

## CHAPTER 54: PRETREATMENT REGULATIONS

### GENERAL PROVISIONS

#### 54.01 *Abbreviations*

Definitions are provided in § 53.01(H).

#### 54.02 *Definitions*

Definitions are provided in § 53.01(I).

### INFORMATION REQUIRED OF NON-RESIDENTIAL USERS

#### 54.03 *Initial Survey (Questionnaire)*

For Non-Residential Users tributary to a County WRF:

- (A) The Initial Survey shall be completed in order to ensure that said Non-Residential Users of the WRF of the County adhere to and comply with the restrictions and prohibitions pertaining to (i) Pretreatment Standards of wastewater Discharged into the WRF of the County set forth in § 54.07 thru 54.15, (ii) spill control of raw materials, (iii) intermediates and waste as set forth in § 54.20, and to facilitate the Lake County Department of Public Works (LCPW) relating to apparent or suspected violations thereof. The requirements are as follows:
- (1) All existing Non-Residential Users receiving sewer service directly or indirectly from the County, shall complete and submit an Initial Survey on a form provided by LCPW.
  - (2) All prospective Non-Residential Users seeking to establish a new account for Sanitary Sewer service from the County or to establish a new connection to the WRF of the County shall be required to file a completed Initial Survey with LCPW as a condition precedent to the establishment of such new Sanitary Sewer service account or connection to the WRF of the County.
  - (3) All Users defined above that fail to complete and submit to LCPW an

Initial Survey shall be in violation of the provisions of this section (§ 54.03) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the Non-Residential User in question for the Discharge of Sewage or Wastewater into the WRF of the County.

(B) Food Service Establishment (FSE) Survey

The FSE Survey may be required as a separate document or the information specific to the FSE may be included in the Application for discharge permit identified in § 54.26(D). The Initial FSE Survey shall ensure that FSEs discharging wastewater for treatment by WRF of the County (i) adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastewater discharged into the County sanitary sewer system and/or into the WRF of the County set forth in § 54.08 (ii) control spills of raw materials, intermediates and waste as set forth in § 54.20, (iii) facilitate the LCPW's investigation of apparent or suspected violations thereof. The requirements for the Initial FSE Survey are as follows:

- (1) All existing or new FSEs, including those in areas receiving Sewer Service from the County, shall complete and submit an Initial FSE Survey on a form provided by LCPW.
- (2) The Initial FSE Survey shall cover at a minimum information that includes a description of processes, kitchen fixtures, water usage and Wastewater characteristics, plus grease usage and management for the facility. This information will be required to be submitted and will be evaluated by LCPW for determination of the requirement to issue a General FSE Discharge Permit or FSEP per § 54.31(D).
- (3) All new FSEs directly or indirectly (i) to establish a new account for Sanitary Sewer Service (ii) seeking to transfer an existing FSE account in the County or (iii) seeking to establish a new connection to the WRF of the County, shall file a completed Initial FSE Survey with LCPW as a condition to the establishment of such new or transferred Sanitary Sewer Service account or connection to the WRF of the County.
- (4) Each initial Survey and FSE Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the User as defined in § 54.01(I). For purposes of this Chapter 54, LCPW may utilize the information contained in an Initial Survey or FSE Survey (or in the event that LCPW undertakes a site inspection, information obtained

from such inspection) through a site inspection(s), to determine the classification and appropriate permit for a Non-Residential user.

- (5) Each Initial Survey and FSE Survey shall be completed and delivered to LCPW within thirty (30) days (or such longer periods as LCPW may authorize in writing) after a request by LCPW. All Non-Residential Users above that fail to complete and submit to LCPW an Initial Survey or FSE Survey within the time prescribed shall be in violation of this Section 54.03 and shall be subject to all of the applicable penalties thereof, including but expressly not limited to (i) the revocation of all permits and approvals previously granted to such Non-Residential User for the Discharge of Sewage or Wastewater into the sanitary sewer system or WRF of the County, and (ii) the termination of any connection (direct or indirectly) to a County WRF or County sanitary Sewer.

#### **54.04 Affirmation to Initial Survey**

For Non-Residential Users tributary to a County WRF:

- (A) LCPW shall determine based on building, zoning and occupant usage whether the User shall be required to file a Triennial Affirmation of Survey. The Users status will be defined by LCPW after review of the Initial Survey submitted as required in § 54.03.
- (B) Any User, defined in § 54.03, having filed an Initial Survey where the information remains true, complete and correct in all respects may be required to submit a statement that the information remains current as part of a discharge permit application process.
  - (1) The statement is required to be signed by an Authorized Representative of the firm.
  - (2) The statement will be due on a date determined by LCPW.
  - (3) All Users defined above that fail to file an Affirmation with the LCPW shall be in violation of the provisions of this division (§ 54.03) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the WRF of the County.

#### **54.05 Reports of Changed Conditions**

- (A) Any User, defined in § 54.03, that intends to make any changes determined to be substantial as defined in § 54.44 shall report said changes as required in § 54.44. Reports of changed conditions are required to be made prior to the change. The User may be required to file an updated survey as a result of changed conditions. Any substantial changes made without compliance with the requirements of Section 54.44 shall be a violation of this section.

#### **54.06 Additional Survey Information**

- (A) After review of the Initial Survey completed per § 54.03, all Non-Residential Users that LCPW has defined to have the potential to be defined a Significant Industrial User (SIU), or a Non-Significant Regulated User (NSRU) shall be required to complete and file a more detailed Wastewater Survey on a form provided by LCPW. At a minimum, a description of processes, water usage and Wastewater characteristics for the facility will be required to be submitted. This information will be evaluated by LCPW for determination of the requirement to issue an Individual Wastewater Discharge Permit per § 54.22 thru § 54.38 or a General Wastewater Discharge Permit.
- (B) Periodic Updates of Wastewater Survey Information. The information provided in the Wastewater Survey may be required to be revised and/or updated for the following conditions:
  - (1) A Report of Changed Conditions is filed as required in § 54.44,
  - (2) An application for a Wastewater Discharge Permit is required to be filed per § 54.22 thru § 54.38, or
  - (3) A re-issuance of a Wastewater Discharge Permit occurs per § 54.36.
- (C) In addition to the Wastewater Survey defined in § 54.06, Categorical Industrial Users may be required to complete a category specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by an USEPA Effluent Guideline category.

## **GENERAL DISCHARGE REQUIREMENTS**

### **54.07 *Applicability***

- (A) It shall be unlawful to Discharge or cause to be Discharged to any facility served by the County, without having first complied with the terms of Chapters 53 and 54.
- (B) Users must meet the most stringent applicable requirements and limitations at all times either as set forth in Chapters 53 and 54, or in individual Wastewater Discharge Permits, Federal Pretreatment Standards as established by 40 CFR Part 403, or State of Illinois Standards as codified in 35 IAC 307. Said Users shall provide the necessary Wastewater treatment to achieve compliance with all National Categorical Pretreatment Standards and requirements within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards including Local Limits, requirements and Best Management Practices, by applicable deadlines.
- (C) Each FSE shall provide Wastewater Pretreatment and implement Best Management Practices as necessary to comply with this Chapter and shall achieve compliance with all Local Limits and the prohibitions set out in § 54.08 and § 54.11, respectively, within the time limitations specified by the Pretreatment Coordinator.
- (D) References to any federal or State statute or regulation in this Chapter shall include amendments that may be adopted from time-to-time, as well as successor statutory or regulatory provisions.

### **54.08 *Prohibited Discharge Standards***

These general prohibitions apply to all Users of the County WRF whether or not they are subject to a Categorical Pretreatment Standard or any other National, State or local Pretreatment Standards or Requirements. Reference to County WRF refers to both the County's sanitary sewer system and wastewater treatment works.

