical Substances covered by the permit from coming into contact with or being absorbed into groundwater or entering into the Village's potable water supply system and/or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.
- (b) If the Superintendent proposes to modify a Chemical Substance Storage Permit, the Superintendent shall notify the permit holder of the modifications the Superintendent proposes to make to the permit and the reasons for the modifications. The permit holder shall be given not less than thirty (30) days to respond in writing to the Superintendent as to why the modifications should not be made as proposed and to otherwise comment on the proposed modifications.
- (c) If a Chemical Substances Storage Permit is modified as provided in this Section 23-210, the Superintendent shall give notice of the modification in the same manner provided for giving public notice of the issuance of permits in Section 23-209(b). Any person who occupies property that is connected to the Village's potable water supply system and the person to whom the permit has been issued shall be entitled to request in writing that the Superintendent reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the Village Clerk as provided in Section 23-209(b). The procedures set forth in Section 23-209 applicable to the reconsideration of decisions to issue a Chemical Substance Storage Permit shall be applicable to requests for reconsideration of decisions to modify the conditions contained in a Chemical Substance Storage Permit.

Sec. 23-211 Transfer and Assignment of Chemical Substance Storage Permits.

- (a) Chemical Substance Storage Permits are valid only for the premises described in the permit and for the permittee identified in the permit. Chemical Substance Storage Permits cannot be transferred or assigned without the prior written approval of the Superintendent. If the premises for which a Chemical Substance Storage Permit has been issued is sold or otherwise transferred to a new owner who will maintain the same operation in the same

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premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permittee, then the permit held by the seller and/or owner shall be reissued by the Village to the new owner and/or operator as a temporary permit; provided:

1. The new owner and/or operator notifies the Village thirty (30) calendar days in advance of the transaction, and
 2. The new owner and/or operator confirms to the Village, within twenty-four (24) business hours of the transaction, of completion of the sale or execution of an operating contract, and
 3. The new owner and/or operator immediately applies for a new permit in accordance with this Article.
- (b) A temporary permit shall be valid for a period of not more than ninety (90) days.

Sec. 23-212 Enforcement.

- (a) If an alleged violation of this Article occurs, the Superintendent shall send or otherwise cause a written "Notice of Violation" to be delivered to the person alleged to have committed the violation. The "Notice of Violation" shall describe the violation that is alleged to have occurred and shall set a time and place for a Compliance Meeting. The Compliance Meeting shall be attended by the Superintendent and other appropriate representatives of the Village, the person alleged to have committed the violation and any representatives or agents of the person alleged to have committed the violation, provided that the failure of the person alleged to have committed the violation and any of such person's representatives failure or refusal to attend a scheduled Compliance Meeting shall not preclude the Compliance Meeting from occurring. The purpose of such a meeting shall be to establish the procedures, investigations, testing studies and compliance measures as the Village deems necessary and desirable to determine whether a violation occurred, to control and prevent any further violations of this Article and to remediate the adverse effects of any prior violations. During the Compliance Meeting the person alleged to have committed the violation shall be given the opportunity to present evidence and otherwise explain why such person is not responsible for the violation or should not be required to remediate the adverse effects of the violation.
- (b) Following the completion of any procedures, testing, investigations or studies provided for as a result of the Compliance Meeting or at such other time as the Village deems appropriate following the Compliance Meeting, the Village may issue an order which may require the person alleged to have committed the violation to take certain steps as described in the order to prevent violations from occurring in the future and/or to remediate adverse effects resulting from the violation.

- (c) A failure to timely comply an order issued in accordance with Section 23-212(b) shall make the person to whom the order is directed subject to fines and any other applicable penalties as provided for in this Code.
- (d) The enforcement procedures provided for in this Sections 23-212(a) and 23-212(b) are not exclusive.
- (e) If there is a violation of any provision of this Article, the Village shall be entitled to seek any remedy and to impose any penalty as may otherwise be authorized by state law, by this Code or by any other ordinance of the Village or which may otherwise be available to the Village in law or in equity, including but not limited to injunctive relief.

