

CHAPTER 38

SEWERS

ARTICLE I – GENERAL PROVISIONS

38-1-1 **SHORT TITLE.** This Chapter shall be known and cited as Sewer Code of the City of Belleville.

38-1-2 **GENERAL DEFINITIONS.**

"ACT". The Federal Water Pollution Control Act Amendments of 1972 and regulations implementing said act.

"ADMINISTRATION". Means the Administration of the U.S. Environmental Protection Agency.

"APARTMENT" shall mean any structure containing **two (2)** or more dwelling units. (**#3633; 07-17-79**)

"BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)". The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **twenty degrees Celsius (20°C)** expressed in parts per million by weight.

"BUILDING SANITARY SEWER". A sewer which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.

"BUILDING STORM SEWER". A sewer which carries storm drainage, surface water, foundation drainage and roof drainage but excludes sewage and industrial wastes from the building plumbing to a public storm sewer or natural outlet.

"CITY" shall mean the City of Belleville and any reference to within the City shall mean all territory within the perimeter of the City boundaries or jurisdiction.

"COMBINED SEWER". A sewer receiving both surface runoff and sewage. Any modification to, addition to or improvement of a combined sewer line shall be designed to effectively and efficiently carry the **twenty (20) year** storm event, as defined in the Illinois Department of Transportation's Design Manuals for the Belleville area. (**Ord. No. 5312; 09-19-94**)

"COMMERCIAL CUSTOMER". Commercial customer shall be defined as all commercial establishments. (**#3633; 07-17-79**)

"COMPATIBLE POLLUTANT". Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the N.P.D.E.S. permit.

"EASEMENT". An acquired legal right for the specific use of land owned by others.

"FEDERAL GRANT". United States government participation in the financing of the construction treatment works as provided for by the Title II Grants for Construction of Treatment Works of the Act.

"FLOATABLE OIL". Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.

"GARBAGE". Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"INDUSTRIAL USER" shall mean any non-governmental user of publicly-owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (A) Division A - Agriculture, Forestry and Fishing.

- (B) Division B - Mining.
- (C) Division D - Manufacturing.
- (D) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (E) Division I - Services.

A user in the divisions listed may be excluded if it is determined by the Director that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. Governmental users are excluded from the purposes of the Industrial Cost Recovery but are included along with non-governmental users for the purposes of the User Charge System.

"INCOMPATIBLE POLLUTANT". Any pollutant which is not a compatible pollutant as herein defined.

"INDUSTRIAL WASTES". The wastes from industries, trades or businesses as distinguished from employee's domestic wastes or wastes from sanitary conveniences.

"MAJOR CONTRIBUTING INDUSTRY" shall mean an industrial user of the publicly-owned treatment works that:

- (A) Has a flow of **fifty thousand (50,000) gallons** or more per average work day, or
- (B) Has a flow greater than **five percent (5%)** of the flow carried by the municipal system receiving the waste, or
- (C) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(A) of the Act; or
- (D) Is found by the permit issuance authority, in connection with the issuance of an N.P.D.E.S. permit to the publicly owned treatment works receiving the waste to have a significant impact either singly or in combination with other contributing industries on that treatment works or upon the quantity of effluent from that treatment works.

"NATURAL OUTLET". Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

"MILLIGRAMS PER LITER" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent in reporting the results of water and wastewater analysis.

"N.P.D.E.S. PERMIT" means any permit or equivalent document or requirements issued by the Administrator or other appropriate Authority, or where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.

"PERSON". Any individual, firm, company, association, society, corporation or group.

"pH". The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"ppm" shall mean parts per million by weight.

"PRETREATMENT" shall mean the treatment of waste waters from sources before introduction into the waste water treatment works.

"PROPERLY SHREDDED GARBAGE". The wastes from the preparation, cooking and dispensing of food that has been shredded to such 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) inch** in any dimension.

"PUBLIC SEWER". A sewer which all owners of abutting properties have equal rights and obligations and is controlled by public authority.

"REGIONAL ADMINISTRATOR". The U.S.E.P.A. office which is required by law to approve a system of industrial cost recovery.

"REPLACEMENT" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"RESIDENTIAL CUSTOMER" shall be defined as single-family dwellings. (**#3633; 07-17-79**)

"SANITARY SEWAGE". The combination of the water carried from wastes from residences, business buildings, institutions and industrial establishments.

"SANITARY SEWER". A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"SEWAGE TREATMENT PLANT". Any arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS". The facilities for collecting, pumping, treating and disposing of sewage.

"STORM DRAIN". A storm sewer as herein defined.

"STORM SEWER". A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

"DIRECTOR OF WASTEWATER TREATMENT AND SEWER LINES" shall mean the Director of Wastewater Treatment and Sewer Lines of the City or his authorized deputy, agent or representative. (**Ord. No. 5143; 11-01-93**)

"SLUG" shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period or duration longer than **fifteen (15) minutes**, more than **five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

"TOTAL SUSPENDED SOLIDS (SS)". Solids that either float on the surface of, or are in the suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

"UNPOLLUTED WATER". Water on quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.

"WASTEWATER (SEWAGE)" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together the any ground-water, surface water, and storm water that may be present.

"WASTEWATER FACILITIES" shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"WASTEWATER TREATMENT WORKS" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or pollution control plant.

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

"USER CHARGE" shall mean a charge levied on users of treatment works for the cost of operation and maintenance including replacement, but shall not include a capital cost charge.

"USER CLASS" shall mean the type of user as determined by waste characteristics and process or discharge similarities.

"USEFUL LIFE" shall mean the estimated period during which the treatment works will be operated and shall be **thirty (30) years** from the date of start-up of any wastewater facilities constructed with a Federal Grant.

"WATER COURSE". A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

OFFICE OF DIRECTOR OF WASTEWATER
TREATMENT AND SEWER LINES

38-2-1 DIRECTOR OF WASTEWATER TREATMENT AND SEWER LINES ESTABLISHED. There is hereby created the office of Director of Wastewater Treatment and Sewer Lines for the City of Belleville who shall herein be referred to as "Director". At the first regular meeting of the City Council after the election of Mayor or as soon thereafter as is possible, the Mayor shall appoint, subject to the approval of the City Council, a Director who shall hold office until a successor is appointed and shall have qualified. The salary of the Director shall be fixed by resolution of the City Council at the time of his appointment.

The Director shall have general supervision of the public sewers tributary to the sewage treatment plants as well as the sewage treatment plants themselves. He shall ascertain the conditions and needs thereof and shall from time to time report the same to the City Council. The Director shall keep proper records of the location of all sewers, Y branches and building sewer connections and the condition of private sewage disposal systems and building sewers. He shall also have the duties specifically set forth in this Code and shall have authority to supervise the construction of private sewage disposal systems and the construction and installation of building sewers and to issue permits therefor. The Director shall be responsible for the enforcement of the provisions of this Code and he is hereby authorized to make such inspections, observations, measurements, samplings and tests as may be necessary in that regard and is authorized to enter upon any property for that purpose. **(Ord. No. 5203; 01-17-94)**

The Director, whenever necessary, with regard to discharge or proposed discharge of industrial wastes into any sewer, shall have the right to:

- (A) Reject the wastes in whole or in part for any reason deemed appropriate by him.
- (B) Require pretreatment of such wastes to within the limits of normal sewage.
- (C) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

ARTICLE III - USER CHARGES

38-3-1 BASIC CHARGES FOR ALL USERS OF CITY SEWERS.

(A) Rates and charges for the use and service of the sewage system of the City are hereby established. The owner, renter, or the management company of each lot, parcel of land or premises shall be liable to pay for the service on said lot, parcel of land or premises. Such charges and rates shall be made against any such lot, parcel of land or premises which may discharge sewage or industrial waste, either directly or indirectly, into said system or any part thereof. Such charges and rates shall be based upon the quantity of water used thereon or therein as such quantity may be measured by the water meter or meters of the Illinois American Water Company serving such lot, parcel of land or premises. Unless the City Treasurer or a designee determines that the City's interest is best served by sending a sewer bill to a renter, sewer bill shall be sent to the owner or management company of the lot, parcel of land or premises. The municipal fee for the collection of residential refuse also shall be provided via the same vehicle as the "sewer bill". The following rates shall be charged for sewer service to users of City sewers based upon metered water consumption:

(1) **Monthly Residential Billing.**

- (a) Effective for bills rendered on or after May 1, 2008, a monthly minimum charge of \$5.15 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed below with a unit being 100 cubic feet.

Units of Usage	1 – 3	\$2.57 a unit
	4 – 16	\$3.14 a unit
	17 – 33	\$2.63 a unit
	34 and beyond	\$2.57 a unit

- (b) Effective for bills rendered on or after May 1, 2009, a monthly minimum charge of \$5.32 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed with a unit being 100 cubic feet.

Units of Usage	1 – 3	\$2.66 a unit
	4 – 16	\$3.25 a unit
	17 – 33	\$2.72 a unit
	34 and beyond	\$2.66 a unit

- (c) Effective for bills rendered on or after May 1, 2010, a monthly minimum charge of \$5.51 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed with a unit being 100 cubic feet.

Units of Usage	1 – 3	\$2.75 a unit
	4 – 16	\$3.36 a unit
	17 – 33	\$2.81 a unit
	34 and beyond	\$2.75 a unit

- (d) When a lot, parcel of land or premises is connected to the City sewer system but is not metered by the Illinois American Water Company, the owner or the management company shall be charged in accordance with the Illinois Environmental Protection Agency (IEPA) consumption

guidelines in place for the fiscal year the service is rendered – at 1 ½ times the current rate for City residents.

(e) All sewer users not living within the City limits of Belleville will be charged at 1 ½ times the current rate.

(2) **Monthly Commercial Billing.**

(a) Effective for bills rendered on or after May 1, 2008, a monthly minimum charge of \$7.99 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed below with a unit being 100 cubic feet.

Units of Usage	1 – 19	\$2.74 a unit
	20 – 99	\$2.63 a unit
	100 – 499	\$2.57 a unit
	500 and beyond	\$2.45 a unit

(b) Effective for bills rendered on or after May 1, 2009, a monthly minimum charge of \$8.27 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed with a unit being 100 cubic feet.

Units of Usage	1 – 19	\$2.84 a unit
	20 – 99	\$2.72 a unit
	100 – 499	\$2.66 a unit
	500 and beyond	\$2.54 a unit

(c) Effective for bills rendered on or after May 1, 2010, a monthly minimum charge of \$8.56 will be applied to all bills. In addition to the minimum charge, unit rates will be added as prescribed with a unit being 100 cubic feet.

Units of Usage	1 – 19	\$2.94 a unit
	20 – 99	\$2.82 a unit
	100 – 499	\$2.75 a unit
	500 and beyond	\$2.63 a unit

(d) When a lot, parcel of land or premises is connected to the City sewer system but is not metered by the Illinois American Water Company, the owner or the management company shall be charged in accordance with the Illinois Environmental Protection Agency (IEPA) consumption guidelines in place for the fiscal year the service is rendered – at 1 ½ times the current rate for City residents.

(e) All sewer users not living within the City limits of Belleville will be charged at 1 ½ times the current rate.

(Ord. No. 7121; 04-22-08)

(See Exhibit "A-1" at the end of this Article)

(B) Each meter shall be considered a separate billing unit in applying the above rates, provided, however, that in case a single enterprise located on contiguous property is served by more than one such water meter and the amount of water shown on each of the several meters shall in each case exceed 80,000 cubic feet in any month, then the amount of water shown to have been consumed by such meters shall be totaled and the rates and charges shall be based upon the aggregate amount of water shown by all such meters.

(C) **Attorney's Fees.** In the event that rates and charges for the use and service of the sewage system of the City of Belleville are not paid by the owner, occupant or user of said lot, parcel of land or premises as provided for in **Section 38-3-1**, subparagraph (A)(1), and **Section 38-3-1**, subparagraph (A)(2), then the City shall be entitled to collect, in addition to the basic charges enumerated in this Section, reasonable attorney's fees and costs of collection. **(Ord. No. 5461; 09-05-95)**

(D) **Post Judgment Legal Work.** In addition to attorney's fees provided for in Subparagraph (C) above, in the event that the City of Belleville undertakes any legal work concerning the owner, occupant or user not paying rates and charges levied by the City of Belleville, and the City of Belleville incurs post judgment legal work, the City of Belleville shall be entitled to recover any and all attorney's fees and costs associated with post judgment legal work. **(Ord. No. 5493; 06-03-93)**

38-3-2 **SEPARATE WATER SUPPLY.** If any lot, parcel of land or premises which discharges sewage or industrial waste into the sanitary sewage system, either directly or indirectly, obtains part of all of the water used thereon from sources other than the Illinois American Water Company, and the water so obtained is not measured by a water meter or is measured by a water meter which is not acceptable to the Director, then in such case the City shall permit the discharge of sewage or industrial waste into its sanitary sewage system only when the owner of such lot, parcel of land or premises or some other interested party shall, at his expense, install and maintain a water meter which shall be satisfactory to the Director of Wastewater Treatment and Sewer Lines. Such water meters shall be installed so as to measure all water received on such lot, parcel of land or premises and the charges and rates shall be based upon the aggregate quantity of water received as measured by all such meters.