- (A) No User shall contribute or cause to be contributed, directly or indirectly to the County WRF, any Pollutant or Wastewater contaminant which will Pass Through, cause Interference with, inhibition of, or cause a Potential Problem to the operation of the County WRF;

- (B) No User shall increase the use of potable or process water in any other way, attempt to dilute a Discharge as a partial or complete substitute for adequate treatment in order to achieve compliance with a Pretreatment Standard or Requirement except where expressly authorized to do so by an applicable Pretreatment Standard or Requirements and in a Wastewater Discharge Permit. The Director of Public Works may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate; and
- (C) No User shall introduce, or cause to be contributed, either directly or indirectly, any of the following described Pollutants, substances or Wastewater into the County WRF:
- (1) Any Unpolluted Water including, but not limited to, uncontaminated Non-contact Cooling Water, storm-water, surface and ground-waters, subsurface drainage, roof run-off, spill contaminant area run-off, sump pumps, footing drains or construction drainage except as specifically permitted by the Pretreatment Coordinator;
  - (2) Any Pollutant which by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, fire or explosion or be injurious in any other way to the facilities or Personnel of the County, or to the operation of County WRF. Materials considered in this regard are those with a closed cup flashpoint of less than 140° F or 60° C using the test methods specified in 40 CFR Section 261.21WRF;
  - (3) Any solid, solid waste or viscous substance that will cause obstruction to the Flow in a sewer or the County WRF, or other Interference to the operation of the County WRF. Prohibited materials include but are not limited to: waste cooking oil, grease, grease interceptor wastes, Garbage with particles greater than one-half (1/2-inch) in any direction, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, wax, grease, unground garbage, spent grains or hops, paper, wood, plastics, residues from gas, tar or asphalt, residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acids, or any material which can be disposed of as trash;
  - (4) Any waste containing items that could clog or damage the County's sanitary sewers, pump stations or WRF operation including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers,

baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, any plastic products, cooking grease, pharmaceutical drugs, over the counter medicine, household cleaning chemicals, lawn care chemicals, fuel, motor oil, antifreeze, paint, paint thinner, perfumes, and cosmetics.

- (5) Any noxious or malodorous solids, liquids, or gases, which either singly or by their interaction are capable of creating a public nuisance or hazard to life, or to Interfere with, inhibit or cause a Potential Problem to any operation of the County WRF, including but not limited to, prevention of entry into sewers for their maintenance and repair;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the County WRF in a quantity that may cause acute worker health and safety problems, or which necessitates the LCPW taking special measures to counteract and/or alleviate the impact of the Pollutant(s);
- (7) Any Wastewater containing substances in sufficient quantity (including slug loads) to Interfere with the County WRF. This includes but is not limited to any materials which exert or cause unusual BOD, COD or chlorine requirements in such quantities as to constitute an excessive load on the County WRF;
- (8) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction, to injure, Interfere with or cause a Potential Problem to any County WRF treatment processes or facilities, constitute a hazard to humans or animals, or to exceed limitation as set forth in the existing Act, or the Act as it may be amended;
- (9) Any Wastewater having a temperature which shall inhibit biological activity or cause Interference in the County's WRF facilities, but in no case heat in such a quantity that the influent temperature at the County's WRF will exceed 40° C. (104° F.);
- (10) Wastewater having a temperature greater than 150 degrees F (65 degrees C) including but not limited to dishwashers.
- (11) Any Wastewater having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or Personnel in the County WRF. The pH limits are Instantaneous Limits that shall be met at all times, and are not subject to averaging;
- (12) Any Pollutant, including oxygen demanding Pollutants, released in a Discharge at a Flow rate and/or Pollutant concentration (including any

Slug load), either singly or by interaction with other Pollutants which may cause Interference, inhibit, or cause a Potential Problem at the County WRF;

- (13) Ammonia nitrogen in amounts that would cause a violation of the Water Quality Standards of the receiving waters of the County WRF;
- (14) Any wastes containing detergents, surface active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the County's collection system or the treatment process that result in WRF Interferences and/or Pass Through and/or is shown to inhibit the nitrification process. Wastes prohibited in this section shall not be processed or stored in such a manner that they could be Discharged to the County WRF;
- (15) Any additives for the purpose of emulsifying or biologically/chemically treating Oil and Grease for grease remediation or as a supplement to Interceptor maintenance that may interfere with the operation or performance of the wastewater treatment or Biosolids disposal process of the County WRF;
- (16) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass-Through;
- (17) Exterior trench drains, triple basin oil separators, and sand interceptors shall not connect to the sanitary sewer.
- (18) Any Wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to County WRF organisms other than by direct excrement and any other wastes defined as Medical Wastes;
- (19) Any Wastewater containing any radioactive wastes or isotopes, except in compliance with County, State and Federal rules governing such Discharges;
- (20) Wastewater or wastes containing iron pickling wastes, concentrated plating solutions or coating solutions whether neutralized or not;
- (21) Any leachate, groundwater remediation Wastewater or waste material, originating within the County's WRF service area, which does not meet Discharge limitations as set forth in this Chapter or determined by this Chapter except at Discharge points designated by the Pretreatment Coordinator;

- (22) All trucked or Hauled Waste; except at the LCPW designated discharge points. All such wastes are to be individually approved and permitted by LCPW as set forth in § 53.08 prior to Discharge;
- (23) Any Biosolid, screenings or other residues from the Pretreatment of Non-Residential wastes. Any debris removed from shop or car wash basins;
- (24) Any cleaning water or debris from storm sewer catch basins;
- (25) Any solid, solid waste or viscous substances that have caused an obstruction to the Flow in a sewer that is eliminated by a professional service or contractor;
- (26) Inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) that will cause a Potential Problem or Interfere with County WRF operations;
- (27) Any substance with color which is not removed in the treatment processes, such as, but not limited to: dye waste, ink waste and vegetable tanning solutions;
- (28) Any substances that inhibit the use of UV for disinfection purposes;
- (29) Wastewater or wastes containing substances which are not amenable to treatment or reduction by the County's WRF treatment processes employed, or are amenable to treatment only to such degree that the County's WRF effluent cannot meet the requirements of agencies having jurisdiction over Discharge to the receiving waters;
- (30) Any substance or combination of substances which shall cause the County's WRF facilities to be in violation of its NPDES permit(s), or to cause the County's WRF to violate receiving stream water quality and/or general effluent Discharge Standards;
- (31) Any Wastewater causing the County's WRF effluent to fail a toxicity test;
- (32) Any substance which may cause the County's WRF effluent or Biosolids, to be unsuitable for reclamation and re-use, or Interfere with the reclamation processes. In no case shall a substance Discharged to the County's WRF cause the County to be in noncompliance with any Biosolids use or disposal regulations developed under Section 405 of the Act; or any regulations affecting Biosolids use or disposal

developed pursuant to the Resource Conservation and Recovery Act, Solids Waste Disposal Act, Toxic Substance Control Act, or any State; or local Standards applicable to any Biosolids management methods either being used, or considered by the County; and

- (33) Discharge of swimming pool waters that have not been dechlorinated.
- (D) Wastes prohibited in this section shall not be processed or stored in such manner that they could be Discharged or introduced to the WRF. All Users with prohibited wastes described in this Section or those that have Hazardous Wastes as defined in § 54.47 shall develop and implement a Spill Prevention/Slug Control Containment and Countermeasures Plan consistent with the requirements in § 54.20. The Pretreatment Coordinator may also determine Spill Prevention/Slug Control is required of liquids and solids not previously described on either list based on an evaluation of a site potential to cause spills or Slug Loads to be introduced to the WRF. Notice requirements shall be permanently posted as provided in § 54.20 and § 54.45. Note that spill planning applies to all Users not just classified SIU or regulated NSRU.
- (E) Requirements of Polluted Discharges - Discharge Locations:
- (1) Discharge of Polluting Substances From Fixtures into Storm Sewers Prohibited. It shall be unlawful for any Person or User to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, Industrial Waste, or any fixture or device discharging polluting substances, to any Storm Sewer or storm water drainage system within the corporate limits of the County.
  - (2) Discharge of Sanitary and Industrial Waste into Storm Drainage Systems Prohibited, Nuisance Declared. For reasons of the protection of the health, safety and welfare of the inhabitants of the County, is the declared policy of the County to prohibit sanitary and Industrial Waste from entering into the storm water drainage system, and any such connection to the storm water drainage system is determined to be injurious to the public health and welfare and is hereby declared a public nuisance.
  - (3) Prohibited Discharges into Natural Outlets. It shall be unlawful to Discharge into any Natural Outlet within the County or in any area under the jurisdiction of the County Stormwater Management Commission, any sanitary Sewage, Industrial Wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of Chapters 53 and 54 and the required permits have been obtained and is in compliance with the

Clean Water Act.