Sec. 23-213 Violations of State and Federal Water Quality Standards

If the Village is fined by the State of Illinois or the United State Environmental Protection Agency for a violation of water quality standards as the result of a release, then the Village shall, in addition to any other remedy which may be available, also be entitled to recover from any person or persons who caused the release or whose failure to comply with the requirements of this Article resulted in the occurrence of the release, the amount of any such fine as well as any costs incurred by the Village as a result of the violation of the water quality standards, including but not limited to all Village legal, sampling and analytical testing costs.

Sec. 23-214 Revocation of Chemical Substances Storage Permit.

- (a) The Village President may revoke a Chemical Substance Storage Permit for good cause, including, but not limited to, the following reasons:
 - 1. Failure to notify the Superintendent of substantial changes relating to the use or storage of Chemical Substances on the premises for which the permit was issued prior to the occurrence of the change;
 - 2. Misrepresentation or failure to fully disclose all relevant facts in the Chemical Substance Storage Permit application;
 - 3. Failure to pay fines;
 - 4. Failure to meet compliance schedules;
 - 5. Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or
 - 6. Violation of any standard or requirement, or any terms of the Chemical Substance Storage Permit or this Article.

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- (b) The Superintendent may order any person whose Chemical Substance Storage Permit is subject to revocation to show cause as to why the Chemical Substance Storage Permit should not be revoked. A notice shall be served on the offending person, specifying the time and place of a hearing to be held by the Village President at which the person to whom the Chemical Substance Storage Permit has been issued shall show cause as to why the Chemical Substance Storage Permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. The notice shall specify the reason or reasons as to why the Chemical Substance Storage Permit is subject to revocation.
- (c) The Village President may conduct the hearing and take the evidence or may designate a hearing officer to conduct the hearing. The Village President or hearing officer shall have the authority to:
 - 1. Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - 2. Take the evidence;

If the hearing is conducted by a hearing officer, the hearing officer shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with the hearing officer's recommendation to the Village President as to whether the Chemical Substance Storage Permit should be revoked.

- (d) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing shall be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor. The hearing shall be an informal hearing and the rules of evidence applicable in courts of law shall not be applicable.
- (e) After the Village President has reviewed the evidence, the Village President may issue an order to the offending person responsible for the violation of this Article directing either: that the Chemical Substance Storage Permit be revoked; or that following a specified time, the Chemical Substance Storage Permit shall be revoked, unless adequate progress towards compliance is accomplished; or direct the offending person to remove the Chemical Substances from the premises within a specified period of time; or that such other action as deemed necessary by the Village President to abate the improper Chemical Substance storage. Further orders and directives as are necessary may be issued.
- (f) Notwithstanding any other provision of this Article, the Superintendent shall have the authority, after informal notice to the offending person, to immediately and effectively halt or prevent any release of Chemical Substances that reasonably appears to present an imminent

danger to the Village's potable water supply or to the health, safety or welfare of the public. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed as soon thereafter as is reasonably possible by a written order) to the person responsible for creating the dangerous situation, stating the reason for the order and the actions which must be taken to eliminate the reason for the emergency situation. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the responsible person and the Superintendent, telephone calls, letters, hand-delivered messages or notices posted at the responsible person's premises.

- (g) Any person who has their Chemical Substance Storage Permit revoked pursuant to this Section 23-214 shall have the right to request to make a presentation to the Board of Trustees of the Village, at which time the person shall be given the opportunity to explain why their permit should not be revoked. Following the presentation, the Board of Trustees may request that the Village President reconsider the decision to revoke the Chemical Substance Storage Permit.

Sec. 23-215 False Information or Statements.

It shall be unlawful for any person to knowingly make any false statement or certification in any application, record, report, plan or other document required to be filed with the Village under this Article, including, but not limited to, the application for a Chemical Substance Storage Permit or in any document filed with the Village or required to be maintained pursuant to this Article.

Sec. 23-216. Penalties and Liability for Costs.