38-3-3 **METER DEDUCTION.** Users who, at their own expense, install a meter which measures water not entering the sanitary sewer system shall be eligible for deduction of that water use throughout the year.

(A) Any such meter shall be of approved design, shall be registered with the City Treasurer prior to use, and shall be used only by the user to whom it is registered and at the service location to which it is assigned. **(Ord. No. 4945; 04-06-92)**

(B) Thereafter, the user shall bring said meter to the City Treasurer's office in October of each year where it may be read and those readings utilized to determine any meter usage since the previous reading. **(Ord. No. 4945; 04-06-92)**

(C) The City Treasurer shall then credit the user's sewer count by subtracting the previous reading from the current reading as taken from the meter and multiplying the difference by the sewer charge and then deducting **one hundred percent (100%)** of that product from the next quarterly billing. **(Ord. No. 4945; 04-06-92)**

(D) The City Treasurer shall have authority over the installation of the meters used for deduction and from time to time may test the accuracy of said meters. Any necessary repairs to such meters shall be at users expense. **(Ord. No. 4945; 04-06-92)**

(E) No deductions shall be granted for users of the sewer system who are delinquent in their payments to the City for such service. **(Ord. No. 4996; 09-21-92)**

(F) The Treasurer and/or his designee may make adjustments downward in readings of water usage for sewer billing when there is evidence of a water leak; extensive watering of grass, flowers, shrubs and/or trees; and filling and maintaining a swimming pool.

The City's "history" of water usage may be used to substantiate adjustments. "Extensive" is defined as **three (3)** or more units of water beyond what the "history" shows to be the norm, and a "unit" is **seven hundred fifty (750) gallons**. Further, **three (3) units** of usage beyond a customer's typical usage during only one billing cycle will not qualify for an adjustment. When there is sufficient history, adjustments shall be made by averaging the water usage for a minimum of **three (3) months** before the abnormal usage, and then using that average for figuring the monthly bill(s). When there is insufficient history, the norm for billing may be established by using either the water consumption of the months immediately following the period for a requested adjustment or the Environmental Protection Agency's rule of thumb that each individual in a household will use **three thousand (3,000) gallons** of water a month, i.e., four units.

Adjustments due to water leaks will be made when proof that a leak has been repaired is received.

The period of time for "extensive" watering of grass, flowers, shrubs and trees and the filling and maintaining of swimming pools is defined as from May through September, and although requests for adjustments may be made at any time, only one adjustment per year will be made – usually in October.

Individuals who currently have Deduction Meters are encouraged to continue to use them. This especially applies to those who have sprinkler systems.

Decisions made by Sewer Collection Department personnel may be appealed to the City Treasurer. The City Treasurer's decisions are NOT subject to appeal.

(Ord. No. 7633; 10-15-12)

38-3-4 **NEW USERS.** No person shall connect to any part of the City sanitary sewer system or discharge sewage or industrial waste into the City's sanitary sewer system without first acquiring permission from the City to do so. It shall be in the sole discretion of the City as to whether they grant said permission to connect to the City's sanitary system or to discharge sewage or industrial waste into the City's sanitary sewer system. For any lot, parcel of land or premises from which connection is made with the City sanitary sewage system or which begins to discharge sewage or industrial waste into the City sewage system, either directly or indirectly, the charges and rates for the first payment period after the beginning date of sewage discharged into the City sewage system shall be based upon per diem prorata amount of the established basic charge herein established or shall be based upon the water consumed at the established rates, whichever is the larger. **(Ord. No. 6299; 05-21-01)**

38-3-5 **SURCHARGE TO INDUSTRIAL USERS.** A surcharge will be levied upon all users whose wastes exceed a concentration of 200 milligrams per liter of B.O.D. or 250 milligrams per liter of S.S. The surcharge shall be expressed as dollars per pound of each constituent (B.O.D. or S.S.)

Quarterly the number of pounds of each constituent from each user subject to a surcharge shall be computed as follows:

B.O.D. (pounds) = (Average analysis per quarter in mg/l - 200) x total flow (MG) x 8.34

S.S. (pounds) = (Average analysis per quarter in mg/l - 250) x total flow (MG) x 8.34

Total flow for the quarter shall be either water meter or flow meter readings and shall be expressed in million gallons (MG).

The surcharge shall be the pounds of each constituent per billing period times the unit cost for each constituent.

The unit cost for B.O.D. shall be **\$.115** per pound and the unit cost for S.S. shall be **\$.106** per pound. (Ord. No. 4949; 05-04-92)

38-3-6 **ANNUAL REVIEW.** The Director shall revise the surcharge costs annually during the month of April based on the preceding calendar year costs, flow and testing of the plant influents. (Ord. No. 4949; 05-04-92)

38-3-7 **LIEN RIGHTS, COLLECTION AND OCCUPANCY PERMIT.**

(A) Bills for the charges and rates herein established shall be prepared by the Office of the City Treasurer and shall be due and payable on or before the **twenty-first (21st) day** from the date of the bill. If the charges for the immediately past service period for use of the sewer and/or refused systems are not paid within **twenty-one (21) days** after the rendered date of the bill, a delayed payment charge in the amount of **ten percent (10%)** of the bill for the service period shall be imposed and collected. Further, delayed payment charge in the amount of **one percent (1%)** shall be imposed and collected for any/all unpaid charges for service prior to the current bill. **When a bill is not paid by a tenant within thirty (30) days after the date of the bill, the property owner shall be responsible for paying said bill including delayed payment charges.**

(B) When there is any indebtedness to the City, including any unpaid bills for sewer and/or refuse services to "Closed or Inactive Accounts," the City may in its sole discretion deny Occupancy Permits for addresses until all outstanding charges have been paid. Further, the City may revoke Occupancy Permits for addresses when sewer/trash bills have gone unpaid for **sixty (60)** or more days, and where Occupancy Permits inadvertently have been issued.

(C) If a sewer bill is delinquent for more than **sixty (60) days**, the City Treasurer or the Treasurer's designees may implement the terms of a "Discontinuance Agreement" between the City and the Illinois-American Water Company which allows the City to request that Illinois-American Water discontinue water service to the premises where the sewer bill is delinquent in excess of **sixty (60) days**. Prior to implementing the terms of the "Discontinuance Agreement," the Office of the Treasurer shall give notice to the person whose sewer bill is delinquent and give them an opportunity to be heard to determine whether the amount claimed to be owed by the City is correct.

(D) The City Treasurer and/or the Treasurer's designee(s) may enter into Payment Agreements with customers to forestall a "Discontinuance of Service" action. In the event that the delinquent customer fails to make the payments pursuant to the terms of the Payment Agreement, the City Treasurer and/or the Treasurer's designee(s) may implement the terms of "Discontinuance Agreement" between the City and Illinois-American Water Company and request that the water company terminate water service to said premises. Prior to implementing the terms of the "Discontinuance Agreement," the City shall give notice to the

person whose sewer bill is delinquent and give them an opportunity to be heard to determine whether the amount claimed to be owed by the City is correct.

(E) If the water service is disconnected to a premises because of a delinquent bill, the customer shall be liable to pay all extra charges incurred by the City in connection with the disconnection of the water service, including but not limited to all payments due to the City or to Illinois-American Water Company pursuant to Discontinuance Agreement.

(F) Whenever a bill for sewer service/refuse collection remains unpaid for **thirty (30) days** after it has been rendered, the Treasurer or the Treasurer's designee(s) may file with the Recorder of Deed, St. Clair County, Illinois a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and the notice that the City claims a lien for this amount as well as for all charges for sewer service/refuse collection subsequent to the period covered by the bill.

(G) If a bill for sewer service/refuse collection remains unpaid for a period of **thirty (300) days**, the customer shall be liable for reasonable attorney's fees and costs of litigation in connection with collection of said delinquent sum. **(See Section 38-3-1, subparagraphs C & D)**. The failure of the Treasurer and/or the Treasurer's designee(s) to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclosure of the lien pursuant to statutes of the State of Illinois for unpaid sewer bills or to otherwise pursue other collection procedures available.

(H) **Bill Sequence.** The time of making sewer bills and the period to be covered thereby shall be in accordance with the meter reading practices of the **Illinois American Water Company** for all lots, parcels of land and premises with respect to which such meter readings are used as a basis for the charges or rates. In all other cases, bills shall be made out monthly. All rates and charges shall be payable at the office of the City Treasurer and shall be collected for the City by the City Treasurer.

(I) The International Property Maintenance Code, which the City has adopted, requires that all dwellings be provided with a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and pressure to enable the fixtures to function properly and safely. Consequently, in the case of a discontinuance of service, the dwelling is subject to condemnation and its occupants evicted if water service is not restored within **seventy-two (72) hours** of the beginning of the discontinuance.

(J) When the "Discontinuance Agreement" between the City and Illinois-American Company is in force for a premise, it shall be unlawful for anyone to obstruct access in any manner to the water meter shut off valve. The fine for the violation is not less than **One Hundred Dollars (\$100.00)** or more than **One Thousand Dollars (\$1,000.00)**. Each day of the violation is a separate offense.

(Ord. No. 7563; 01-17-12)

38-3-8 SERVICE DISCONNECTED.

(A) If the charges for sewage service are not paid within **thirty (30) days** after the rendition of the bill for such service and the property is unoccupied, the service may be discontinued without further notice by removing the sewer lateral tap-in at the municipal sewer main, and shall not be reinstated until all past due bills, filing

fees, court costs and attorney's fees associated with the previous disconnection from said sewer system, are paid in full.

(B) If the charges for sewerage service are not paid within **thirty (30) days** after the rendition of the bill for such service and the property is occupied, the service may be disconnected upon the following terms:

- (1) The City shall direct notice to the last known address of the owner, via first class United States mail service, of its intent to discontinue service to the address of the affected property not less than **thirty (30) days** prior to any disconnection. In addition, the City shall cause a copy of said notice to be posted on the affected property. Said notice shall be given not less than **sixty (60) days** prior to disconnection.
- (2) If the charges are not paid in full prior to the disconnection date specified in the notice, then the property may be disconnected without further notice.
- (3) Any person affected by a notice of disconnection may obtain a hearing before the City by requesting in writing a review of the decision by the City of Belleville to disconnect. Said request shall be made within **fourteen (14) days** of the date said notice was posted on the affected property.
- (4) The party requesting a hearing before the Board shall have the right to be represented by counsel of their choice and shall be permitted to call witnesses on behalf of the party.
- (5) The City of Belleville shall render its decision at the conclusion of the hearing.

(C) Any property disconnected from the municipal sewer system shall be required to provide a private sewage system (aerator) to service said property, pursuant to **225 ILCS Sec. 225/6**, or the property shall be considered illegal to be occupied.

(D) Municipal sewerage service to any property previously disconnected from the City sewer system shall not be reinstated until all past due bills, filing fees, court costs, and attorney's fees associated with said disconnection, as well as any tap-in fees, charges associated with re-connection to the City sewer system, and reimbursement for costs associated with the previous disconnection from said sewer system, are paid in full. **(Ord. No. 5615; 09-03-96)**

38-3-9 SEWER LATERAL REPAIR PROGRAM INSTALLATION AND CONNECTION.

(A) All costs and expenses incidental to the installation and connection of a sanitary sewer to the building shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be

occasioned by the installation of the sewer. This Section shall apply even where said sewer runs under a public street or a public right-of-way or uses a public easement.

(B) **Sewer Lateral Repair Program.**

- (1) The Sewer Lateral Repair Program covers the cost of repairing that portion of a defective sewer lateral that begins immediately beyond the property line of a premises and extends to the sewer main. For residential accounts, the program will cover **one hundred percent (100%)** of the costs of repairs to a maximum of **Fifteen Thousand Dollars (\$15,000.00)**. For commercial accounts, the program will cover **one-half (1/2)** of the cost of repairs on a **fifty percent to fifty percent (50% - 50%)** basis to a maximum of **Fifteen Thousand Dollars (\$15,000.00)**. However, a deductible of **One Hundred Dollars (\$100.00)** shall apply to the cost of any repair undertaken in conjunction with this program. When repairs are necessary, the Director of Wastewater Treatment or a designee will solicit bids from qualified contractors when the estimated cost for the repair is **Ten Thousand Dollars (\$10,000.00)** or more. If the estimated cost is less than **Ten Thousand Dollars (\$10,000.00)**, quotes will be secured.
- (2) The Sewer Lateral Repair Program shall apply to all property that is billed for sewer service. To establish a fund from which to pay the cost of replacing qualified defective sewer laterals, a sewer-usage fee of **Two Cents (\$0.02)** a day shall be added to each sewer account.
- (3) The owner of a premises remains responsible for sewer laterals that run from the premises foundation to the property line.
- (4) When a property owner experiences a problem with their lateral sewer service line, the owner must first have a licensed and bonded company to determine where the problem is. (Sometimes the problem is not with the line itself, but it may have become clogged by materials in the line.) As a common home maintenance expense, the cost of this determination is not reimbursable by the City. If the problem is beyond the property line, the owner should contact the City. The City reserves the right to determine if an emergency situation exists.
- (5) If necessary, the City will arrange for the Wastewater Treatment Department to perform a dye test. In most instances this will disclose if - and where - there is a break in the sanitary sewer lateral.