**54.09 National Categorical Pretreatment Standards**

These Pretreatment requirements shall apply to all Non-Residential Users subject to National Categorical Pretreatment Standards, promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, currently Discharging or scheduled to Discharge to the County. The National Categorical Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471 are hereby incorporated into Chapters 53 and 54.

Limits in Categorical Pretreatment Standards shall apply to the Discharge from the process regulated by the Standard or as otherwise specified by the Standard. Compliance with National Categorical Pretreatment Standards is mandatory.

- (A) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with paragraphs B and F below and 40 CFR Section 403.6(c) unless specifically restricted by the Categorical Pretreatment Standard. These equivalent limitations calculated in accordance with the following requirements are deemed Pretreatment Standards. Users shall be required to comply with the equivalent limitations instead of the promulgated Categorical Standards from which the equivalent limitations were derived. An alternative Pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants.
- (B) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit production, the Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users.

The Pretreatment Coordinator calculating equivalent mass-per-day limitations shall calculate such limitations by multiplying the limits in the Standard by the User's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the User's actual long-term daily production during a representative year. For New Sources, actual production shall be estimated using projected production.

The Pretreatment Coordinator calculating equivalent concentration limitations shall calculate such limitations by dividing the mass limitations by the average daily Flow rate of the User's regulated process Wastewater. This average daily Flow rate must be based upon a reasonable measure of the User's actual long-term average Flow rate, such as the average daily Flow rate during the representative year.

- (C) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Pretreatment Coordinator shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR Section 403.6(e) provided that the regulation allows the Wastewaters to be mixed, and the User can supply the information necessary to allow issuance of an alternative limit.
- (D) A User may request a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR Section 403.13.
- (E) A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR Section 403.15.
- (F) When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the Pretreatment Coordinator convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment Coordinator. The Pretreatment Coordinator may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 1(a) through 1(e) below.
  - (1) To be eligible for equivalent mass limits, the User must:
    - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual Wastewater Discharge Permit;
    - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - (c) Provide sufficient information to establish the facility's actual average daily Flow rate for all waste streams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;

- (d) Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - (e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
- (2) A User subject to equivalent mass limits must:
- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - (b) Continue to record the facility's Flow rates through the use of a continuous effluent Flow monitoring device;
  - (c) Continue to record the facility's production rates and notify the Pretreatment Coordinator whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 1(c) of this Section. Upon notification of a revised production rate, the Pretreatment Coordinator will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 1(a) of this Section so long as it Discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Pretreatment Coordinator:
- (a) Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (c) May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the User's actual average

daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 54.08(B). The User must be in compliance with § 54.73 regarding the prohibition of Bypass.

- (G) The Pretreatment Coordinator may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Pretreatment Coordinator.
- (H) Once included in its Wastewater Discharge Permit, the User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived. Note: see 40 CFR Section 403.6(c)(7).
- (I) Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily Discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitations. Note: see 40 CFR Section 403.6(c)(8).
- (J) Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Pretreatment Coordinator within two (2) working days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Pretreatment Coordinator of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. Note: see 40 CFR Section 403.6(c)(9).

All Users that are subject to National Categorical Pretreatment Standards are required to file reports as required in Chapters 53 and 54, signed by an Authorized Representative per § 54.40 and § 54.41. These reports shall include all information that the Pretreatment Coordinator deems necessary to make compliance determinations.

#### **54.10 State Limits**

- (A) All Users are subject to State Standards and requirements as defined in 35 Ill Adm. Code (IAC) 307. Specifically, the Standard for Discharge of

mercury is as follows:

(1) Mercury (35 IAC 307.1102)

- (a) Except as provided below, no Person shall cause or allow the concentration of mercury in any Discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 IAC 304.104(a):

CONSTITUENT	STORET NUMBER	CONCENTRATION
Mercury	71900	mg/l 0.0005

- (b) It shall be an exception to subsection a) if the Discharge is to a publicly owned or publicly regulated sewer system which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the Discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it Discharges.

- (c) It shall be an exception to subsection a) if all the following conditions are met:

1. The Discharger does not use mercury; or the Discharger uses mercury, and this use cannot be eliminated; or the Discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of Wastewater; and,
2. The Discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 IAC 304.104(a); and,
3. The Discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,
4. The Discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury Discharges.

- (d) The Discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of subsection a) if all the following conditions are met:

1. The total Discharge is less than 227 g (one half pound) as mercury (Hg) in any year;
  2. This Discharge is to a Public Sewer system; and
  3. The Discharge does not, alone or in conjunction with other sources, causes the effluent from the sewer system or WRF to exceed 0.0005 mg/l of mercury.
- (e) No Person shall cause or allow any Discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the WRF Discharge of the Water Quality Standard of 35 IAC 302 for mercury applicable in the receiving stream.
- (f) For purposes of permit issuance, the IEPA may consider application of the exception of subsection (b) or (c) to determine compliance with this Section. The IEPA may impose permit conditions necessary or required to assure continued application of the exception. When subsection (b) or (c) applies, the IEPA may impose an effluent limitation in the permit which allows the Discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.

**54.11 Local Limits**

The following Pollutant limits are established to protect against Pass Through and Interference at the County’s WRFs. No User shall Discharge any Wastewater containing concentrations greater than the Instantaneous Daily Maximum or Daily Maximum as set forth below in sections A and B into any sewers that connect either directly or indirectly to a County WRF. Users discharging to a non-County WRF are required to comply with that non-County WRF’s local limits.

(A) Non-Toxic Pollutants

POLLUTANT (total unless otherwise listed)	CONCENTRATION (mg/l)	
	Daily Maximum	Instantaneous Daily Maximum

Oil & Grease		200
Biochemical Oxygen Demand	470	
Chemical Oxygen Demand	1250	
Total Phosphorus	24	
Total Suspended Solids	460	
Ammonia, Nitrogen	25	
Chloride	500	
Chlorine	2	

(B) Toxic Pollutants

<b>Table 1</b>		
<b>Des Plaines River WRF</b>		
<b>POLLUTANT</b>	<b>CONCENTRATION (mg/l)</b>	
<b>(total unless otherwise listed)</b>	<b>Daily Maximum</b>	<b>Instantaneous Daily Maximum</b>
Arsenic	0.25	
Cadmium	0.95	
Chromium	4.20	
Chromium, Hexavalent		1.0
Copper	1.0	
Cyanide		0.15
Iron	20	
Lead	1.0	
Mercury <sup>1</sup>	0.0005	
Nickel	1.0	

Phenols		15
Selenium	1.5	
Silver	0.5	
Zinc	1.5	

<b>Table 2</b>		
<b>New Century Town WRF</b>		
<b>POLLUTANT</b>	<b>CONCENTRATION (mg/l)</b>	
<b>(total unless otherwise listed)</b>	<b>Daily Maximum</b>	<b>Instantaneous Daily Maximum</b>
Arsenic	0.25	
Cadmium	0.95	
Chromium	4.20	
Chromium, Hexavalent		1.0
Copper	1.0	
Cyanide		0.15
Lead	1.0	
Mercury <sup>1</sup>	0.0005	
Nickel	1.0	
Phenols		15