Any person who is found to have violated any provision of this Article, shall upon conviction be fined not less than Two Hundred Fifty (\$250.00) dollars or more than One Thousand (\$1,000.00) dollars for each violation. Each day that violation of this Article continues shall constitute a separate violation. A separate violation shall be considered to have occurred for each Chemical Substance that is improperly stored or is released during any day. In addition to the penalties provided for in this Section and any other applicable penalty or sanction, the Village may recover the reasonable attorney's fees, court costs, court reporter fees and any other litigation expenses it may incur in enforcing the provisions of this Article against any person who is found to have violated the provisions of this Article. (Ord. No. 05-06, Sec. 1, 3-17-05)

Sec. 23-217 to 2-224 Reserved.

**ARTICLE X. DISCHARGES AND CONNECTIONS TO
STORM WATER DRAINAGE SYSTEM**

Sec. 23-225. Abbreviations and Definitions.

- (a) The following abbreviations, when used in this Article, shall have the designated meanings:

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1. CFR - Code of Federal Regulations
 2. NPDES - National Pollution Discharge Elimination System
- (b) Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall have the meanings hereinafter designated and shall be the same as those used in the Illinois Environmental Protection Act as amended from time to time. Where there is a reference to a provision of the CFR or any other state or Federal statute or regulation, the reference shall include any subsequent amendment to such statute or regulation and to include any statute or regulation which is intended to replace or supercede the referenced statute or regulation.
1. “Discharge” means any spilling, leaking, emitting, releasing, discharging, escaping, leaching, discharging or disposing of a pollutant into the Storm Water Drainage System. Discharges do not include releases or discharges permitted under Federal, state, or local law.
 2. “Illegal Discharge” means any direct or indirect discharge to the Storm Water Drainage System that is not composed entirely of Storm Water, except as follows:
 - (a) The following types of discharges shall not constitute an Illegal Discharge unless the discharge contains a Pollutant:
 - (i) water line flushing and other discharges from a potable water source;
 - (ii) discharges resulting solely from landscape irrigation or lawn or plant watering;
 - (iii) diverted stream flows
 - (iv) rising ground water
 - (v) ground water infiltration into the Storm Water Drainage System
 - (vi) pumped ground water
 - (vii) discharges from foundation or footing drains
 - (viii) discharges from crawl space pumps
 - (ix) discharges resulting from air conditioning condensations
 - (x) discharges from the non-commercial washing of vehicles

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- (xi) natural riparian habitat or wetland flows
 - (xii) discharges from swimming pools which contain less than one part per million of chlorine
 - (xiii) discharges resulting from firefighting activities
 - (xix) discharges from other sources of water such as springs
 - (xx) rinse water from street cleaning or sweeping operations.
- (b) Discharges specified in writing by the Superintendent or by a Federal, state or county environmental protection agency as being necessary to protect public health and safety.
- (c) Dye testing of the Storm Water Drainage System provided that if such testing is being undertaken other than by the Village or by a contractor retained by or on behalf of the Village, the Superintendent must be notified not less than five (5) business days in advance.
- (d) Any discharge permitted under an NPDES permit, waiver, or discharge order issued to the person making or responsible for the discharge, provided that there is full compliance with all requirements of the permit, waiver or order and all other applicable laws, and provided that the Superintendent has granted written approval for the discharge into the Storm Water Drainage System.

3. “Illicit Connection” means:

- (a) Any drain, pipe, tile, conduit, or other means of conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the Storm Water Drainage System, including, but not limited to, any means of conveyance which allow sewage, processed wastewater or wash water to enter the Storm Water Drainage System and any connections to the Storm Water Drainage System from indoor drains and sinks, regardless of whether such connection had previously been allowed, permitted or approved by the Village.

And

- (b) Any drain, pipe, tile, conduit or other means of conveyance connected from a commercial or industrial use to the Storm Water Drainage System which has not been documented in plans maps or equivalent records and approved by the Village.