(6) The property owner, not the tenant, must make the request to participate in the program.

(C) Beginning **August 1, 2008** the fee of **Two Cents (\$0.02)** a day to finance the Sewer Lateral Repair shall be charged to each sewer account. Beginning **January 1, 2009** the implementation of repairs via this program will begin.
(Ord. No. 7148; 07-08-08)

ARTICLE IV - SEWER EXTENSIONS

38-4-1 **CONSTRUCTION CONTRACTS.** The City will not accept sewer lines and treatment facilities installed by persons, firms, organizations, corporations, or others unless the following requirements have been met.

38-4-2 **APPROVED PLANS AND PERMITS.** Line installation shall not commence until a water pollution control permit and a complete set of plans that have been approved by the Environmental Protection Agency of the State of Illinois and the City are on file in the office of the Director.

38-4-3 **CERTIFICATION.** A motorized certification by the installing contractor that he has installed all sewers and treatment facilities in accordance with the permits and plans noted in **Section 38-4-2** is on file in the office of the Director.

38-4-4 **TESTING.** An air leakage test and deflection test shall be performed in accordance with "**Standard Specification for Water and Sewer Main Construction in Illinois**" (latest edition). All tests shall be conducted in the presence of a representative of the City. **Twenty-four (24) hour's** notice shall be given prior to commencing any tests.

38-4-5 **"RECORD" DRAWINGS.** Upon completion of the project as shown on the approved plans, **one (1)** complete set of "Record" drawings shall be furnished to the Director's Office for the construction plans. The "Record" drawings shall be furnished to the Director on sepia type reproducible material. The "Record" drawings shall show, both in plan and elevation (U.S.G.S., Datum), the exact location, dimensions, size and type of pipe supplied and all facilities constructed.

All service wyes and manhole stub outs must be shown on the "Record". Each service line shall be referenced with the sewer main stationing and dimensioned to the nearest down stream manhole. The depth of the end of each service line shall be clearly marked on the "Record".

38-4-6 **FINAL INSPECTION.** Upon completion of the project after all required testing has been done, a final inspection will be made by City personnel. The final inspection will not be conducted until "Record" plans are submitted. Final inspection will be made at the requests of the Owner. A list of material and workmanship defects, if any, will be forwarded to the Owner. Defects noted must be corrected and a reinspection made before acceptance. Improvements found not as depicted on the submitted "Record" plans shall be rejected.

38-4-7 **SEWER MAINTENANCE BOND.** After all defects, if any were noted during final inspection, have been corrected and prior to any sewer permits being issued, a maintenance bond in an amount equal to **fifty percent (50%)** of the construction cost shall be filed with the City Clerk. The bond shall be for a period of **one (1) year**, commencing on the date of final inspection or reinspection if necessary, and shall cover all defects in materials and workmanship. The bond shall be binding on the developer or the contractor.

Any person, firm, organization or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provisions of this **Chapter 38 of the Revised Code of Ordinances of the City of Belleville** shall, upon conviction, be fined not more than **Five Hundred Dollars (\$500.00)** for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues. (**Ord. No. 4577; 11-07-88**)

38-4-8 **PUMP STATION DESIGN STANDARDS.** The City will not accept any newly constructed pumping stations not designed according to the "Pump Station Design Standards" defined and listed below:

(A)

Minimum Requirements for New Pumping Stations.

- (1) **General Description.** The float switch shall be a simple, dependable, level-sensing automatic pump or alarm control device that operates reliably in sewage wet wells, water reservoirs, ditches or process vats. The float body shall be of high density polyethylene and the cable jacket shall be made of synthetic rubber for outstanding performance in a wide-range of corrosive environments. Each float should sense the movement of the liquid level past its mounting elevation. It should turn ON and OFF at essentially the same point on a rising or falling level. Single floats shall be used for differential control of pumps. Floats should contain one or two mercury switches each of which can be normally-opened or normally closed. A weight kit should be available for individual float suspension.
- (2) The float hangers and pump lifting bales shall be made of 316 stainless steel.
- (3) The electric cabinets shall be constructed of 316 Stainless steel.
- (4) Conduit for float cables shall be of **one and one-half (1/2) inch** PVC. Each pump cable shall have its own conduit of adequate size and shall be of PVC.
- (5) The valve vault shall have a **two (2) inch** PVC drain to the wet well with a PVC check valve and a trap to prevent liquid and odors from backing into the valve vault.
- (6) Check valves shall be the Rubber Flapper Swing Check Valve. It should be simple in design, have no moving parts and the flapper shall not pivot from the hinge pin, it should flex to open. Check valves should be non-slamming in design because the flapper should only travel **thirty-five (35) degrees** to reach the **forty-five (45) degree** seat and the flapper should be spring loaded with resiliency, so it closes before column reversal or near zero velocity, hence, the severity of slamming is negligible. Without moving parts to wear out, the Rubber Flapper Check should be virtually maintenance free.
- (7) Pump guide rails shall be 304 or 316 stainless steel.
- (8) There shall be an auxiliary pump connection to the force main.
- (9) An **eight (8) foot** high chain link fence shall surround the station wet well, valve box, and electrical control boxes. A minimum **twenty-five (25) foot** by **twenty-five (25) foot** area with a double swing **thirteen (13) foot** gate. The fence shall be of **two (2) oz.** aluminum coated **six (6) gauge** fabric.

- (10) An auxiliary transfer switch and cable connection shall be provided that is adaptable to the City of Belleville portable generator.
- (11) **Pumps (Minimum Duplex Station).** The pump(s) shall be capable of handling raw, unscreened wastewater. The discharge connection elbow shall be permanently installed in the wet well along with the discharge piping. The pump(s) shall be automatically connected to the discharge connection elbow when lowered into place, and shall be easily removed for inspection or service. There shall be no need for personnel to enter pump well. Sealing of the pumping unit to the discharge connection elbow shall be accomplished by a simple linear downward motion of the pump. A sliding guide bracket shall be an integral part of the pump unit. The entire weight of the pumping unit shall be guided by no less than **two (2) guide bars** and pressed tightly against the discharge connection elbow with metal-to-metal contact. Sealing of the discharge interface by means of a diaphragm, O-ring, or other devices will not be acceptable. No portion of the pump shall bear directly on the floor of the sump. The pump, with its appurtenances and cable, shall be capable of continuous submergence underwater without loss of watertight integrity to a depth of **sixty-five (65) feet** and shall meet requirements of the National Electrical Code for such units. An effective method to detect shaft seal failure or potential seal failure shall be provided. Pump suction and discharge openings shall be **two (2) inches** minimum and the pump shall be capable of passing a **three (3) inch** sphere. The electrical system and components, including motors, lights, cables, conduits, switchboxes, etc. shall comply with NEC requirements for Class 1, Group D, Division 1 locations. One pump in the pump station shall be equipped with a mechanical flush mix valve.
- (12) Aluminum access frame(s) and door(s), minimum rated **one hundred fifty (150) lbs./sq. ft.**, complete with hinged and flush locking mechanism and level sensor(s) cable holder. Frame shall be securely placed, mounted above the pump(s) or valves. Each door shall have a safety handle to maintain the door in the open position. Doors shall be of skid proof design. A sliding nut-tray shall be incorporated into the design of the access frame. The sliding nut-tray shall be located on **three (3) sides** of the frame to facilitate the mounting and moving of the upper guide bar, brackets and cable holder. Furnish and install upper guide bar brackets, guide bar, galvanized chain, and cable holder. An embedded socket (**three (3) inch**) with weep hole to hold a hoist shall be cast into the lid of the wet well.
- (13) An access road shall be provided with sufficient width for a pick-up truck.
- (14) Force main shall be **four (4) inches** in diameter or larger.
- (15) Wet well shall have storage capacity for **one (1) day** flow.

(Ord. No. 5334; 10-17-94)

ARTICLE V - RESERVED

ARTICLE VI - USE OF PUBLIC SEWERS**38-6-1 PRETREATMENT.**

(A) Pretreatment for removal of compatible pollutants may be required under **Section 38-6-2** of this Article.

(B) The pretreatment standard for incompatible pollutants introduced into a treatment works by a major contributing industry shall be that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Sections 301(B) and 304(B) of the Act. Compliance with pretreatment standards shall be provided for by the Act and subsequent rules and regulations as promulgated by the Regional Administrator.

38-6-2 USE OF PUBLIC SEWER.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to an outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Director, to a storm sewer, or natural outlet.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer.

- (1) Any liquid or vapor having a temperature higher than **150 degrees F.**
- (2) Any water or waste which may contain more than **50 mg** per liter by weight, of fat, oil, or grease.
- (3) Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters 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 sewage works.
- (7) Any waste at any time containing more than the maximum concentration in milligrams per liter of any substance shown in the following table.

Arsenic (total)	0.25
Barium (total)	2.00
Cadmium (total)	0.15
Chromium (total triv.)	1.00
Chromium (total hexav.)	0.30
Copper (total)	1.00
Cyanide	None
Flouride (total)	2.50
Iron (total)	2.00
Iron (dissolved)	0.50

Lead (total)	0.10
Manganese (total)	1.00
Mercury (total)	.0005
Nickel (total)	1.00
Phenols	0.30
Selenium (total)	1.00
Silver (total)	0.10
Zinc (total)	1.00
Total Dissolved Solids	3500.00

The above maxima may be changed, without notice, to comply with the rules, regulations or standards of the EPA of the State of Illinois as they may appear.

- (8) Any waste containing other toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (10) Any noxious or malodorous liquid, gas or substance which, wither singly or by interaction with other wastes, creates a public nuisance or hazard to life or is sufficient to prevent entry into sewers for their maintenance and repair.

(D) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight.

(E) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(F) The admission into the public sewers of any waters or wastes having a 5 day Biochemical Oxygen Demand greater than **200 parts** per million by weight or containing more than **250 parts** per million by weight of the suspended solids, or containing any quantity of substances having the characteristics described in Paragraph 3, or having an average daily flow greater than **fifty thousand (50,000) gallons** per day, shall be subject to the review and approval of the Director. Where necessary in the opinion of the Director, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the Biochemical oxygen Demand to **200 parts** per million and the suspended solids to **250 parts** per million by weight, or reduce objectionable characteristics or constituents to less than the maximum limits provided for in Paragraph (C), or control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approval is obtained in writing.

(G) Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expenses.

(H) When required by the Director, the owner of any property served by a building sanitary sewer carrying industrial wastes shall install a suitable control manhole in the building sanitary sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible to the City at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Paragraphs (C) and (F) of this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association, and in accordance with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", or any future amendments to either of these publications, and shall be determined at the control manhole provided for in Paragraph (H), or upon suitable samples taken at said control manhole. In the event that no special manhole is available, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sanitary sewer is connected.

(J) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern of rates representing a proportional share of the industrial concern's operation, maintenance and replacement cost of the treatment works.

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

(L) It shall be unlawful to discharge into any natural outlet within the City or in any area under the jurisdiction of said City any sanitary sewage, industrial wastes, or any other polluted water, except where suitable treatment has been provided in accordance with the provisions of this Code.

(M) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in the Article entitled "Private Sewage Disposal".

(N) It shall be unlawful to connect any sewer, which receives roof drainage, foundation drainage, surface water or ground water, to a public sanitary sewer.

(O) It shall be unlawful to construct combined sewers or other facilities intended to receive both storm run-off and sewage. Separate sanitary sewers and separate storm sewers shall be provided.

(P) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley or right-of-way, in which there is not located, or may in the future be located, a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **one hundred eighty (180) days** after date of official notice to do so provided that said public sewer is within **two hundred (200) feet** of the property line and any down stream portion of the wastewater facilities has sufficient capacity to handle the additional sewage. **(Ord. No. 6776; 10-03-05)**

(Q) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the municipal sewage system.

(R) That new construction tributary to the combined sewer system be designated to minimize and/or delay inflow contributions to the combined sewer system.