Selenium	1.5	
Silver	0.5	
Zinc	1.5	

**Table 3**

**Mill Creek WRF**

<b>POLLUTANT (total unless otherwise listed)</b>	<b>CONCENTRATION (mg/l)</b>	
	<b>Daily Maximum</b>	<b>Instantaneous Daily Maximum</b>
Arsenic	0.25	
Cadmium	0.95	
Chromium	4.20	
Chromium, Hexavalent		1.0
Copper	1.0	
Cyanide		0.15
Lead	1.0	
Mercury <sup>1</sup>	0.0005	
Nickel	1.0	
Phenols		15
Selenium	1.5	

Silver	0.5	
Zinc	1.5	

Footnotes for all three tables

<sup>1</sup> Discharges exceeding the numeric standard for Total Mercury shall be allowed if all of the following conditions are met:

- a. The discharger does not use mercury; or the discharger uses mercury, and this use cannot be eliminated; or the discharger use mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and
- b. The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and
- c. The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of mercury discharges.

(C) TENORM Dischargers

- (1) If a user as defined herein is required by Federal or State drinking water regulations to remove NORM, and the process chosen by the municipality requires periodic discharge of TENORM to the sanitary sewer, the User must petition the County to accept the waste under § 54.03.
- (2) TENORM accumulates in the Biosolids. Effective on September 11, 2019, the discharge of combined Radium (Ra 226/Ra 228) to the sanitary sewer in excess of 5.0 pCi/L shall not be acceptable and is a violation of Chapters 53 and 54.
- (3) Current Users shall have a mutually agreed upon action plan by September 11, 2021. The action plan should address the steps that will be taken to discontinue the discharge of TENORM to the County's WRF.

- (D) Grease Interceptor Twenty-five Percent (25%) Requirement. LCPW reserves the right to apply a Twenty-five Percent (25%) Requirement at the discharge side of the external Grease Interceptor prior to mixing with any other Wastewater from the contributing FSE's property in lieu of the limits listed in § 54.11(A) above. The last section of an external GI at an FSE shall be measured to determine that the total volume of the GI being used for any food-derived solids to settle or accumulate plus the floatable grease-derived materials that rise and accumulate, identified as a solids blanket and grease cap respectively, is less than twenty-five percent (25%) of the total design hydraulic depth as measured from the effluent discharge pipe to the bottom

("Twenty-five Percent (25%) Requirement"). LCPW may also apply the Twenty-five Percent (25%) Requirement for external GI that are used in non-FSE locations such as an automobile service, repair and dispensing properties.

- (E) LCPW will apply the Local Limits found in § 54.11(A) and (B) above normally at the end-of-pipe point where the Non-Residential waste is Discharged to the municipal sewer system.
  - (1) LCPW reserves the right to apply said Local Limits in § 54.11(A) and (B) above at end-of-process discharge location that connects to the WRF sewer system in the event that:
    - (a) A unique Control Manhole at end-of-pipe is not available;
    - (b) A more representative sample can be taken of a process batch discharge even though an end-of-pipe Control Manhole exists;
    - (c) A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute waste stream;
    - (d) An end-of-process location is used because the User is unable to provide adequate flow documentation to use a combined waste stream formula at an end-of-pipe location.
  - (2) In the event that a suitable Control Manhole does not exist, and no end-of-process discharge sampling location exists, the "sampling facility" shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- (F) LCPW reserves the right to establish requirements, by ordinance or in a Wastewater Discharge Permit or general permit, to require control over the quantities and rates of Discharge from any User.
- (G) LCPW reserves the right to establish, by ordinance or in a Wastewater Discharge Permit, mass limitations rather than concentration limitations on Discharges particularly if Users are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.
- (H) LCPW reserves the right to set specific limits for those Pollutants not identified in § 54.11(A) or (B) on a case by case basis for impacts caused to the WRF including but not limited to Interference, Potential Problem, Pass Through and prevention of beneficial Biosolids re-use. Those limits shall be set forth in a Wastewater Discharge Permit per § 54.31.

Local limits for additional Pollutants not identified in Sections 505(A) or (B) will be noticed to the permit holder a minimum of thirty (30) calendar days

prior to the effective date of the Wastewater Discharge Permit. In the event that LCPW receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by LCPW.

- (I) LCPW may require the User to develop Best Management Practices (BMPs), by ordinance or in individual Wastewater Discharge Permits or general permits, to implement the Pretreatment Standards and Requirements of this Chapter.
- (J) Any User Discharging Pollutants such as but not limited to: Oils and Grease, BOD or TSS to the County's facilities that cause LCPW to alter its method of Wastewater treatment or Biosolid disposal to a more costly method shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs are defined in the Rate Ordinance.
- (K) Any User, whose Discharge is pretreated by the County pursuant to the LCPW's determination that such pretreatment is more effective and which discharges pollutants into the County's facilities so as to necessitate the LCPW's alteration of its method of Wastewater treatment or Biosolid disposal to a more costly method, shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs are defined in the Rate Ordinance.

#### **54.12 *Right of Revision***

- (A) LCPW reserves the right to establish, by ordinance or in Wastewater Discharge Permits or general permits, more stringent limitations or requirements on Discharges to the WRF consistent with the purpose of Chapters 53 and 54. The specific limitations on Discharge listed in § 54.11 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. In no case shall the total of all allocations exceed the MAIL.
- (B) LCPW will maintain a reserve of the maximum allowable headworks Pollutant loading for each Pollutant for new industries or increase with existing industries. LCPW will recalculate the maximum concentrations from time to time using site specific data taking into consideration revisions to State and Federal regulations that may impact the calculations.

#### **54.13 *Monitoring Requirements***

- (A) Applicability

At minimum, all SIU including CIU as well as Non-Significant Regulated Users (NSRU) are required to sample based on the County Monitoring

Frequency as stated in the Wastewater Discharge Permit. Other Users are required to sample upon the request of the LCPW. The Users shall pay the costs of sampling of its Discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the User or by LCPW.

(B) Frequency

- (1) All SIU including CIU with Wastewater Discharge Permits must sample their effluent consistent with the permit requirements and report the results to the WRF at least once every calendar 6-month period. LCPW may specify more frequent reporting, quarterly or monthly, dependent of the frequency for those parameters specified in the User's Permit and the County Monitoring Frequency.
  - (a) Any NSRU with an individual or general Wastewater Discharge Permit shall sample their effluent and report the results to the WRF consistent with the requirements of the Wastewater Discharge Permit and the County Monitoring Frequency.
  - (b) Hauled Waste or batch Discharges that have been approved by the Director will have sampling and analysis defined in an individual or general Wastewater Discharge permit.
  - (c) LCPW shall have the right to perform its own sampling at any time at any location.
  - (d) LCPW may resample a User within thirty (30) calendar days when a violation of the twenty-five percent (25%) requirement as defined in § 54.11(D) is identified.
  - (e) LCPW may initiate sampling and analyses at a greater frequency as a result of a violation of any Discharge Permit limit, including cases where Hot Spot maintenance issues or blockage to the Sanitary Sewer System has occurred.

(C) Sample Collection

- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the Wastewater Discharge Permit.
- (2) Except as indicated in Subsections (C)(3) and (C)(5) below, the User must collect Wastewater samples using Flow proportional composite

collection techniques.