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4. “NPDES Permit” means a permit issued by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency which authorizes the discharge of a pollutant into waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
5. “Occupant” means any person who holds a leasehold interest, is otherwise a tenant, is a licensee under a license which allows real estate or an improvement on real estate to be used or occupied or who otherwise occupies real estate or an improvement on real estate. A tenant is considered to an occupant for purposes of this Article.
6. “Owner” means any person who holds all or part of a fee interest in real estate or an improvement located on real estate, including buildings, apartments, and other structures.
7. “Person” means any individual person, corporation, firm, association, joint venture, trust, partnership, unit of local government that is subject to the regulatory authority of the Village as exercised in this Article or other legal entity that is subject to the regulatory authority of the Village as exercised in this Article.
8. Pollutant” means any “Extremely Hazardous Substance” listed in Appendix A of 40 CFR Part 355; Any “Hazardous Substance” listed in 40 CFR Section 302.4; any petroleum product including crude oil or any fraction thereof, and any of the following chemicals, metals and compounds:

1,1,1-TRICHLOROETHANE	BENZO (A) PYRENE
1,1,2-TRICHLOROETHANE	BERYLLIUM
1,1-DICHLOROETHYLENE	BHC-GAMMA (LINDANE)
1,2,4-TRICHLOROBENZENE	CADMIUM
1,2-DICHLOROETHANE	CARBOFURAN
1,2-DICHLOROPROPANE	CARBON TETRACHLORIDE
2,4,5-TP (SILVEX)	CHLORDANE
2,4-D	CHROMIUM
ALACHLOR (LASSO)	CIS-1,2-DICHLOROETHYLENE
ALDICARB	CUTTING OILS
ALDICARB SULFONE	CYANIDE
ALDICARB SULFOXIDE	DALAPON
ALDRIN	DI(2-ETHYLHEXYL) - ADIPATE
ANTI FREEZE	DI(2-ETHYLHEXYL) -
ANTIMONY	PHTHALATE
ARSENIC	DIBROMOCHLOROPROPANE
ATRAZINE	(DBCP)
BARIUM	DICHLOROMETHANE
BENZENE	DIELDRINDINOSEB

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DIQUAT	OXAMYL (VYDATE)
ENDOTHALL	P-DICHLOROBENZENE
ENDRIN	PENTACHLOROPHENOL
ETHYLBENZENE	PICLORAM
ETHYLENE DIBROMIDE	POLYCHLORINATED
FLUORIDE	BIPHENYLS (PCB)
HEPTACHLOR	SELENIUM
HEPTACHLOR EPOXIDE	SIMAZINE
HEXACHLOROBENZENE	STYRENE
HEXACHLORO-	TETRACHLOROETHYLENE
CYCLOPENTADIENE	THALLIUM
LEACHATE	TOLUENE
MERCURY	TOXAPHENE
METHOXYCHLOR	TRANS-1,2-
MINERAL OIL	DICHLOROETHYLENE
MONOCHLOROBENZENE	TRI-
O-DICHLOROBENZENE	CHLOROETHYLENEXYLENE

Pollutant also includes Wastewater, paints, varnishes and solvents; oil and other automotive fluids; human and animal wastes, yard waste, construction materials and waste, refuse, rubbish, garbage, sewage, dissolved and particulate metals, and fecal coliform and pathogens regardless of whether they contain any of the chemicals, metals and compounds listed above.

9. “Premises” means any lot or parcel of real estate or any part thereof, whether improved or unimproved. If there is a structure on land, the term “Premises” includes both the structure and the lot or parcel of real estate on which the structure is located.
10. “Storm Water” means any surface flow or run-off consisting entirely of water from any form of natural precipitation.
11. “Storm Water Drainage System” means the facilities owned and/or maintained by the Village which are used for the collection and conveyance of storm water. The Storm Water Drainage System consists of culverts, retention ponds and areas, detention ponds and areas, underground pipes, drains, drainage tile, ditches, and other appurtenant equipment and facilities.
12. “Storm Water Pollution Prevention Plan” means a document which describes the practices and activities which are to be implemented on the Premises identified in the document and the actions to be taken by the owner and/or occupant of the Premises to eliminate or reduce Illegal Discharges to the Storm Water Drainage System.
13. “Superintendent” means the Superintendent of Streets and Parks of the Village.

14. “Village” means the Village of Fox River Grove, Illinois.
15. “Wastewater” means any water or other liquid, other than Storm Water discharged from Premises.