(S) That inflow sources on the combined sewer system be connected to a storm sewer within a reasonable period of time, if a storm sewer becomes available.

(T) That any new building domestic waste connection be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available.

(U) That CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSO's.

(V) If the drainage from any gasoline filling station, garage, refining plant, chemical plant, packing house, slaughter house, lard rendering establishment, dairy, steam engine, steam boiler, steam plant or any other establishment shall cause a deposit or obstruction or damage to any public sewer, the Director shall cause such deposit or obstruction to be removed promptly or cause such damage to be repaired, keeping an account of the cost of such work including materials, labor and supervision and shall certify an account of such cost to the person from whose establishment or premises the material causing such deposit, obstruction or damage came and if such person shall fail, neglect or refuse to pay the sum specified to the City within **thirty (30) days** after demand has been made, the person shall be in violation of this Article. **(Ord. No. 5976; 04-19-99)**

ARTICLE VII - BUILDING SEWERS, PERMITS AND CONNECTIONS

38-7-1 **COSTS.** All costs and expenses incidental to the installation, connection or maintenance to the building of sanitary sewers shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building of the sewer. This Section shall apply even where said sewers run under a public street or a public right-of-way, or use a public easement. **(#4475; 12-21-87)**

38-7-2 **PERMITS.**

(A) It shall be unlawful to make any connection with any City sewer without first having obtained a permit therefor.

(B) Applications for connection permits shall be made to the Director of Sewers and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain from the house to the sewer pipe.

(C) Applications for connection permits shall also be referred to the City Plumbing Inspector.

(D) No permit for connection to any City sewer shall be issued unless it is determined that all applicable Ordinances of the City of Belleville are complied with including all applicable State and Federal requirements.

(E) 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 Director.

38-7-3 CONNECTION FEES.

(A) A separate independent building sewer shall be provided for every building.

(B) Old building sanitary sewers and/or storm sewers may be used in connection with new buildings only when they are found on examination and test by the Director, to meet all requirements of this Code.

(C) New building sanitary and/or storm sewers shall be installed in accordance with Chapter 25 in the Plumbing and Sanitary Code of the City of Belleville, Illinois.

(D) The fee for each permit allowing connection with the City sewers shall be determined as follows:

(1) The fees for each dwelling unit shall be **Two Thousand Eight Hundred Fifty Dollars (\$2,850.00)** per dwelling unit, plus a **One Hundred Dollar (\$100.00)** inspection fee per service connection to the City sewers.

(2) The permit fees for each commercial/industrial connection including hotels/motels shall be as follows:

(a) Commercial Connection for parcel less than **one-half (1/2) acre: Three Thousand Six Hundred Dollars (\$3,600.00)**. (Ord. No. 6989; 05-21-07)

(b) Connection for parcels more than **one-half (1/2) acre: Three Thousand Six Hundred Dollars (\$3,600.00)** for every additional acre or portion thereof. In addition an assessment of **One Thousand Two Hundred Dollars (\$1,200.00)** per facility unit* plus **One Hundred Twenty Dollars (\$120.00)** inspection fee for service connection to City Sewers. (Ord. No. 6989; 05-21-07)

* **Facility Unit Definition:** Any part of a building having fixtures discharging wastewater effluent from a restroom, laundry, break room, kitchen, salon, housekeeping facility, etc. are Facility Units. Any part or parts of a room in a building that discharges wastewater to the sewer system are Facility Units. Facility Unit fees may also be assessed for part of a building that is divided for present or future use. Facility Units also are any construction work, which adds or moves existing sink, bathroom or any additional use that discharges wastewater to the sewer system. Facility Unit fees also apply to alterations to buildings or structures that add room(s) or part thereof, which includes facilities to discharge wastewater to the sewer system. Assessment fees shall also apply to new construction on a site, which previously contained a building or structure connected to the sewer system. Drinking fountains are exempt. (Ord. No. 6989; 05-21-07)

- (3) The permit fee for churches, public buildings and schools shall be based on water meter size as follows:

3/4"	\$500.00
1"	\$1,000.00
1 1/2"	\$1,500.00
2"	\$2,000.00
Larger than 2"	Fee must be negotiated with the City.

Plus a **One Hundred Dollar (\$100.00)** inspection fee per service connection to City sewers.

(E) There shall be an additional **One Hundred Dollar (\$100.00)** charge for every reinspection after the original inspection has been performed under this Code.

(F) The connection fees and inspection fees for all residential and commercial customers not located within the City limits will be **three (3) times** or triple the amount charged for customers located within the City limits. **(Ord. No. 6866; 04-17-06)**

ARTICLE VIII - PRIVATE SEWAGE DISPOSAL

RESERVED

ARTICLE IX - INSPECTIONS

38-9-1 **INSPECTIONS.** Upon payment of the permit fee, the inspector shall make the following inspections of each residence to be connected to the sewage system:

(A) An inspection shall be made of the building plumbing connection at the time the sewer ditch is opened and the connection is made to the sewer system to determine proper grade, alignment and connection.

(B) An inspection shall be made before the fill is put around the foundation and while the tile is still exposed around the foundation to see that there has been no connection of such drain tile with the sanitary sewer system.

(C) A third and final inspection shall be made after the eaves-troughs and downspouts have been installed to see that there is no connection of the aforesaid with the sanitary sewer.

(D) The provisions of this Code relating to excavations in streets shall be complied with in making excavations in street or other public places for sewer connections. (**#4042; 02-20-84**)

38-9-2 **POWERS AND AUTHORITY OF INSPECTORS.** The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling and testing, in accordance with the provisions of this Code.

ARTICLE X - COLLECTION, DEPOSIT AND LIEN

38-10-1 RESERVED. (Ord. No. 7563; 01-17-12)

38-10-2 RESERVED. (Ord. No. 7563; 01-17-12)

38-10-3 SUPERVISOR OF SEWER COLLECTIONS. The Office of Supervisor of Sewer Collections is hereby created. He shall be appointed by the Mayor, by and with the advice and consent of the City Council, at the first meeting of the City Council in May of each year. The Supervisor of Sewer Collections shall be under the supervision of the City Treasurer and shall perform such duties as the City Treasurer shall direct. In addition, he shall perform all the duties imposed upon the Commissioner of Buildings under the Building regulations of the City.

The City Treasurer, with the consent of the City Council may authorize **one (1)** or more financial institutions located within the corporate limits of the City to collect sewer service charges. **(Ord. No. 3525; 09-05-78)**

38-10-4 LIEN RIGHTS. Whenever a bill for sewer service remains unpaid for **thirty (30) days** after it has been rendered, the City Treasurer shall file with the Recorder of Deeds of the appropriate county a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and a notice that the City claims a lien for this amount as well as for all charges for sewer service subsequent to the period covered by the bill.

If a consumer whose bill is unpaid is not the owner of the premises, the City Treasurer shall notify the owner of the premises, if his address be known to the City Treasurer whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the City Treasurer to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid sewer bills mentioned in the foregoing paragraph.

Property subject to a lien for unpaid sewer service charges shall be sold for non-payment 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 City. The City Attorney is hereby authorized and elected to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill for sewer service has remained unpaid **thirty (30) days** after it has been rendered.

ARTICLE XI - USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED

38-11-1 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. Except for such uses or methods in existence before the effective date of this Article, the use or attempt to use groundwater as a potable water supply by the installation or drilling of wells or by any other method is hereby prohibited within the portion of the City of Belleville described in Exhibit A and depicted in Exhibit B, which are attached hereto and incorporated herein by reference. This prohibition includes the City of Belleville.

38-11-2 PENALTIES. Any person violating the provisions of this Article shall be subject to a fine of up to **Five Hundred Dollars (\$500.00)** for each violation.

38-11-3 DEFINITIONS.
"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

"Potable Water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. No. 7550; 12-19-11)

ARTICLE XI - DEBT SERVICE CHARGE

38-11-1 BILLING. The charge for debt service shall be as follows:
 (A) **Quarterly Billing.**

0 - 1200 cu. ft.	\$5.67	2900 cu. ft.	\$12.78
1300 cu. ft.	\$6.08	3000 cu. ft.	\$13.20
1400 cu. ft.	\$6.51	3100 cu. ft.	\$13.62
1500 cu. ft.	\$6.92	3200 cu. ft.	\$14.03
1600 cu. ft.	\$7.34	3300 cu. ft.	\$14.46
1700 cu. ft.	\$7.76	3400 cu. ft.	\$14.80
1800 cu. ft.	\$8.18	3500 cu. ft.	\$15.13
1900 cu. ft.	\$8.59	3600 cu. ft.	\$15.48
2000 cu. ft.	\$9.02	3700 cu. ft.	\$15.82
2100 cu. ft.	\$9.43	3800 cu. ft.	\$16.17
2200 cu. ft.	\$9.86	3900 cu. ft.	\$16.50
2300 cu. ft.	\$10.27	4000 cu. ft.	\$16.85
2400 cu. ft.	\$10.68	4100 cu. ft.	\$17.19
2500 cu. ft.	\$11.11	4200 cu. ft.	\$17.54
2600 cu. ft.	\$11.52	4300 cu. ft.	\$17.70
2700 cu. ft.	\$11.95	4400 cu. ft.	\$17.86
2800 cu. ft.	\$12.36	4500 cu. ft.	\$18.03
		All over 4500 cu. ft.	\$18.09

(B) **Monthly Billing.**

0 - 400 cu. ft.	\$1.89	1100 cu. ft.	\$4.82
500 cu. ft.	\$2.31	1200 cu. ft.	\$5.16
600 cu. ft.	\$2.73	1300 cu. ft.	\$5.50
700 cu. ft.	\$3.14	1400 cu. ft.	\$5.84
800 cu. ft.	\$3.57	1500 cu. ft.	\$6.01
900 cu. ft.	\$3.98	All over 1500 cu. ft.	\$6.06
1000 cu. ft.	\$4.40		

(Ord. No. 6290; 04-16-01)

ARTICLE XII - PENALTIES

38-12-1 **PENALTY.** Any person, firm or corporation violating any provision of this Code shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense. Each day in which any such violation continues shall be deemed a separate offense.

Any person violating any of the provisions of this Code shall be liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

ARTICLE XIII - CONSTRUCTION REQUIREMENTS

38-13-1 MATERIAL REQUIREMENTS. The sewer from building to main sewer must be constructed of Vitrified Clay Pipe conforming to **ASTM-C-700** (latest revision), Cast Iron Soil Pipe conforming to **ASTM-A-74** (latest revision), or **ASTM-C-564** (latest revision), or **Type PSM Polyvinyl Chloride (P.V.C.) Sewer Pipe** conforming to **ASTM-3034** (latest revision) with a minimum dimension ratio (DR) of 35, or **ASTM-F789-82**, with elastomeric gasketed joints.

When the building sewer is to be constructed with type **PSM Polyvinyl Chloride (P.V.C.) Sewer Pipe**, then said building sewer shall be laid with a minimum **two (2) inch** thick bedding of an approved **three-eighths (3/8) inch** minimum granular material and covered to the center line with the same material.

38-13-2 CONNECTIONS TO THE CITY SEWER. The sewer connection into the City sewer shall be made at the "wye" or "tee" branch designated for that property, if available. Where "wye" or "tee" branches are not available, connections shall be made using approved drilled or sawed tap and saddle. Breaking of sanitary sewer will not be allowed. Procedures set forth in appropriate specifications of **A.S.T.M. and W.P.C.F. Manual of Practice No. 9** shall be followed at all times. All such connections and materials must be approved by the Inspector before installation.

38-13-3 TESTING. At the discretion of the Inspector, a test may be required to insure water tightness of the building sewer. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. The building sewer shall be filled with water under a head of not less than **ten (10) feet**. The water level at the top of the test head of water shall not drop for at least **fifteen (15) minutes**, or the test shall be made by attaching an air compressor testing apparatus to any suitable opening and after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of **five (5) pounds** per square inch (psi) or sufficient to balance a column of mercury **ten (10) inches** in height. This pressure shall be held without introduction of additional air for a period of at least **fifteen (15) minutes**. (Ord. No. 4043; 02-21-84)

38-13-4 CONNECTION. The owners of all houses, buildings, or properties situated within the City and abutting upon any street, alley or other easement or right-of-way in which there is now located or may in the future be located, a public sanitary sewer, shall be required at their expense, to install suitable toilet facilities therein, and shall be requested to connect such facilities to the sewer. If said public sewer is within **one hundred (100) feet** of the closest property line and is of suitable size to handle the volume of sewage to be added, official notice will be given to the property owner informing him that the sewer is available and requesting that his connection be made within **one hundred eighty (180) days** following notification. Should the property owner fail to connect to the sewer within the allotted time, the tap-on fee as covered by ordinance shall become immediately due from the property owner to the City, and in addition thereto, the property owner shall be required to pay the minimum quarterly rate for sewer service in the City. In the event the property owner shall fail to connect to the sewer and a health problem is created, the Health Officer of the City shall send a second notice to the property owner requiring that connection be made to the sewer. Within **fifteen (15) days** of receipt of the second notice, the property owner shall connect to the sewer.