- (3) In the event Flow proportional sampling is infeasible, the Pretreatment Coordinator may authorize the use of time proportional sampling at minimum collecting samples every 15 minutes during a 24-hour workday; or a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being Discharged. A proportional number of samples shall be collected for Wastewater Discharges less than 24 hours.
- (4) Single Grab Samples may be required in the event of an infrequent batch Discharge or to show compliance with instantaneous Discharge limits.
- (5) Samples for Oil and Grease, temperature, pH, cyanide, hexavalent chromium, phenols, sulfides, and volatile organic compounds must be obtained using the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. Multiple Grab Samples that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:
  - (a) For, cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
  - (b) For volatile organics and fats, oil and grease: multiple Grab Samples may only be composited in the laboratory.
- (6) Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by LCPW, as appropriate.

(D) Cost

The cost of LCPW sampling and analyses for any monitoring may be invoiced to the applicable User.

**54.14 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, or where the USEPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by USEPA.

#### ***54.15 Protection of County Sampling and Flow Metering Equipment From Damage***

No Person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is owned or contracted by the County unless otherwise authorized by the County. Any Person violating this provision shall be subject to the sanctions (enforcement remedies) set forth in § 54.99.

### **GENERAL DISCHARGE COMPLIANCE**

#### ***54.16 Applicability***

Each User that Discharges non-Residential Source waste shall provide Wastewater treatment and Best Management Practices as necessary to comply with Chapters 53 and 54 and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in § 54.08 within the time limitations specified by USEPA, the State, or the Pretreatment Coordinator, whichever is more stringent.

#### ***54.17 Pretreatment Facilities***

Any Pretreatment facility at a Non-Residential User location shall be provided, installed, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve

the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to LCPW under the provisions of Chapters 53 and 54.

All Users are required to comply with IEPA permitting requirements. Users shall obtain all necessary construction-operating permits from the IEPA prior to the LCPW connection and/or Discharge permit(s) being issued. IEPA will make the determination of actual permitting requirements based on changes in the Wastewater volume or characteristics generated at the User site. LCPW will track and parallel this IEPA permitting process. No sources of non-residential Wastewater will be allowed to Discharge to County WRF until all permitting requirements have been satisfied. Such Pretreatment facilities shall be under the control and direction of an IEPA-certified Wastewater operator.

Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to LCPW and IEPA prior to the User's initiation of the changes. Users shall obtain all additional construction-operating permits from IEPA and LCPW for the changes prior to Discharge.

#### **54.18 Additional Pretreatment Measures**

At minimum, LCPW may require the additional Pretreatment measures defined below. LCPW reserves the right to make unannounced inspections of any additional Pretreatment measures during normal business hours whether the User has been issued an individual or general Wastewater Discharge permit or not.

- (A) Whenever deemed necessary, the Pretreatment Coordinator may require Users to restrict their Discharge during peak Flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial Waste streams, and such other conditions as may be necessary to protect the WRF and determine the User's compliance with the requirements of Chapters 53 and 54.
- (B) The Pretreatment Coordinator may require any Person or User Discharging into the WRF to install and maintain, on their property and at their expense, a suitable storage and Flow-control facility to ensure equalization of Flow. LCPW may issue an individual or general Wastewater Discharge Permit solely for Flow equalization.

- (C) Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**54.19 Best Management Practices (BMP) Plan.**

- (A) LCPW may require the submittal of BMP Plans and documentation of procedures required in this Section, required by a Categorical Pretreatment Standard, or the result of an enforcement requirement as a result of a violation of Chapters 53 or 54. Review of such plans and documentation of procedures by LCPW shall not relieve the User from the responsibility to modify the User's facility or BMP Plan and procedures as necessary to meet all requirements of Chapters 53 and 54. Review by the LCPW does not constitute an approval of a BMP Plan and procedures, and the County and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Discharge.
- (B) FSE BMP requirements are provided in §53.09(H).

**54.20 Accidental Discharge & Slug Control Plan**

- (A) All permitted Non-Residential Users are required to develop, implement and maintain Best Management Practices in the form of an Accidental Discharge & Slug Control Plan hereafter referred to as Spill Plan. All Non-Residential Users that meet the below criteria are required to develop and implement a Spill Plan regardless whether that User is regulated by a Wastewater Discharge permit or not.
  - (1) Chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;
  - (2) Prohibited Discharge Materials as defined in § 54.08 at or on its site;  
or
  - (3) Hazardous Waste as defined in § 54.47 at or on its site; or
  - (4) Been defined by the Pretreatment Coordinator to have a need to control Slug Discharges.
- (B) The Spill Plan is required to be submitted to LCPW for review if the User's Discharge is regulated by a Wastewater Discharge permit. The Spill Plan shall address, at a minimum, the following:

- (1) Specifics of Spill Plan:
  - (a) Description of Discharge practices, including non-routine batch Discharges;
  - (b) Description of stored chemicals, including quantity of chemicals and type and number of storage containers;
  - (c) Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing 8 drums or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;
  - (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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response. Building containment structures or production equipment changes are considered procedures to prevent adverse spills. If containment structures are connected to the Sanitary Sewer, a valve normally left in a closed position is required;
  - (e) Location of Notice/Signs posted in conspicuous places advising employees in English and any other language of common use whom to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge or a Bypass of any part of a Pretreatment system; and
  - (f) Emergency telephone number (24-hour) off-site and backup telephone number. If the Spill Plan has been submitted to LCPW, any change in the telephone numbers should be submitted to LCPW within five (5) working days when revised.
- (2) Notification Procedure. The Spill Plan shall contain procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge, as required by § 54.45;
- (3) Documentation. The Spill Plan shall contain a sample of the documentation maintained at the site that:
  - (a) Ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency

notification procedures; and

- (b) Such logs to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify valves in containment structures, if present, are closed.
- (C) Review of such plans and operating procedures by LCPW shall not relieve the User from the responsibility to modify the User's facility or Spill Plan as necessary to meet all requirements of Chapters 53 and 54. Review by LCPW does not constitute an approval of a Spill Plan and the County and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Load.
- (D) At least once every two (2) years the Pretreatment Coordinator is to evaluate whether each SIU needs a revision to its Spill Plan. The Pretreatment Coordinator may require any User to submit at a frequency less than two (2) years such Spill Plan or require modification of an existing Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the WRF.

In alternate years, the Pretreatment Coordinator is to evaluate whether each NSRU is required to file a revision to its Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the WRF.

#### **54.21 Closure Plan**

- (A) Any Non-Residential User meeting the requirements of § 54.20(A) including but not limited to those with Wastewater Discharge permits that determines it will cease operations permanently, or if some of the processes that classify the User as significant are closed, the User shall file a written closure plan with LCPW. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:
  - (1) A description of each Wastewater generating process that will be closed;
  - (2) A description of how the facility will be closed and the extent of operations during the closure period;
  - (3) An inventory and estimate of the volume of all process Wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste

management facilities to be used;

- (4) A schedule of the closure activities indicating the time required to complete each closure step; and
- (5) Additional monitoring scheduled that will identify compliance with Pretreatment Standards during the closure operations.

## **WASTEWATER DISCHARGE PERMIT REQUIREMENTS AND APPLICATION**

### ***54.22 Wastewater Information and Analysis***

When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Pretreatment Coordinator may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in § 54.03 thru § 54.06 and § 54.26. Hauled waste is permitted under the provisions of § 53.08.