Sec. 23-226 Applicability and administration

- (a) This Article applies to all persons who own or who occupy premises in the Village of Fox River Grove. The owner(s) and occupant(s) of premises subject to this Article are jointly and severally responsible for complying with the applicable provisions of this Article. The failure of an owner or occupant of premises to comply with the requirements of this Article shall not be excused because of a lack of knowledge as to such requirements or their applicability.
- (b) Except as otherwise provided in this Article, the Superintendent shall administer, implement and enforce the provisions of this Article. The Superintendent, the Superintendent’s designees, and any other person who is a peace officer shall have the authority to issue citations or sign complaints on behalf of the Village for the purpose of enforcing the provisions of this Article. Any powers granted to or duties imposed on the Superintendent by this Article may be delegated by the Superintendent to other employees, officers or agents of the Village.

Sec. 23-227 Illegal discharges and illicit connections prohibited

- (a) It shall be unlawful for any person to intentionally or recklessly take any action, or intentionally or recklessly fail to take any action, which results in the occurrence of an Illegal Discharge.
- (b) It shall be unlawful for any person to construct, install or otherwise make an illicit connection. It shall be unlawful for any person, including, but not limited to the owner and occupant of premises, to maintain an illicit connection.

Sec. 23-228 Blocking or inhibiting flow of water in storm water drainage system prohibited

- (a) The owner and occupant of any premises on which any part of the Storm Water Drainage System is located or which contains drains, culverts, ditches, retention and detention ponds, underground pipes or other facilities designed to collect and convey storm water which are tributary to the Storm Water Drainage System shall keep and maintain such facilities free of trash, debris, excessive vegetation and any other obstacles that may pollute, contaminate or retard the flow of water through such facilities.
- (b) It shall be unlawful for any person to deposit trash, garbage, debris, landscape waste or any

other item into a drain, culvert, ditch, retention or detention pond, underground pipes or other facility that is part of the Storm Water Drainage System or to take any other action that results in the creation of an obstacle which inhibits the flow of water in any drain, culvert, ditch, retention or detention pond, underground pipes or other facility that is part of the Storm Water Drainage System.

Sec. 23-229 Reporting requirements in the event of an illegal discharge of a pollutant

- (a) Whenever an illegal discharge of a pollutant occurs, the owner and the occupant of the premises from where the discharge originated shall immediately notify the Superintendent and provide the following information:
 - 1. Any and all actions that have been and are intended to be taken to halt the illegal discharge of the Pollutant.
 - 2. An estimate of the quantity of the pollutant discharged.
 - 3. The methods that are to be used to clean up and otherwise re-mediate the pollutant that was discharged.
- (b) The initial notification of an illegal discharge of a pollutant may be made by telephoning the Superintendent or the Village's Police Department. If initial notification of an illegal discharge of a pollutant is made by telephone, then a written notification of the discharge containing the information required under Section 23-229(a) must be made to the Superintendent no later than forty-eight (48) hours after the discharge occurred or was first discovered, whichever occurs last.
- (c) It shall be unlawful for any persons to fail to give the notification of an illegal discharge of a pollutant as provided in this Section 23-229.

Sec. 23-230 Remediation of illegal discharges of pollutants.

- (a) If an illegal discharge of a pollutant occurs for which notification is required under Section 23-229, then the owner and occupant of the premises from which the discharge originated shall be required to submit a plan to the Village for the remediation of the discharge.
- (b) Following the submission of the remediation plan provided for in Section 23-230(a), the Superintendent shall schedule a conference with the person(s) who submitted the remediation plan. The purpose of the conference shall be to discuss and establish the procedures, investigations, studies and compliance measures that the Village deems necessary in order to control and prevent any pollutant from coming into contact with or being absorbed into groundwater entering into the Village's potable water supply system, from flowing into the Fox River or watercourses that are tributary to the Fox River or from otherwise endangering

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the public health or safety as a result of the illegal discharge. Following the conference, the Superintendent shall issue a “remediation order” which sets forth in writing the steps which the owner and occupant of the premises on which the illegal discharge originated must take in order to re-mediate the illegal discharge and the time periods within which such steps must be taken.