Should the property owner fail to comply with the second notice requiring that he be connected to the sewer, he shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**. Each day such violation is committed or permitted to continue shall be punishable hereunder as such. **(Ord. No. 4043; 02-21-84)**

ARTICLE XIV - INDUSTRIAL PRETREATMENT CODE

DIVISION I - GENERAL PROVISIONS

38-14-1 **PURPOSE AND POLICY.** This Code sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the City of Belleville and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Code are:

(A) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(B) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(C) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(D) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(E) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(F) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

(G) To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This Code shall apply to all industrial users of the POTW. The Code authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

38-14-2 **ADMINISTRATION.** Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this Code. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

38-14-3 **DEFINITIONS.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Code, shall have the meanings hereinafter designated.

(A) **"Act" or "The Act".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. **(33 U.S.C. 1251, et seq.)**

(B) **"Approval Authority".** The Regional Administrator of the USEPA, or his designee.

(C) **"Authorized Representative of the Industrial User".**

(1) If the industrial user is a corporation, authorized representative shall mean:

- (a) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (b) the manager of one or more manufacturing, production, or operation facilities employing more than **two hundred fifty (250) persons** or having gross annual sales or expenditures exceeding **Twenty-Five Million Dollars** (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) If the industrial user is a partnership, or a sole proprietorship, and authorized representative shall mean a general partner or proprietor, respectively;
- (3) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the government facility, or his/her designee;
- (4) The individuals described in paragraphs (1) - (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

(D) **"Biochemical Oxygen Demand (BOD)".** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, **five (5) days** at **20 degrees centigrade** expressed in terms of mass and concentration [milligrams per liter (mg/l)].

(E) **"Categorical Pretreatment Standard or Categorical Standard".** Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(F) **"City".** The City of Belleville or the City Council of Belleville.

(G) **"Color".** The optical density at the visual wave length of maximum absorption, relative to distilled water. **One hundred percent (100%)** transmittance is equivalent to zero (0.0) optical density.

(H) **"Composite Sample".** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

(I) **"Environmental Protection Agency or EPA".** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

(J) **"Existing Source".** Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(K) **"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.

(L) **"Indirect Discharge or Discharge".** The introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

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(M) **"Industrial User or User"**. A source of indirect discharge.

(N) **"Instantaneous Maximum Allowable Discharge Limit"**. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(O) **"Interference"**. A discharge which alone or in conjunction with a discharge or discharges from other sources:

- (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- (2) therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions 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 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(P) **"Medical Waste"**. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(Q) **"New Source"**.

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the Owner or operator has:

- (a) Begun, or caused to begin as part of a continuous onsite construction program;
 - (i) Any placement, assembly, or installation of facilities or equipment, or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(R) **"Noncontact Cooling Water"**. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(S) **"Pass Through"**. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

(T) **"Person"**. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

(U) **"pH"**. A measure of the acidity or alkalinity of a substance, expressed in standard units.

(V) **"Pollutant"**. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

(W) **"Pretreatment"**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(X) **"Pretreatment Requirements"**. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

(Y) **"Pretreatment Standards"**. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

(Z) **"Prohibited Discharge Standards or Prohibited Discharges"**. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in **Section 38-14-6** of this Code.

(AA) **"Publicly Owned Treatment Works (POTW)"**. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a

treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

(BB) **"Septic Tank Waste"**. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

(DD) **"Sewage"**. Human excrement and gray water (household showers, dishwashing operations, etc.)

(EE) **"Significant Industrial User"**. Shall apply to:

- (1) industrial users subject to categorical pretreatment standards;
- (2) any other industrial user that:
 - (a) discharges an average of 25,000 gpd or more of process wastewater;
 - (b) contributes a process wastestream which makes up **five percent (5%)** or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
 - (c) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(FF) **"Significant Noncompliance"**. An industrial user is in significant Noncompliance if its violation meets one of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which **sixty-six percent (66%)** or more of all of the measurements for each pollutant parameter taken during a **six (6) month** period equal or exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which **thirty-three percent (33%)** or more of all of the measurements for each pollutant parameter taken during a **six (6) month** period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC [TRC=1.4 for BOD, TSS, Fats, Oil & Grease and 1.2 for all other pollutants except pH];
- (3) Any other violation of a pretreatment effluent limit [daily maximum or longer-term average] that the Director determines has caused, alone or in conjunction with other discharges, interference or pass through [including endangering the health of POTW personnel or the general public];
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under **Division X** of this Code.
- (5) Failure to meet, within **ninety (90) days** after the schedule date, a compliance schedule milestone contained in the Industrial User's Industrial Wastewater Discharge Permit or in a Compliance Order for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide, within **thirty (30) days** after the due date, required reports such as baseline monitoring reports, **ninety (90) day** compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

(GG) **"Slug Load"**. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in **Section 38-14-6** of this Code or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

(HH) **"Standard Industrial Classification (SIC) Code"**. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

(II) **"Storm Water"**. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

(JJ) **"Director"**. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Code or his duly authorized representative.

(KK) **"Suspended Solids"**. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(LL) **"Toxic Pollutant"**. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

(MM) **"Treatment Plant Effluent"**. Any discharge of pollutants from the POTW into waters of the State.

(NN) **"Wastewater"**. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(OO) **"Wastewater Treatment Plant or Treatment Plant"**. That portion of the POTW designed to provide treatment of sewage and industrial waste.

(PP) **"Waters of the State of Illinois"**. Includes:

- (1) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
- (2) The flood plain free-flowing waters determined by the Illinois Department of Transportation/Department of Water Resources on the basis of 100-year flood frequency.

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

38-14-4 ABBREVIATIONS. The following abbreviations shall have the designated meanings:

BOD	=	Biochemical Oxygen Demand
CFR	=	Code of Federal Regulations
COD	=	Chemical Oxygen Demand
EPA	=	U.S. Environmental Protection Agency
gpd	=	Gallons Per Day
l	=	Liter
mg	=	Milligrams
mg/l	=	Milligrams per liter
NPDES	=	National Pollutant Discharge Elimination System
O&M	=	Operation and Maintenance
POTW	=	Publicly Owned Treatment Works
RCRA	=	Resource Conservation and Recovery Act
SIC	=	Standard Industrial Classifications
SWDA	=	Solid Waste Disposal Act (42 USC 6901, et seq.)
TSS	=	Total Suspended Solids
USC	=	United States Code

38-14-5 RESERVED.**DIVISION II - SEWER USE REQUIREMENTS**

38-14-6 PROHIBITED DISCHARGE STANDARDS. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

(A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than **140 degrees F (60 degrees C)** using the test methods specified in 40 CFR 261.21.

(B) Any wastewater having a pH less than 5.0 or more than 12.3, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(C) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than **one-half (1/2)** inch in any dimension.

(D) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(E) Any wastewater having a temperature greater than **(157°F) (69°C)**, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed **104°F (40°C)**.

(F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(G) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(H) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with **Section 38-14-18**.

(I) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(J) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than **ten percent (10%)** from the seasonably established norm for aquatic life.

(K) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations.

(L) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.

(M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(N) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

(O) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(P) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(Q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

Wastes prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

38-14-7 **FEDERAL CATEGORICAL PRETREATMENT STANDARDS.** The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

38-14-8 **STATE REQUIREMENTS.** State pretreatment standards located at Title 35, Subtitle C, Chapter I, Part 307 are hereby incorporated.

38-14-9 **SPECIFIC POLLUTANT LIMITATIONS.** The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

- 2.85 mg/l arsenic
- 5.00 mg/l barium
- 750 mg/l BOD₅
- 0.31 mg/l cadmium
- 5.75 mg/l cyanide
- 3.83 mg/l copper
- 100.00 mg/l iron
- 13.42 mg/l lead

1.0 mg/l manganese
 0.13 mg/l mercury
 14.48 mg/l nickel
 100 mg/l oil and grease (petroleum or mineral oil products)
 0.06 mg/l selenium
 0.43 mg/l silver
 2.77 mg/l total chromium
 17.8 mg/l total phenols
 600 mg/l total suspended solids
 7.19 mg/l zinc

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his discretion, the Director may impose mass limitations in addition to or in place of the concentration based limitations above.

38-14-10 CITY'S RIGHT OF REVISION. The City reserves the right to establish, by Code or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in **Section 38-14-1** of this Code or the general and specific prohibitions in **Section 38-14-6** of this Code.

38-14-11 SPECIAL AGREEMENT. The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

38-14-12 DILUTION. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

38-14-13 RESERVED.

DIVISION III - PRETREATMENT OF WASTEWATER

38-14-14 PRETREATMENT FACILITIES. Industrial users shall provide necessary wastewater treatment as required to comply with this Code and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in **Section 38-14-6** above within the time limitations specified by the EPA, the State or the Director -- whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Code.

38-14-15 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Director may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only to specific sewers wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this Code.

(B) Each person discharging into the POTW greater than **25,000 gallons per day** or greater than **0.4 MAD (5%)** of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a **twenty-four (24) hour** period.

(C) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at his expense.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(E) At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than **five percent (5%)** nor any single reading over **ten percent (10%)** of the lower explosive limit (LED) of the meter.

38-14-16 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS. The Director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every **two (2) years** the Director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

(A) Description of discharge practices, including nonroutine batch discharges.
 (B) Description of stored chemicals.
 (C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in **Section 38-14-6** of this Code.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

38-14-17 TENANT RESPONSIBILITY. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this Code.

38-14-18 HAULED WASTEWATER.

(A) Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Director, provided such wastes do not violation **Division II** of this Code or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Director.

(B) The discharge of hauled industrial wastes as "industrial septate" requires prior approval and a wastewater discharge permit from the City. The Director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this Code.

(C) Fees for dumping septage will be established as part of the industrial user fee system as authorized in **Division XV**.

38-14-19 VANDALISM. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in **Divisions X - XII**, below.

38-14-20 - 38-14-22 RESERVED.

DIVISION IV - WASTEWATER DISCHARGE PERMIT ELIGIBILITY

38-14-23 WASTEWATER SURVEY. When requested by the Director 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 Director 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 the Code.

38-14-24 WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Code and subject the wastewater discharge permittee to the sanctions set out in **Divisions X - XII**. 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 or local law.

(B) The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Code.

38-14-25 WASTEWATER DISCHARGE PERMITTING EXISTING CONDITIONS. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Code and who wishes to continue such discharges in the future, shall, within **sixty (60) days** after said date, apply to the City for a wastewater discharge permit in accordance with **Section 38-14-28** below, and shall not cause or allow discharges to the POTW to continue after **thirty (30) days** of the effective date of this Code except in accordance with a wastewater discharge permit issued by the Director.

38-14-26 WASTEWATER DISCHARGE PERMITTING NEW CONNECTIONS. 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 **thirty (30) days** prior to the date upon which any discharge will begin.

38-14-27 WASTEWATER DISCHARGE PERMITTING EXTRAJURISDICTIONAL INDUSTRIAL USERS.

(A) Any existing significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with **Section 38-14-28** below, within **thirty (30) days** of the effective date of this Code. New significant industrial users located beyond the City limits shall submit such applications to the Director **ninety (90) days** prior to any proposed discharge into the POTW.

(B) Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

38-14-28 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS. 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 38-14-43(B)** of this Code. The Director shall approve a form to be used as a permit application. In addition, the following information may be requested:

(A) 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.

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(B) Number and type of employees, hours of operation, and proposed or actual hours of operation of the POTW.

(C) Each product produced by type, amount, process or processes, and rate of production.

(D) Type and amount of raw materials processed (average and maximum per day).

(E) 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.

(F) Time and duration of the discharge.

(G) Any other information as may be deemed necessary by the Director 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.

38-14-29 APPLICATION SIGNATORIES AND CERTIFICATION. 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, including the possibility of fine and imprisonment for knowing violations."

38-14-30 WASTEWATER DISCHARGE PERMIT DECISIONS. The Director will evaluate the data furnished by the industrial user and may require additional information. Within **ninety (90) days** of receipt of a complete wastewater discharge permit application, the Director 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 Director may deny any application for a wastewater discharge permit.

38-14-31 - 38-14-32 RESERVED.

DIVISION V - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

38-14-33 WASTEWATER DISCHARGE PERMIT DURATION. 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 Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

38-14-34 WASTEWATER DISCHARGE PERMIT CONTENTS. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director 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.

(A) Wastewater discharge permits must contain the following conditions:

- (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 without prior notification to and approval from the City of Belleville, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (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.