### ***54.23 Wastewater Discharge Permit Authority and Requirements***

- (A) Individual Wastewater Discharge Permit issued to Significant Industrial Users (SIUs) which includes Categorical Industrial Users (CIUs). No SIU, including any CIU, shall Discharge Wastewater to the WRF without first obtaining an individual Wastewater Discharge Permit from the Pretreatment Coordinator except that a SIU, including any CIU, that has filed a timely application pursuant to § 54.24 may continue to Discharge for the time period specified therein.
- (B) General Wastewater Discharge Permit issued to SIU and CIU. At the discretion of the Pretreatment Coordinator, LCPW may use general Wastewater Discharge Permits to control SIU or CIU Discharges to the WRF if the following conditions are met:
  - (1) Involve the same or substantially similar types of operations;
  - (2) Discharge the same types of waste;
  - (3) Require the same effluent limitations or BMPs;

- (4) Require the same or similar monitoring and/or reporting requirements; and
  - (5) In the opinion of the Pretreatment Coordinator, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
- (C) Other Wastewater Discharge Permits. The Pretreatment Coordinator may require other Non-Residential Users to obtain either individual or general Wastewater Discharge Permits as necessary to carry out the purposes of Chapters 53 and 54. The Wastewater Discharge Permit will define that holders of permits issued under this section shall not be classified as SIUs. Non-Residential Users with Wastewater Discharge Permits in this class may include but are not limited to:
- (1) Any User that has been determined to be a Non-Significant CIU as defined in § 54.01(I);
  - (2) Any User that has been determined not to be a SIU as defined in § 54.01(I) that the Pretreatment Coordinator requires to be regulated by Wastewater Discharge Permit;
  - (3) Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;
  - (4) Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator determines shall be permitted;
  - (5) Non-Significant Regulated Users (NSRU) as defined below. In the event that the County operates more than one WRF, the percentage shall be determined based on the plant to which the User Discharges rather than the total capacity of all of the County plants:
    - (a) NSRU that Discharge a process Wastewater Flow greater than or equal to one half (0.5) percent of the WRF's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller.
    - (b) NSRU that Discharge more than or equal to one half (0.5) percent of the design dry-weather organic treatment capacity of the WRF;
    - (c) NSRU that Discharge one half (0.5) percent of the maximum allowable headworks loading for any Pollutant regulated by a Local Limit developed in accordance with § 54.11; or

- (d) NSRU that intermittently Discharge any individual batch or batches that would meet the criteria in (a), (b), or (c) above when Discharged or otherwise has the potential to Discharge a Slug Load to the WRF;
  - (6) Non-Residential Users that have devices installed to remove oils, grease, rags/inappropriate debris and sand;
  - (7) Food Service Establishments (FSE);
  - (8) Trucked waste (septic haulers) and
  - (9) Non-Residential Users required to eliminate or control specified Pollutants from their waste stream through the development and implementation of a BMP Plan.
- (D) Any violation of the terms and conditions of an individual or general Wastewater Discharge Permit shall be deemed a violation of Chapters 53 and 54 and subject the Wastewater Discharge permittee to the sanctions set out in § 54.54 thru § 54.71. Obtaining an individual or general Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

**54.24 Individual and General Wastewater Discharge Permitting: Existing Connections**

- (A) Any SIU or CIU required to obtain an individual or general Wastewater Discharge Permit who was Discharging Wastewater into the WRF prior to the effective date of Chapters 53 and 54 and who wishes to continue such Discharges in the future, shall, within ninety (90) calendar days after said date, apply to the Pretreatment Coordinator for the appropriate Wastewater Discharge Permit in accordance with § 54.26, and shall not cause or allow Discharges to the WRF to continue after one hundred eighty (180) calendar days of the effective date of Chapters 53 and 54 except in accordance with a Wastewater Discharge Permit issued by the Pretreatment Coordinator.
- (B) Any non-SIU or non-CIU that is required to obtain individual or general Wastewater Discharge Permits shall file an application not less than ninety (90) calendar days or within the time frame required in a notification sent by the Pretreatment Coordinator.
- (C) General Permits for Food Service Establishments. No Person shall Discharge, or cause to Discharge any Wastewater from FSE directly into

the LCPW sewer system without first obtaining a FSE Wastewater Discharge Permit. A permit application is required to be filed with LCPW. LCPW may require a survey to be completed per § 54.03.

#### **54.25 Individual and General Wastewater Discharge Permitting: New Connections**

- (A) Any SIU or CIU, who proposes to begin or recommence Discharging into the WRF must obtain such permit prior to the beginning or recommencing of such Discharge. An application for this individual or general Wastewater Discharge Permit, in accordance with § 54.26, must be filed at least ninety (90) calendar days prior to the date upon which any Discharge will begin or recommence pending review by the Pretreatment Coordinator.
- (B) Any non-SIU or non-CIU who proposes to begin or recommence Discharging into the WRF that is required to obtain an individual or general Wastewater Discharge permit must obtain such permit prior to the beginning or recommencing of such Discharge or operations in the case of a zero process Discharger, in accordance with § 54.26. An application for this individual or general Wastewater Discharge Permit must be filed at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence pending review by the Pretreatment Coordinator.
- (C) A FSE that proposes a new connection to LCPW sanitary sewers is required to obtain a general FSE Discharge Permit in accordance with § 54.26.

#### **54.26 Individual and General Wastewater Discharge Permit Application Contents**

- (A) Individual Application Requirement. All Users required to obtain an Individual Wastewater Discharge Permit or Zero Process Wastewater Discharge Permit must submit a permit application to LCPW accompanied by a fee as outlined in the Rate Ordinance. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (B) Individual Application Contents. The Pretreatment Coordinator may require all Users to submit as part of an application all or some of the following information:
  - (1) All information required by § 54.03, § 54.05 and § 54.06;
  - (2) Identifying and contact information for the site including name and address of the facility, the name of the operator and owner as well as contact information for the Authorized Representative and daily on-site contact.

- (3) Description of Operations.
  - (a) A brief description of the nature of the activities, services, production, and plant processes on the premises. Include each product produced by type, amount, process or processes, and a general rate of production.
  - (b) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (c) Type and amount of raw materials processed (average and maximum per day) 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 WRF;
- (4) Time and duration of Discharges with an estimate of the average daily and maximum Flow;
- (5) Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to applicable Pretreatment Standards and Local Limits;
- (6) Requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge based on 40 CFR Section 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;
- (7) Plans and Diagrams
  - (a) Site plans / floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;
  - (b) 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; and
  - (c) A diagram showing the location for monitoring the Discharge of all wastes covered by the permit.
- (8) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (9) Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the Wastewater Discharge Permit application.

- (C) General Application Requirement. The Pretreatment Coordinator may require all Users that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by LCPW which is specific to the category regulated by the general Wastewater Discharge Permit accompanied by a fee as outlined in the Rate Ordinance. The form may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit. Where the Standard will require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator.
  
- (D) General Application Requirement for Food Service Establishments (FSE). The Pretreatment Coordinator requires all FSEs that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by LCPW which is specific to FSE accompanied by a fee as outlined in the Rate Ordinance. The form may require but is not limited to contact information, general business information; facility operation; kitchen fixtures; oil and grease handling, kitchen clean-up and water usage, grease interceptor or alternatives used, and sampling locations. The form may include information required by the survey in § 54.03(B). LCPW requires FSE to comply with a BMP and the FSE shall submit documentation as required by the Pretreatment Coordinator.
  
- (E) General Application for Waste Haulers. The Pretreatment Coordinator may require waste haulers that are required to obtain a Wastewater Discharge Permit to submit an application on a form provided by LCPW accompanied by a fee as outlined in the Rate Ordinance. The form may require but is not limited to contact information, truck identification, names and addresses of sources of waste, volume and characteristics of the waste, type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
  
- (F) Categorical Monitoring Waivers
  - (1) Authority. Pursuant to 40 CFR Section 403.12(e)(2)(v) and (vi), LCPW may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the User. This waiver is not available to Users whose concentration Standards are derived from mass Standards or production based Standards. This authorization is

subject to the following conditions:

- (a) The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Wastewater Discharged from the facility provided that the Sanitary Wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process Wastewater.
- (b) The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit.
- (c) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard. Any waiver granted pursuant to this Section shall terminate if any of the conditions herein are no longer satisfied.