- (c) It shall be unlawful for the owner or occupant of premises on which the illegal discharge of a pollutant has occurred to fail to comply with a remediation order.
- (d) The owner and occupant of premises from which an illegal discharge of a pollutant has occurred shall be jointly and severally liable to reimburse the Village for any costs and expenses which the Village may incur as the result of the illegal discharge. Payment of any such costs and expenses must be made to the Village not more than forty-five (45) days after the date that the Village issues an invoice for the costs and expenses.
- (e) If an owner or occupant fails to comply with a remediation order, or if it otherwise becomes reasonably necessary for the Village to re-mediate the effects of the illegal discharge of a pollutant in order to prevent a pollutant from coming into contact with or being absorbed into groundwater, entering into the Village’s potable water supply system, flowing into the Fox River or a watercourse that is tributary to the Fox River, or otherwise endangering the public health or safety, then the Village may take whatever steps it determines in the reasonable exercise of its discretion are necessary to re-mediate. The owner and any occupant of the premises on which the illegal discharge of the pollutant occurred and any other person who may have caused the illegal discharge of the pollutant shall be jointly and severally liable to reimburse the Village for the cost of any such remediation work performed by or on behalf of the Village. Such reimbursement shall be made not less than forty-five (45) days after the Village issues an invoice for the cost of the remediation work.

Sec. 23-231 Storm water pollution prevention plan

- (a) The owner and occupant of any premises where an industrial or commercial activity occurs and where the illegal discharge of a pollutant has originated at any time during the prior ten (10) years or for which an NPDES permit has been issued shall be required to develop and implement a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention Plan shall include, at a minimum, the following components:
 - 1. Emergency contact information;
 - 2. Description of activities, facilities, and any plant processes on the premises;
 - 3. Description of any stored pollutants and their locations, and quantities;
 - 4. Description of pollutant disposal practices;

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5. Procedures for immediately notifying the Superintendent of any illegal discharge of a pollutant in accordance with Sec. 23-229(a) of this Article; and
 6. Procedures to prevent adverse impacts from accidental discharges of pollutants into the Storm Water Drainage System. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of pollutants, loading and unloading operations, control of storm water runoff from the premises, worker training, building of containment structures or equipment, measures for containing pollutants, and/or measures and equipment for emergency response.
- (b) The Storm Water Pollution Prevention Plan shall also contain such additional information and components which the Superintendent determines in the reasonable exercise of his discretion, is necessary in order to provide a plan of action which will protect against illegal discharges of pollutants from occurring and/or which will reduce the likelihood that an accidental discharge of a pollutant into the Storm Water Drainage System might occur.
- (c) A Storm Water Pollution Prevention Plan shall be updated not less than once every three (3) years. The updated Storm Water Pollution Prevention Plan shall be submitted to the Superintendent, for the Superintendent's review and approval. The Superintendent, may in the reasonable exercise of his discretion, require that a Storm Water Pollution Prevention Plan for a premises be updated more frequently than once every three (3) years if he determines that the Storm Water Pollution Prevention Plan needs to be updated in order to protect against any pollutant from coming into contact with or being absorbed into groundwater, entering into the Village's potable water supply system, flowing into the Fox River or a watercourse that is tributary to the Fox River, or otherwise endangering the public health or safety as a result of the illegal discharge and/or in order to reduce the likelihood that an illegal discharge of a pollutant might occur.

Sec. 23-232 Enforcement.

- (a) If an alleged violation of this Article occurs, the Superintendent shall send or otherwise cause a written "Notice of Violation" to be delivered to the person alleged to have committed the violation. The "Notice of Violation" shall describe the violation that is alleged to have occurred and shall set a time and place for a compliance meeting. The compliance meeting shall be attended by the Superintendent and other appropriate representatives of the Village, the person alleged to have committed the violation and any representatives or agents of the person alleged to have committed the violation. The purpose of such a meeting shall be to establish the procedures, investigations, testing studies and compliance measures as the Village deems necessary and desirable to control and prevent any further violations of this Article and to re-mediate the adverse effects of any prior violations. During the compliance meeting the person alleged to have committed the violation shall be given the opportunity to present evidence and otherwise explain why such person is not responsible for the violation or should not be required to re-mediate the adverse effects of the violation.