(B) 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) The unit charge or schedule of industrial user charges and fees for the management of wastewater discharged to the POTW.
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (8) 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.

- (9) Other conditions as deemed appropriate by the Director to ensure compliance with this Code, and State and Federal laws, rules, and regulations.

38-14-35 WASTEWATER DISCHARGE PERMIT APPEALS. Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within **ninety (90) days** of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its 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.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If the City fails to act within **ninety (90) 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.

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Local Court.

38-14-36 WASTEWATER DISCHARGE PERMIT MODIFICATION. The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(B) 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.

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(D) Information indicating that the permitted discharge poses a threat to the City's POTW, Belleville personnel, or the receiving waters.

(E) Violation of any terms or conditions of the wastewater discharge permit.

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

(H) To correct typographical or other errors in the wastewater discharge permit.

(I) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

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

38-14-37 WASTEWATER DISCHARGE PERMIT TRANSFER. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least **ninety (90) days** advance notice to the Director and the Director

approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner and/or operator which:

- (A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (B) Identifies the specific date on which the transfer is to occur;
- (C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

38-14-38 WASTEWATER DISCHARGE PERMIT REVOCATION. Wastewater discharge permits may be revoked for the following reasons:

- (A) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the City of changed conditions pursuant to **Section 38-14-47**;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsifying self-monitoring reports;
- (E) Tampering with monitoring equipment;
- (F) Refusing to allow the City timely access to the facility premises and records;
- (G) Failure to meet effluent limitations;
- (H) Failure to pay fines;
- (I) Failure to pay sewer charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (L) Failure to provide advance notice of the transfer of a permitted facility;
- (M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Code.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

38-14-39 WASTEWATER DISCHARGE PERMIT REISSUANCE. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with **Section 38-14-28** a minimum of **one hundred eighty (180) days** prior to the expiration of the industrial user's existing wastewater discharge permit.

38-14-40 MUNICIPAL WASTEWATER DISCHARGE PERMITS. In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- (A) A municipal wastewater discharge permit application shall include:
 - (1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW.
 - (2) An inventory of all industrial users discharging to the municipality.

- (3) Such other information as may be required by the Director.
- (B) A municipal wastewater discharge permit shall contain the following conditions:
- (1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this Code and local limits which are at least as stringent as those set out in **Section 38-14-9**.
 - (2) A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.
 - (3) A requirement for the municipal user to:
 - (a) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or
 - (b) authorize the POTW to take or conduct such activities on its behalf.
 - (4) A requirement for the municipal user to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities.
 - (5) Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW.
 - (6) Requirements for monitoring the municipal user's discharge.
- (C) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in **Divisions X through XII**.

38-14-41 - 38-14-42 RESERVED.

DIVISION VI - REPORTING REQUIREMENTS

38-14-43 BASELINE MONITORING REPORTS.

- (A) Within either **one hundred eighty (180) days** after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph (B) below. At least **ninety (90) days** prior to commencement of their discharge new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph (B), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (B) The industrial user shall submit the information required by this Section including:
- (1) **Identifying Information.** The name and address of the facility including the name of the operator and owners.
 - (2) **Wastewater Discharge Permits.** A list of any environmental control wastewater discharge permits held by or for the facility.

- (3) **Description of Operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) **Measurement of Pollutants.**
- (a) Identify the categorical pretreatment standards applicable to each regulated process.
 - (b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City of Belleville) 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 analyzed in accordance with procedures set out in **Section 38-14-52.**
 - (c) Sampling must be performed in accordance with procedures set out in **Section 38-14-53.**
- (6) **Certification.** 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.
- (7) **Compliance Schedule.** Each industrial user will be required to develop a compliance schedule for the installation of technology to meet all applicable pretreatment standards and requirements. Also each industrial user will submit all notices and self-monitoring reports, as necessary, to access and assure compliance by the industrial user with pretreatment standards and requirements, including but not limited to the reports required in the Code of Federal Regulations (40 CFR) 403.12, reporting requirements for POTW's and industrial users.
- (8) All baseline monitoring reports must be signed and certified in accordance with **Section 38-14-29.**

38-14-44 **COMPLIANCE SCHEDULE PROGRESS REPORT.** The following conditions shall apply to the schedule required by **Section 38-14-43(B)(7)**. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed **nine (9) months**. The industrial user shall submit a progress report to the Director no later than **fourteen (14) days** following each date in the schedule and the final date of compliance including, as a

minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than **nine (9) months** elapse between such progress reports to the Director.

38-14-45 **REPORT ON COMPLIANCE WITH CATEGORICAL PRE-TREATMENT STANDARD DEADLINE.** Within **ninety (90) days** following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in **Section 38-14-43(B)(4-6)**. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with **Section 38-14-29**.

38-14-46 **PERIODIC COMPLIANCE REPORTS.**

(A) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 40 CFR 403.12, paragraph (b)(4) except that the control authority may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

(B) Where the control authority has imposed mass limitations on industrial users as provided for by 40 CFR 403.6, paragraph (d), the report required by **Section 38-14-46**, paragraph (A) of this report and 40 CFR 403.12, paragraph (e)(1), shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(C) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 CFR 403.6, paragraph (C), the report required by **Section 38-14-46**, paragraph (A) of this report and 40 CFR 403.12, paragraph (e)(1), shall contain a reasonable measure of the users long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutants discharge per unit of production (or other measure of operation), the report required by **Section 38-14-46**, paragraph (A) of this report and 40 CFR 403.12, paragraph (e)(1), shall include the user's actual average production rate for the reporting period.

38-14-47 **REPORT OF CHANGED CONDITIONS.** Each industrial user is required to notify the Director 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 **ninety (90) days** before the change.

(A) The Director 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 38-14-28**.

(B) The Director may issue a wastewater discharge permit under **Section 38-14-30** or modify an existing wastewater discharge permit under **Section 38-14-36**.

(C) No industrial user shall implement the planned changed condition(s) until and unless the Director has responded to the industrial user's notice.

(D) For purposes of this requirement flow increases of **ten percent (10%)** or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

38-14-48 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in **Section 38-14-6** of this Code), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(B) Within **five (5) days** following such discharge, the industrial user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification 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, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Code.

(C) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Code.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

38-14-49 REPORTS FROM NONSIGNIFICANT INDUSTRIAL USERS. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.

38-14-50 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING. If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within **twenty-four (24) hours** of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within **thirty (30) days** after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least **once a month**, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

38-14-51 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA 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 the 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 38-14-47**, above. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of **Sections 38-14-43; 38-14-45 and 38-14-46**, above.

(B) Dischargers are exempt from the requirements of paragraph (1) 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 in a calendar month, or of any quantity of 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.

(C) 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 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within **ninety (90) days** of the effective date of such regulations.

(D) In the case of any notification made under this Section, 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.

38-14-52 ANALYTICAL REQUIREMENTS. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

38-14-53 SAMPLE COLLECTION.

(A) Except as indicated in Section (B), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or through a minimum of **four (4) grab samples** where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

38-14-54 **DETERMINATION OF NONCOMPLIANCE.** The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.

38-14-55 **TIMING.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

38-14-56 **RECORD KEEPING.** Industrial Users shall retain, and make available for inspection and copying, all records and information required to be retained under this Code. These records shall remain available for a period of at least **three (3) years**. This period shall be automatically extended for the duration of any litigation concerning compliance with this Code, or where the industrial user has been specifically notified of a longer retention period by the Director.

38-14-57 **EMPLOYEE TRAINING.** The industrial user shall permanently post a notice in a prominent place advising all employees to call (618/233-6810) in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

38-14-58 - 38-14-65 **RESERVED.**

DIVISION VII - COMPLIANCE MONITORING

38-14-66 **INSPECTION AND SAMPLING.** The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Code, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director or his representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where an industrial user has security measures in force which require proper identification and clearance before any entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(B) The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(C) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(E) Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this Code.

38-14-67 SEARCH WARRANTS. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this Code or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City of Belleville shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

DIVISION VIII - CONFIDENTIAL INFORMATION

38-14-68 INFORMATION. Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction -- unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

DIVISION IX - PUBLICATION OF INDUSTRIAL USERS

38-14-69 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE. The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous **twelve (12) months**, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which **sixty-six percent (66%)** or more of wastewater measurements taken during a **six (6) month** period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which **thirty-three percent (33%)** or more of wastewater measurements taken for each pollutant parameter during a **six (6) month** period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within **ninety (90) days** of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within **thirty (30) days** after the due date, any required reports, including baseline monitoring reports, **ninety (90) day** compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

38-14-70 - 38-14-71 RESERVED.

DIVISION X - ADMINISTRATIVE ENFORCEMENT REMEDIES

38-14-72 NOTIFICATION OF VIOLATION. Whenever the Director finds that any user has violated or is violating this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his agent may serve upon said user a written Notice of Violation. Within **thirty (30) days** of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

38-14-73 CONSENT ORDERS. The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to **Sections 38-14-75** and **38-14-76** below and shall be judicially enforceable.

38-14-74 SHOW CAUSE HEARING. The Director may order any user which causes or contributes to violation(s) of this Code, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least **thirty (30) days** prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

38-14-75 COMPLIANCE ORDERS. When the Director finds that a user has violated or continues to violate the Code, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within **thirty (30) days**. If the user does not come into compliance within **thirty (30) days**, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

38-14-76 CEASE AND DESIST ORDERS. When the Director finds that a user is violation this Code, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements;
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taken any other action against the user.

38-14-77 **ADMINISTRATIVE FINES.**

(A) Notwithstanding any other Section of this Code, any user that is found to have violated any provision of this Code, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed **Five Hundred Dollars (\$500.00)** per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.

(C) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within **sixty (60) days** of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within **ninety (90) days** of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(D) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

38-14-78 **EMERGENCY SUSPENSIONS.** The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in **Section 38-14-79** are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director, prior to the date of any show cause or termination hearing under **Sections 38-14-76** and **38-14-79**.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

38-14-79 **TERMINATION OF DISCHARGE.** In addition to those provisions in **Section 38-14-38** of this Code, any user that violates the following conditions of this Code, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(A) Violation of wastewater discharge permit conditions;

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

- (C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- (E) Violation of the pretreatment standards in **Division II** of this Code.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under **Section 38-14-74** of this Code why the proposed action should not be taken.

38-14-80 RESERVED.

DIVISION XI - JUDICIAL ENFORCEMENT REMEDIES

38-14-81 INJUNCTIVE RELIEF. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Code, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director may petition the Circuit Court of St. Clair County through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Code on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

38-14-82 CIVIL PENALTIES.

(A) Any user which has violated or continues to violate this Code, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Director for a maximum civil penalty of **Five Hundred Dollars (\$500.00)** per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

38-14-83 CRIMINAL PROSECUTION.

(A) Any user that willfully or negligently violates any provision of this Code, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than **Five Hundred Dollars (\$500.00)** per violation per day or imprisonment for not more than **one (1) year** or both.

(B) Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least **Five Hundred Dollars (\$500.00)** and/or be subject to imprisonment for **one (1) year**. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Code, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine of not more than **Five Hundred Dollars (\$500.00)** per violation per day or imprisonment for not more than **one (1) year** or both.

(D) In the event of a second conviction, a user shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)** per violation per day or imprisonment for not more than **one (1) year** or both.

38-14-84 REMEDIES NONEXCLUSIVE. The provisions in **Divisions IX - XII** are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncomplaint user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncomplaint user. These actions may be taken concurrently.

38-14-85 RESERVED.

DIVISION XII - SUPPLEMENTAL ENFORCEMENT ACTION

38-14-86 PERFORMANCE BONDS. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Code, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

38-14-87 LIABILITY INSURANCE. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Code, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

38-14-88 PUBLIC NUISANCES. Any violation of this Code, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

38-14-89 RESERVED.

DIVISION XIII - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

38-14-90 UPSET.

(A) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.

(C) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the industrial user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted the following information to the POTW and treatment plant operator within **twenty-four (24) hours** of becoming aware of the upset; if this information is provided verbally, a written submission must be provided within **five (5) days**:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

38-14-91 GENERAL/SPECIFIC PROHIBITIONS. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in **Section 38-14-6** of this Code if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources would cause pass through or interference and that either:

(A) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or

(B) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

38-14-92 BYPASS.

(A) **Definition.**

(1) **"Bypass"** means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

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

(B) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

(C) **Notice.**

(1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least **ten (10) days** before the date of the bypass, if possible.

(2) An industrial user shall submit verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within **twenty-four (24) hours** from the time it becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the verbal report has been received within **twenty-four (24) hours**.

- (D) **Prohibition of Bypass.**
- (1) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The industrial user submitted notices as required under paragraph (C) of this Section.
- (2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

38-14-93 RESERVED.