(2) Application Requirements

- (a) In making a demonstration that a Pollutant is not present, the User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
- (b) The request for a monitoring waiver must be signed in accordance with § 54.27, and include the certification statement in § 54.27.
- (c) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

(3) Documentation and Record Retention for CIU Monitoring Waivers

Any grant of the monitoring waiver by the Pretreatment Coordinator must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Pretreatment Coordinator for 3 years after expiration of the waiver.

**54.27 Individual and General Application Signatories and Certification**

- (A) All Wastewater Discharge Permit applications, User reports and certification

statements must be signed by an Authorized Representative of the User and contain the following certification statement:

"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".

- (B) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative per § 54.43.

#### ***54.28 Individual and General Wastewater Discharge Permit Decisions***

The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within thirty (30) calendar days of receipt of a complete Wastewater Discharge Permit application, the Pretreatment Coordinator will determine whether or not to issue a Wastewater Discharge Permit. The Pretreatment Coordinator may deny any application for a Wastewater Discharge Permit. If the Pretreatment Coordinator fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied.

#### ***54.29 Intermittent Discharges and Clean-ups***

- (A) No person, firm or corporation shall discharge atypical waste, contaminated waters from any non-domestic source or special waste or leachate on an intermittent or one-time basis without first obtaining a connection permit and Wastewater Discharge Permit as provided in § 53.06 and § 54.23, respectively. The request to Discharge and project description shall be submitted on a form provided by LCPW. In the event that such waste will be hauled to a discharge point designated by LCPW, the Discharger shall also comply with the provisions of § 54.28.

- (B) An evaluation by LCPW shall be made to determine provisions necessary to prevent the introduction of Pollutants to the WRF which could:
- (1) Cause injury, Interference or otherwise be incompatible with the system or the use or disposal of Biosolids;
  - (2) Constitute a hazard to humans, animals or the environment; and/or
  - (3) Cause Pass-Through of Pollutants into the receiving waters or the atmosphere.

Provisions may include site specific Discharge rates, unique standards – either concentration or mass based or both, special monitoring and/or Pretreatment requirements. The Discharge water from these special projects may be subject to one or more surcharge fees as defined in § 54.75.

## **WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

### ***54.30 Individual and General Wastewater Discharge Permit Duration***

- (A) An individual Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.
- (B) A general Wastewater Discharge Permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. LCPW will identify in the general Wastewater Discharge Permit whether or not the permittee is defined as a SIU.
- (C) A general FSE Discharge Permit (FSEP) will be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. Each FSEP will indicate a specific date upon which it will expire.

- (D) The Pretreatment Coordinator may extend a permit issued under Section § 54.30 (A), (B), or (C) above with a duration of less than five (5) years to a maximum duration of five (5) years upon written notification.

### **54.31 Wastewater Discharge Permit Contents**

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator to prevent Pass-Through or Interference, protect the quality of the water body receiving the WRF's effluent, protect worker health and safety, facilitate Biosolids management and disposal, and protect against damage to the WRF.

- (A) Individual and General Wastewater Discharge Permits must contain:
- (1) A statement that indicates Wastewater Discharge Permit issuance date, expiration date and effective date;
  - (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to LCPW in accordance with § 54.34, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (4) Requirements to control Accidental Spills and Slug Discharges, if determined by the Pretreatment Coordinator to be necessary;
  - (5) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (B) An individual Wastewater Discharge Permit may contain the process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with § 54.26(F) Any grant of the

monitoring waiver by the Pretreatment Coordinator shall be included as a condition of the User's permit.

- (C) Individual and General Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for Flow regulation and equalization;
  - (2) Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to equalize, reduce, eliminate, or prevent the introduction of Pollutants into the WRF;
  - (3) Requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR Section 403.17 and § 54.73;
  - (4) Requirements for the development and implementation of Spill Prevention Containment and Countermeasures / Slug Control Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
  - (5) Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the WRF;
  - (6) Development and implementation of BMP Plans to reduce the amount of Pollutants Discharged to the WRF if the categorical standards do not already require the implementation of a BMP Plan;
  - (7) The unit charge and/or schedule of Surcharge fees for the management of the Wastewater Discharged to the WRF;
  - (8) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (9) Requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local Standard;
  - (10) Documentation of any monitoring waiver approved by the Pretreatment Coordinator for categorically regulated Pollutants found to be not present and requirements to re-institute monitoring in the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operation;
  - (11) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable

Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and

(12) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with Chapters 53 and 54, and State and Federal laws, rules, and regulations.

(D) General Permits for Food Service Establishments. The general permit requirements for FSE are provided in §53.09(I) and the BMP plan requirements are provided in §53.09(H).

If the FSE has a waiver for some aspect of the program, that waiver will be documented in an attachment to the permit.

### ***54.32 Individual and General Wastewater Discharge Permit Appeals***

The Pretreatment Coordinator shall provide public notice of the issuance of an individual or general Wastewater Discharge Permit. Any Person, including the User, may petition the Pretreatment Coordinator to reconsider the terms of a Wastewater Discharge Permit within thirty (30) calendar days of notice of its issuance. The following conditions apply to Wastewater Discharge Permit appeals:

(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, the appealing party's interest in such provision(s), 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 Pretreatment Coordinator fails to act within thirty (30) calendar 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 actions 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 Circuit Court for Lake County within sixty (60) calendar days.

### **54.33 Individual and General Wastewater Discharge Permit Modification**

- (A) The Pretreatment Coordinator may modify an individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
  - (2) To address substantial alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;
  - (3) To address introduction of a Pollutant for which a monitoring waiver had been obtained;
  - (4) A change in the WRF that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  - (5) Information indicating that the permitted Discharge poses a threat to the County's WRF, County Personnel, or the receiving waters;
  - (6) Violation of any terms or condition of the Wastewater Discharge Permit;
  - (7) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
  - (8) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR Section 403.13;
  - (9) To correct typographical or other errors in the Wastewater Discharge Permit;
  - (10) To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by § 54.34; or
  - (11) To reflect the issuance of a monitoring waiver.
- (B) The Pretreatment Coordinator may modify a general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;

- (2) A change in the WRF that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- (3) To correct typographical or other errors in the Wastewater Discharge Permit; or
- (4) To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by § 54.34.

#### **54.34 Individual and General Wastewater Discharge Permit Transfer**

Wastewater Discharge Permits shall not be transferred, assigned, or sold to a new owner or new User in different premises or to a new or different operation in the same or different premises without the expressed written approval of LCPW. If the premises sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permittee, then the permit held by the seller and/or owner shall be subject to reissuance by LCPW to the new owner and/or operator as a temporary permit; provided:

- (A) The new owner and/or operator notified LCPW thirty (30) calendar days in advance of the transaction, and
- (B) The new owner and/or operator confirmed to LCPW, within five (5) working days of the transaction, of completion of the date of sale or execution of an operating contract, and
- (C) The new owner and/or operator shall apply for a new permit within ninety (90) calendar days.

Failure to provide the sale/transfer notification defined in subsection (A) and (B) above, renders the Wastewater Discharge Permit void as of said sale and/or transfer date. It is further provided that the temporary permit shall only be effective for one hundred eighty (180) calendar days after the date of sale or transfer. Any temporary permit shall be subject to compliance with Section 54.27. LCPW shall have the same remedies for violation of temporary permits as it has for violation of other Wastewater Discharge Permits.

### **54.35 Individual and General Wastewater Discharge Permit Revocation**

The Pretreatment Coordinator may revoke an individual or general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (A) Failure to notify the Pretreatment Coordinator of significant changes to the Wastewater prior to the changed Discharge;
- (B) Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to § 54.43 and § 54.44;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- (D) Falsifying self-monitoring reports and certification statements;
- (E) Tampering with monitoring equipment;
- (F) Refusing to allow the Pretreatment Coordinator and designee(s) 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 business or operation ownership of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or Chapters 53 and 54.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business or operation ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

### **54.36 Individual and General Wastewater Discharge Permit Re-issuance**

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete Wastewater Discharge Permit application, in accordance with § 54.26, a minimum of ninety (90) calendar days prior to the expiration of the User's existing Wastewater Discharge Permit.