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- (b) Following the completion of any procedures, testing, investigations or studies provided for as a result of the compliance meeting or at such other time as the Village deems appropriate following the compliance meeting, the Village may issue an order which may require the person alleged to have committed the violation or who is responsible for the violation to take certain steps as described in the order to prevent violations from occurring in the future and/or to re-mediate adverse effects resulting from the violation.
- (c) A failure to timely comply with an order issued in accordance with Section 23-232(b) shall make the person to whom the order is directed subject to fines and any other applicable penalties as provided for in this Code.
- (d) The enforcement procedures provided for in this Sections 23-232(a) and 23-232(b) are not exclusive.
- (e) If there is a violation of any provision of this Article, the Village shall be entitled to seek any remedy and to impose any penalty as may otherwise be authorized by state law, by this Code or by any other Ordinance of the Village or which may otherwise be available to the Village in law or in equity, including but not limited to injunctive relief.
- (f) If as a result of the illegal discharge of a pollutant, a pollutant has or it is imminent that a pollutant will (i) come into contact with or be absorbed into groundwater, (ii) enter into the Village's potable water supply system, (iii) flow into the Fox River or a watercourse that is tributary to the Fox River or (iv) otherwise endanger the public health or safety, then the Superintendent may without prior notice, if it is impracticable to give prior notice, disconnect, or cause to be disconnected, from the Storm Water Drainage System the premises where the illegal discharge originated and any other premises which may need to be disconnected in order to prevent, eliminate or reduce the danger to the public health or safety resulting from the illegal discharge. If such disconnection occurs, then the Superintendent, shall as soon as practicable, notify the owners and occupants of all premises that have been disconnected regarding the disconnection and shall inform the owners and occupants of what steps must be taken in order for the premises to be re-connected to the Storm Water Drainage System. If the Superintendent disconnects or orders the disconnection of premises from the Storm Water Drainage System as provided in this Section 23-232(f), the owner and any occupant of the premises on which the illegal discharge of the pollutant occurred and any other person who may have caused the illegal discharge of the pollutant shall be liable to reimburse the Village for any costs incurred by or on behalf of the Village as a result of the illegal discharge, including, but not limited to the cost of disconnecting or causing the disconnection of premises from the Storm Water Drainage System. Such reimbursement shall be made not less than forty-five (45) days after the Village issues an invoice for the costs the Village incurred.

Sec. 23-233 Violations of State and Federal water quality standards

If the Village is fined by the State of Illinois or the United State Environmental Protection Agency for a violation of water quality standards as the result of the illegal discharge of a pollutant, then the Village shall, in addition to any other remedy which may be available, also be entitled to recover from any person who caused the illegal discharge, including but not limited to the owner and occupant of the premises where the illegal discharge originated, or from any person whose failure to comply with the requirements of this Article resulted in the occurrence of the illegal discharge, the amount of any such fine as well as any costs incurred by the Village as a result of the violation of the water quality standards, including but not limited to all Village legal, sampling and analytical testing costs.

Sec. 23-234 Compliance with NPDES storm water discharge permit required

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the NPDES permit may be required in a form acceptable to the Superintendent prior to allowing discharges to be made into the Storm Water Drainage System that originate from the activity or the premises for which the NPDES permit was issued.

Sec. 23-235 False information or statements

It shall be unlawful for any person to knowingly make any false statement or certification in any application, record, report, plan or other document required to be filed with the Village under this Article.

Sec. 23-236. Penalties and liability for costs

Any person who is found to have violated any provision of this Article, shall upon conviction be fined not less than two hundred fifty (\$250.00) dollars or more than one thousand (\$1,000.00) dollars for each violation. Each day that violation of this Article continues shall constitute a separate violation. A separate violation shall be considered to have occurred for each illegal discharge of a pollutant during any day. In addition to the penalties provided for in this Section and any other applicable penalty or sanction, the Village may recover the reasonable attorney's fees, court costs, court reporter fees and any other litigation expenses it may incur in enforcing the provisions of this Article against any person who is found to have violated the provisions of this Article. (Ord. No. 05-35, Sec. 1, 11-17-05)