DIVISION XIV - SURCHARGE COSTS

38-14-94 LEVYING SURCHARGE. A surcharge will be levied upon all industrial users whose wastes exceed a concentration of 200 milligrams per liter of BOD or 250 milligrams per liter of SS. The surcharge shall be expressed as dollars per pound of each constituent (BOD or SS). Quarterly the number of pounds of each constituent from each user subject to a surcharge shall be computed as follows:

$$\begin{aligned} \text{BOD (pounds)} &= (\text{Average analysis per quarter in mg/l} - 200) \times \text{total flow (MG)} \times 8.34 \\ \text{SS (pounds)} &= (\text{Average analysis per quarter in mg/l} - 250) \times \text{total flow (MG)} \times 8.34 \end{aligned}$$

Total flow for the quarter shall be either water meter or flow meter readings and shall be expressed in million gallons (MG).

The surcharge shall be the pounds of each constituent per billing period times the unit cost for each constituent.

The unit cost for BOD shall be \$0.12 per pound and the unit cost for SS shall be \$0.08 per pound.

38-14-95 RESERVED.

DIVISION XV - MISCELLANEOUS PROVISIONS

38-14-96 PRETREATMENT CHARGES AND FEES. The City may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications.

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.

(C) Fees for reviewing and responding to accidental discharge procedures and construction.

(D) Fees for filing appeals.

(E) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Code and are separate from all other fees, fines and penalties chargeable by the City.

(Ord. No. 5677; 12-16-96)

A P P E N D I X E S

**"A" - HAZARDOUS WASTE NOTIFICATION
REQUIREMENTS**

**"B" - GUIDANCE TO ILLINOIS INDUSTRIES FOR
REPORTING DISCHARGES OF HAZARDOUS WASTE
TO PUBLICLY-OWNED TREATMENT WORKS
(POTWs)**

**"C" - ENFORCEMENT RESPONSE PLAN
(BELLEVILLE)**

HAZARDOUS WASTE NOTIFICATION REQUIREMENTS

On July 24, 1990, the Environmental Protection Agency (EPA) promulgated changes to the general pretreatment regulations (55 FR 30082). The changes affect both publicly owned treatment works (POTWs) and industrial users of POTWs. One of the changes requires industrial users to submit a new one-time notification of hazardous wastes discharged to sewers. Following is a brief description of this new requirement.

Who Must Notify. All industrial users who discharge listed or characteristic hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to POTWs. Listed and characteristic wastes under RCRA are described in the Code of Federal Regulations (40 CFR Part 261).

To Whom the Notification Must be Sent. The notification must be sent to:

- Local Sewerage Authority
- Director, Waste Management Division
Environmental Protection Agency
Region 5
- State Hazardous Waste Authority

Wastes Covered by the Notification.

- Any discharge to the sewer of more than fifteen (15) kilograms per calendar month of a RCRA hazardous waste, or a discharge of any quantity of an acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e), should be reported once.
- A discharge of fifteen (15) kilograms or less of a RCRA hazardous waste during a calendar month need not be reported, except for the acutely hazardous wastes identified in 40 CFR 261.30(d) and 261.33(e). A subsequent discharge of more than fifteen (15) kilograms during a calendar month, or of any quantity of an acutely hazardous waste, must be reported once.
- Pollutants already reported under 40 CFR 403.12(b), (d), and (e) (reporting requirements for categorical users) are not subject to this notification requirement.

What the Notification Must Contain.

1. The one-time notification shall contain the following items of information:
 - Name of the hazardous waste as set forth in 40 CFR Part 261.
 - EPA hazardous waste number.
 - Type of discharge to the sewer (continuous, batch, or other).
 - A certification that the industrial user 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.
2. If the industrial user discharges more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW, the one-time notification must also contain the following items of information, to the extent such information is known and readily available to the industrial user:
 - An identification of the hazardous constituents contained in the hazardous wastes.
 - An estimation of the mass and concentration of such constituents in the wastestreams discharged during the calendar month in which the one-time report is made.

- An estimation of the mass of constituents in the wastestream expected to be discharged during the **twelve (12) months** following the notification.

How to Count the Volume of Hazardous Waste Discharged. If a hazardous waste is mixed with a non-hazardous process or non-process wastestream and the entire mixture is then discharged to the sewer, the volume of hazardous waste in the entire wastestream is counted according to the RCRA "mixture rule" in 40 CFR 261.3(a)(2)(iii). The effect of this rule is summarized as follows:

- **Characteristic Wastes.** These are wastes that are classified as hazardous only because they exhibit one of the hazardous characteristics identified in 40 CFR 261.20-261.24 (i.e., they are ignitable, corrosive, reactive or toxic). If these wastes are mixed with non-hazardous materials and the mixture is then discharged to the sewer, the notification must be submitted only if the entire mixture actually discharged were more than **fifteen (15) kilograms** per calendar month in volume and if the entire mixture discharged still exhibited the characteristic(s).
- **Listed Wastes.** These are wastes that are classified as hazardous pursuant to being listed in 40 CFR 261.30-33. If these listed wastes are mixed with non-hazardous materials and then discharged to the sewer, the entire wastestreams is considered hazardous and the notification must be submitted. Thus only if the entire wastestreams containing the hazardous waste amounted to **fifteen (15) kilograms** per month or less would the exemption discussed above apply.
- If an industrial user has any doubt about whether a mixture discharged to the sewer is hazardous, or if the user does not wish to perform any calculations which may be necessary under the mixture rule, the user should submit the one-time notification.

When the Notification Must be Submitted.

- The notification must be submitted within **one hundred eighty (180) days** of **August 23, 1990** (i.e., no later than **February 23, 1991**).
- Industrial users who commence discharging after **August 23, 1990** must submit the notification no later than **one hundred eighty (180) days** after the discharge of a hazardous waste.
- In the case of regulations under Section 3001 of RCRA identifying new hazardous wastes, the notification must be submitted within **ninety (90) days** of the effective date of such regulations.
- The notification need be submitted only once for each hazardous waste discharged, except when there will be a substantial change in the volume or character of the hazardous waste discharged (generally because of a planned change to the user's facility or operations). In the case of such a change, the user should notify the POTW in advance.

For Further Information.

- General questions about the requirements should be directed to the pretreatment manager of your local sewerage authority. Questions about whether your waste is hazardous should be directed to the EPA RCRA Hotline (800/424-9346).

Illinois Addresses for Notification

Director, Waste Management Division
U.S. EPA Region 5
230 South Dearborn Street
Chicago, IL 60604

Illinois EPA
Division of Land Pollution Control
Attn: Karen Hoffman
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

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Hazardous Constituent Information

Name of Constituent	Mass in Wastestream (this month)	Concentration in Wastestream (this month)	Mass in Wastestream (next 12 months)

I certify that I have a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree I have determined to be economically practical.

Signature of Company Representative _____ Date _____

CITY OF BELLEVILLE
ILLINOIS

HAZARDOUS WASTE NOTIFICATION

Company Name _____

Address _____

City _____ State _____ Zip Code _____

Contact Person _____ Title _____

Phone () _____

Name of Publicly Owned Treatment Works _____

NPDES Permit # _____

Address _____

City _____ State _____ Zip Code _____

HAZARDOUS WASTE INFORMATION (use additional sheets if necessary)

Name of Waste _____

EPA Hazardous Waste Number _____

TYPE OF DISCHARGE

_____ Continuous _____ Batch _____ Other _____

IF MORE THAN 100 KILOGRAMS OF ANY HAZARDOUS WASTE PER CALENDAR MONTH IS DISCHARGED TO THE SEWER, PLEASE INCLUDE THE FOLLOWING ITEMS OF INFORMATION FOR EACH HAZARDOUS WASTE, TO THE EXTENT SUCH INFORMATION IS KNOWN AND READILY AVAILABLE.

**GUIDANCE TO ILLINOIS INDUSTRIES FOR REPORTING
DISCHARGES OF HAZARDOUS WASTE TO
PUBLICLY-OWNED TREATMENT WORKS
(POTWs)**

**Illinois Environmental Protection Agency
Office of Water Management
State Pretreatment Group**

Section I: Introduction.

On **July 24, 1990**, the USEPA promulgated the Domestic Sewage Study (DSS) Rule, and amendment to the General Pretreatment Regulations (40 CFR 403) that became effective on **August 23, 1990**. This rule contains two new provisions requiring industries to report the substances that they discharge to the POTW if the substances would otherwise be hazardous waste under 40 CFR 261.

The first report 403.12(p) is a one-time notice to the local POTW authority and the State and Regional hazardous waste authorities (see Section VI). Affected industries that were discharging on **August 23, 1990** must submit the report by **February 23, 1991**. Affected industries commencing discharge after **August 23, 1990** must submit the report within **one hundred eighty (180) days** after starting discharge. Also, 403.12(p)(3) requires affected industries to update their initial notices in the future whenever the USEPA identified any new hazardous wastes under RCRA 3001 within **ninety (90) days** of the effective date of the new regulation.

The second report 403.12(j) is the requirement for the industry to promptly notify the POTW in advance of any substantial changes in the volume or character of the pollutants in the discharge. Wherever the substantial change involves a substance reported under 403.12(p), the 403.12(j) report should update the information in the first notice.

Section II: Contents of the Reports.

The industry should use **Sections III-V** below to determine what information should be reported. **Section III** identifies the hazardous waste substances. If the industry's discharge contains none of these substances, the industry is not affected by 403.12(p).

If the industry's discharge contains a hazardous waste identified in **Section III**, the industry should refer to **Section IV** to determine if the substance must be reported. If it does not need to be reported, the industry, again, is not affected by 403.12(p).

If the industry discharges any waste substances that must be reported under 403.12(p), the industry must include the information specified in **Section V** for each affected waste substance. However, there is an important exception. Categorical industries do not have to report pollutants that are already reported in the: (1) Baseline Monitoring Report (BMR) 403.12(b), (ii) 90-Day final Compliance Report 403.12(d), and (iii) Periodic Reports 403.12(e).

If an industry is unaffected by 403.12(p), we recommend that the industry at least notify the regulatory agencies in **Section VI** why they are not affected. Although this is not required, it will help avoid any misunderstandings that may result from the lack of communication.

Section III: Hazardous Waste Substances.

A. **Listed Wastes (261.30-33):** Waste substances identified on one of the following lists:

1. Acute hazardous wastes (designated by Hazard Code "H"):

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- a. "P" listed wastes 261.33(e) from any discarded (unused) commercial chemical product (or manufacturing intermediate), off-specification commercial chemical product (or manufacturing intermediate), or spill residues, and
 - b. "F" listed wastes 261.31 identified acute under 261.30(d). ("K" listed wastes 261.32 may be identified in the future.)
2. Non-acute* hazardous wastes:
- a. "F" listed wastes 261.31 from non-specific sources that are not acute;
 - b. "K" listed wastes 261.32 from specific sources that are not acute (presently, none are acute);
 - c. "U" listed wastes 261.33(f) from and discarded (unused) commercial chemical product (or manufacturing intermediate), off-specification commercial chemical product (or manufacturing intermediate), or spill residues.

*Note: All "U" listed wastes and some "F", "K" and "P" listed wastes are Toxic Wastes (designated by Hazard Code "T").

- B. Characteristic Hazardous Wastes (261.20-24): Unlisted waste substances that are hazardous because they exhibit at least one of the following hazardous characteristics:
1. Ignitability (Hazard Code: I) (261.21),
 2. Corrosivity (Hazard Code: C) (261.22),
 3. Reactivity (Hazard Code: R) (261.23), or
 4. Toxicity Characteristic** (Hazard Code: E) (261.24).

Note: The Toxicity Characteristic (TC) replaced the Extraction Procedure (EP) Toxicity for large quantity generators (more than 1,000 kilograms/month) on **September 25, 1990. Small quantity generators (100-1,000 kilograms/month) are subject to the EP Toxicity test until **March 29, 1991**.

Section IV: Wastes That Must Be Reported.

The definition criteria for hazardous waste under 261.3(a)(2)(ii)-(iii) decide the regulatory status of the hazardous waste substances (**Section III**). If a substance does not fulfill the criteria, it is not deemed hazardous and, hence, is exempt from the 403.12(p) reporting requirement. The purpose of this Section is to explain how these criteria affect the status of a waste.

- A. According to 261.3(a)(2)(ii), a listed waste (261.30-.33) is no longer hazardous if it is de-listed under 260.20 and 260.22. Therefore, a de-listed waste does not need to be reported.
- B. If a hazardous waste mixes with non-hazardous waste streams prior to being discharged to the POTW, the waste is subject to the "mixture rule" 261.3(a)(2)(iii). This rule affects the regulatory status of the different categories of hazardous wastes differently.
 1. If a substance is a characteristic hazardous waste (261.20-24), it becomes non-hazardous if it no longer exhibits the hazardous characteristic after mixing. However, if the hazardous characteristic persists after mixing, the entire discharge becomes characteristic hazardous waste that must be reported if the quantity exceeds fifteen (15) kilograms/month.
 2. If the substance is a listed hazardous waste 261.30-33 solely because it exhibits one of the hazardous characteristics 261.20-24, the substance is subject to the same requirements as a characteristic hazardous waste. This applies only to listed wastes with the following Hazardous Codes: I, C, R and E.

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3. If, however, the substance is a listed acute or toxic hazardous waste 261.30-33 (Hazard Codes: H, T), the entire discharge containing the substance becomes acute or toxic hazardous waste. The industry must report any quantity of discharge that is acute hazardous waste or any discharge above **fifteen (15) kilograms/month** that is toxic hazardous waste. Effluent or residue from the pretreatment of acute or toxic hazardous waste continues to be hazardous unless it is de-listed.

If the industry needs assistance deciding if its discharge is hazardous, call the EPA RCRA Hotline (800/424-9346).

Section V: Minimum Information Required for Each Affected Waste.

- A. The industrial user must certify that they have a program in place to reduce the volume and toxicity of hazardous wastes being generated to the degree that has been determined to be economically feasible 403.12(p)(4).
- B. **Information Required for each Waste:**
 1. Name of hazardous waste (as listed in 261),
 2. EPA hazardous waste number, and
 3. Type of discharge (continuous, batch, other-specify).
- C. Additional information required for wastes discharged in quantities above **one hundred (100) kilograms/month** (to the extent that the information is known and readily available to the industry):
 1. Identification of hazardous constituents in the waste,
 2. Estimate of mass and concentration of each hazardous constituent discharged in **one (1) month**, and
 3. Estimate of the mass of constituents expected to be discharged during the following **twelve (12) months**.

Section VI: Agencies That Must Be Notified Under (403.12(p)).

1. Local Sewage Plant Authority (Local Pretreatment Coordinator if authority has an approved pretreatment program),
2. Hazardous Waste Record Officer
Illinois Environmental Protection Agency
3. Mr. David Ullrich, Director
Waste Management Division 5H-12
U.S. EPA Region 5
230 South Dearborn Street
Chicago, IL 60604

ENFORCEMENT RESPONSE PLAN (BELLEVILLE)

1. GENERAL.

The purpose of the City's Enforcement Response Plan is to provide guidance for Treatment Plant staff in all phases of enforcement related to the City's Industrial Pretreatment Program. General guidance has been provided by the City's Sewer Use Code No. 5677, but specific application of that general guidance to the range of possible enforcement actions is needed.

Elements of this plan are based on the experience of both treatment plant personnel and other municipalities in controlling industrial wastewaters. USEPA guidance manuals and model enforcement plans of other cities were used in the development of this plan.

2. INDUSTRIAL PRETREATMENT PROGRAM.

Ordinance 5677 implements the Pretreatment Program as required by the City's NPDES wastewater discharge permit as mandated by the Clean Water Act and the General Pretreatment Regulations. It provides regulations for discharge prohibitions, categorical discharge standards and specific pollutant limitations in **Division II**. It provides for permits for significant industrial users and reporting requirements in **Division VI**, Enforcement and Penalties in **Division X**. The enforcement philosophy is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations, a Show Cause Hearing may be scheduled immediately without the need for Notice of Violation, Review Meeting and other Orders.

Division VI of Ordinance 5677 requires that all significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits are issued for a period of not more than **five (5) years**, and require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents the City's first means of controlling the wastewater discharge by significant industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

The permit also represents an enforcement device for the City's use against significant industrial users violations, since the City, after a Show Cause Hearing, may direct a revocation of a user's permit which effectively bars discharge of industrial process wastewater to the POTW. **Chapter 38** does not provide detailed guidance on the characterization of violations, determination of significant noncompliance, "the triggering events" that require an analysis of enforcement remedies available or the process of determining users who are in significant noncompliance for the purposes of the annual newspaper notice. These areas are covered in the following sections.

3. RESPONSIBILITIES.

The Industrial Pretreatment Program is administered by the Director of the Treatment Plant under the general supervision of the Master Sewer Committee, the Mayor and the City Council. The Director may delegate certain tasks to subordinates, particularly the Pretreatment Coordinator

and the Pretreatment Technician. The Director shall maintain complete, accurate records of activities conducted as part of the Pretreatment Program. Specific responsibilities are set forth in succeeding sections of this document.

4. COLLECTION AND EVALUATION OF INFORMATION.

For each industrial user, the Director shall determine what data are required or needed to determine compliance with applicable pretreatment standards as well as when and how it can be obtained. The Director shall specify reporting requirements for each industrial user in its permit as required by USEPA and shall then track the submission of reports. If information submitted is deficient or late, the industrial user shall be notified and required to complete the submission as detailed in the appropriate enforcement response.

The Director shall notify significant industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR, Part 403.8(f)(2)(iii). By reporting the results of sampling and analysis to industrial users, the Director will provide feedback to users on compliance status and inform industrial users of their compliance with the City's enforcement requirements and the City's general responses to instances of noncompliance.

5. SAMPLING AND INSPECTION OF INDUSTRIAL USERS.

The Director shall prepare and continually update an inspection plan for field investigations including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor industrial user self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. City personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications.

6. COMPLIANCE SCREENING.

Using all available information, the Director shall conduct an initial compliance review or screening process to determine and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Such screening shall be undertaken at least monthly. Reviews completed under this Section are designed to identify apparent violations rather than to determine an appropriate enforcement response to such apparent violations.

During the screening process, the reviewer shall verify that any required reports are submitted on schedule, that they cover and proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with the requirements in the industrial user's permit. Any discrepancy shall be considered to be a violation. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

7. ENFORCEMENT EVALUATION.

Violations and discrepancies identified during the compliance screening process will be reviewed by the Director to evaluate the type of enforcement response required. The enforcement response guide attached to the plan will be used for the determination.

8. SIGNIFICANT NONCOMPLIANCE (SNC).

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC) as defined in 40 CFR 403.3(f)(2)(VII). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such SNC may be on an individual or long-term basis of occurrence. Categorization of industrial users as being in SNC allows the City to establish priorities for enforcement action and provides a means for reporting on the significant industrial user performance summary. Instances of SNC are industrial user violations which meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which **sixty-six percent (66%)** or more of all of the measurements for each pollutant parameter taken during a **six (6) month** period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which **thirty-three percent (33%)** or more of all of the measurements for each pollutant parameter taken during a **six (6) month** period or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil & Grease and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under **Chapter 38**.
- e. Failure to meet, within **ninety (90) days** after the schedule date, a compliance schedule milestone contained in the Industrial User's Industrial Wastewater Discharge Permit or in a Compliance Order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within **thirty (30) days** after the due date, required reports such as baseline monitoring reports, **ninety (90) day** compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

When an industrial user is in SNC, the City shall (1) report such information to the IEPA and the USEPA Region V as part of the Pretreatment Annual Report; (2) list the industrial user in Belleville's newspaper in accordance with paragraph 9 as being in SNC; and (3) address the SNC through appropriate enforcement action.

9. ANNUAL PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

General Pretreatment Regulations require the City to publish, at least annually, in the largest daily newspaper within the area served by the City's POTW, a list of industrial users which were in SNC during the previous **twelve (12) months**. The procedures for compiling the list of such industrial users is as follows:

11. DESCRIPTION OF ENFORCEMENT ACTIVITIES.

The categories of enforcement activities are described in the succeeding paragraphs.

I. Information Actions.*

- A. Informal Notice. Informal notice consists of personal contact, telephone calls or reminder letters to an appropriate official of an industrial user. The City may use such a call or letter to notify an industrial user of a minor violation and to seek an explanation, suggest compliance remedies or notify the violator that subsequent violations may be dealt with more severely. Such information notice may be used to correct minor inadvertent noncompliance.
- B. Compliance Meeting. Information Compliance Meeting with the industrial user to resolve recurring noncompliance. The City may request a compliance meeting for the purpose of conference, conciliation and persuasion.
- *Information notice is not a prerequisite for a compliance meeting and no informal procedure is a prerequisite for instituting formal enforcement procedures.

II. Formal Actions.

A. Administrative Action.

1. Field Inspection Citation. Warning Notice of Violation for minor violations of permit conditions detected through inspections or field investigations.
2. Notice of Violation. Written notice to the industrial user that the City has observed a violation of pretreatment standards or requirements and requires the industrial user to submit, within **ten (10) days** of receiving the notice, an explanation of the violation and a plan for the satisfactory correction and prevent of the violation, including specific required actions.
3. Administrative Orders. Administrative Orders may be issued by the Director. The Master Sewer Committee may, as a result of a Show Cause Hearing, direct the Director to issue such Administrative Orders as it deems appropriate.
 - i. Order to Appear.
 - a. Review Meeting. Mandatory compliance meeting with industrial user in cases where continued violations occur or where violations in themselves are either of significant magnitude or duration.
 - b. Show Cause Hearing. The Director may order any industrial user who causes or allows an unauthorized discharge or violates the City's pretreatment program to show cause before the Master Sewer Committee why the City should not revoke the industrial user's wastewater discharge permit or take such other enforcement action as is dictated by the facts of the case.
 - ii. Consent Order. The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance within a time period also specified by the order. Consent Orders have the same force and effect as Compliance Orders.
 - iii. Compliance Order. When the Director finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user

responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

iv. Cease and Desist Order. The Director may issue an order to cease and desist all violations and direct the industrial user to comply forthwith or take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

B. **Emergency Suspension.**

1. Harmful Discharge.

i. Danger to Persons. The Director shall 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 Director determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. The Director shall obtain the concurrence of the City Attorney before initiating any actions.

ii. Danger to the Environment or Interference with POTW operations. The Director shall halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or that threatens to interfere with operation of the POTW. The Director shall issue a written notice to the discharger stating the nature of the problem and requesting a response. If satisfactory agreement between the Director and the discharger is not reached within **seven (7) days**, the Director shall issue to the Master Sewer Committee a notice describing the problem and an order that the discharge be halted. The committee shall make the final determination on implementing the order.

C. **Revocation of Permit.** The Master Sewer Committee may direct the Director to revoke an industrial user's wastewater discharge permit in accordance with remedies provided in **Chapter 38.**

D. **Legal Actions.**

1. **Judicial Remedies.** The City Attorney may commence action for appropriate legal and/or equitable relief in the Circuit Court of the County, against any person that discharges sewage, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions or the Sewer Use Ordinance, Federal or State Pretreatment Requirements, or any order of the City.

2. **Injunctive Relief.** Whenever an industrial user has violated or continues to violate the provisions of any Code, Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may petition the Circuit Court of the County for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

III. **Monetary Penalties and Costs.**

- A. **Administrative Fines.** The Director may impose fines in amounts not to exceed **Five Hundred Dollars (\$500.00)** per violation.
- B. **Civil Penalties.** The City may fine in an amount not less than **Five Hundred Dollars (\$500.00)** nor more than **Five Thousand Dollars (\$5,000.00)** for each offense, any industrial user who is found to have violated an order of the Director or Master Sewer Committee or who willfully or negligently failed to comply with any provision of the Sewer Use Ordinance, and the orders, rules, regulations and permits issued under the Ordinance. Each day on which a violation occurs or continues is a separate and distinct offense.
- C. **Costs of Damages.** The City shall recover the costs of damages to any of the City's wastewater facilities from any person or user causing such damages.

IV. **Criminal Prosecution.** The Director may request a criminal investigation of any person suspected of willful or negligent violations, or suspected of knowingly falsifying information.

- A. **Violation - Generally.** Any person convicted of willful or negligent violations shall be punished by a fine of not less than **Five Hundred Dollars (\$500.00)** per violation per day or imprisonment for not more than **six (6) months** or both. A second conviction shall be punishable by a fine of not less than **One Thousand Dollars (\$1,000.00)** per violation per day or imprisonment for not more than **two (2) years** or both.
- B. **Falsifying Information.** Any person convicted of knowingly making any false statements, representation, or certification in any application, record, report, plant, or other document filed or required to be maintained pursuant to Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required shall be punished by a fine of not less than **One Thousand Dollars (\$1,000.00)** per violation per day or imprisonment for not more than **six (6) months** or both. A second conviction shall be punishable by a fine of not less than **two (2) years** or both.

12. **VARIANCES.**

The Director may grant individual variances for local limits in conjunction with compliance schedules established in permits or administrative orders. Variances shall not exceed **two and one-half (2.5) times** the limitation on discharge for specific pollutants. No variance shall be granted that exceeds the duration of the compliance schedule and in no case shall it exceed **three (3) years**.

(Ord. No. 5677; 12-16-96)