### **54.37 Regulation of Waste Received from Other Jurisdictions**

- (A) Intergovernmental Agreement (IGA). If another municipality, or User located within another municipality, contributes Wastewater to any County WRF, the County shall enter into an intergovernmental agreement with the contributing municipality.
  - (1) Communities with USEPA approved Pretreatment Programs or are under an Administrative Order from USEPA or IEPA to have a Pretreatment Program that Discharge to a County WRF facility shall be the Control Authority responsible for permitting and monitoring Non-Residential Users tributary to locally owned sewers. The community shall enforce the more restrictive limits established in the County Local Limits (§ 54.11) or their respective ordinances for sanitary sewers tributary to County WRF.
- (B) The IGA shall define the following responsibilities:
  - (1) A requirement for the contributing municipality to adopt or authorize adherence to the County's Ordinance Chapters 53 and 54. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the County's ordinance or Local Limits as required by USEPA. The agreement will authorize the County to have the power and authority pursuant to implement Pretreatment Program requirements in their Sewer Use & Pretreatment Ordinance (SUPO) and ERP in a defined Service Area in the event that the contributing municipality does not implement its program. Whenever the County revises its SUPO, ERP or local limits, LCPW will forward a copy of the revisions to the municipality through the Director.
  - (2) A description of the quality and volume of Wastewater Discharged to the WRF by the contributing municipality;
  - (3) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the WRF;

- (4) Requirements for monitoring the contributing municipality's Discharge; and
  - (5) Such other information as defined in the intergovernmental agreement.
- (C) An IGA, as required by paragraph (A), above, shall also contain the following conditions:
- (1) A requirement that defines whether the municipality or the County will obtain the Industrial User Survey information for all Non-Residential Users within the contributing municipality that are Discharging to a County WRF. Any requirement for the contributing municipality to submit revised Non-Residential User inventory information will be at a frequency determined by LCPW but likely on an annual basis;
  - (2) A requirement for the contributing municipality to provide the Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its Pretreatment activities that will include the submittal of water records for permitted users on a frequency defined in the agreement;
  - (3) A provision specifying what technical and administrative duties will be conducted by the Pretreatment Coordinator or contributing municipality necessary to implement the Pretreatment Program, including but not limited to Wastewater Discharge Permit issuance or denial define and review reports, perform inspection and sampling/analysis, and take appropriate enforcement actions as outlined in the ERP, and perform any other technical or administrative duties as required by its wastewater and bio-solids permits;
  - (4) The County may take emergency action to stop or prevent any discharge within the County and the defined service area and shall share any information or records with the municipality when requested which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to cause interference, pass through, or bio-solid contamination.
  - (5) A provision ensuring the Pretreatment Coordinator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Pretreatment Coordinator in coordination with the contributing municipality; and
  - (6) A provision specifying remedies available for breach of the terms of

the inter-municipal agreement.

To the extent that any of the foregoing provisions are not expressly set forth in an IGA, then they shall be deemed incorporated into such IGA.

**54.38 Pretreatment Program Implementation for Non-County WRF (Other Jurisdictions)**

- (A) Implementation of Pretreatment Programs for municipalities that discharge wastewater to County owned sewers, interceptors and associated pump stations that then discharge to a –non-County owned WRF will be defined in the intergovernmental agreements as appropriate between the County, the municipalities and the non-County WRF as required by USEPA. If County provisions for PDLs concerning these transmission structures are more stringent than the Non-County WRF, the County provisions will govern those users.
- (B) The IGA shall define the following responsibilities:
  - (1) A requirement for the contributing municipality to adopt or authorize adherence to the County’s Ordinance Chapters 53 and 54 or non-County WRF municipality as appropriate. The requirement shall specify that such ordinances and limits must be revised as necessary to reflect changes made to ordinance(s), ERP or Local Limits as required by USEPA. The agreement will authorize the County to have the power and authority pursuant to implement Pretreatment Program requirements as defined in a Service Area for which it provides wastewater transmission. Whenever the County revises its SUPO, ERP or local limits including PDLs, LCPW will forward a copy of the revisions to the municipality through the Director of Public Works or equivalent title.
  - (2) A description of the quality and volume of Wastewater first Discharged to the County sanitary sewers by the contributing municipality or a description of the quality and total volume of multiple municipalities discharged to a non-County WRF;
  - (3) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the County or at the location the County discharges to a Non-County WRF;
  - (4) Requirements for monitoring the contributing municipality's Discharge or the County’s total discharge; and

- (5) Such other information as defined in the intergovernmental agreement.
- (C) An IGA, as required by paragraph (A), above, shall also contain the following conditions:
- (1) A requirement that defines whether the municipality or the County or non-County WRF will obtain the Industrial User Survey information for all Non-Residential Users within the contributing municipality that are Discharging to a non-County WRF. Any requirement for the contributing municipality or County to submit revised Non-Residential User inventory information will be at a frequency defined in the IGA but likely on an annual basis;
  - (2) A requirement for the contributing municipality to provide the County Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its Pretreatment activities that will include the submittal of water records for permitted users including FSEs on a frequency defined in the agreement;
  - (3) A provision specifying what technical and administrative duties will be conducted by the County or non-County Pretreatment Coordinator necessary to implement a Pretreatment Program, including but not limited to Wastewater Discharge Permit issuance or denial define and review reports, perform inspection and sampling/analysis, and take appropriate enforcement actions as outlined in the ERP, and perform any other technical or administrative duties as required by appropriate wastewater and bio-solids permits;
  - (4) The County may take emergency action to stop or prevent any discharge within the County and the defined service area and shall share any information or records with the municipality or non-County WRF when requested which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to cause interference, pass through, or bio-solid contamination.
  - (5) A provision ensuring the County Pretreatment Coordinator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the County Pretreatment Coordinator; and
  - (6) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

To the extent that any of the foregoing provisions are not expressly set forth in an IGA, then they shall be deemed incorporated into such IGA.

## **REPORTING REQUIREMENTS**

Each User of the WRF and facilities of the County shall provide reports as necessary to comply with Chapters 53 and 54 and any Wastewater Discharge Permit. Reporting requirements may apply to Users that are not required to obtain a Wastewater Discharge Permit.

### ***54.39 Pretreatment Requirements for Non-Residential Users***

Should LCPW find that a Non-Residential User does not meet Pretreatment Standards and Requirements applicable to its Discharge, causes or contributes to a Potential Problem at the WRF, or when analysis of waste or observation of the effect of such wastes on the WRF indicate that said wastes cannot be treated satisfactorily at such WRF, or that said wastes are injurious to the WRF, or to the treatment processes, or pollute the natural waters within the County, its service areas or the Waters of the State of Illinois additional Pretreatment and/or O&M will be required by LCPW to meet Pretreatment Standards and Requirements. Such facilities as LCPW may deem necessary for Pretreatment of the wastes shall be furnished by and at the expense of the User as a condition of the Discharge of said wastes into the WRF or to any natural water within the County service area.

- (A) Pretreatment Review: The Pretreatment Coordinator will require the User to initiate a Pretreatment review through a telephone call, letter or certified letter to the Authorized Representative of the User.
- (B) Pretreatment Initiation Meeting. A Pretreatment Initiation Meeting will be held between the Pretreatment Coordinator and the User to discuss the problem and the solution to said problem. If it determined that changes in operation and maintenance, plant modifications, and/or the installation of Pretreatment equipment shall occur to resolve noncompliance, a schedule shall be established with events and completion deadlines agreeable to both parties to resolve the noncompliance. If appropriate, a Compliance Agreement defining the agreed upon schedule will be sent from LCPW to the User shortly after the meeting. If a schedule for compliance acceptable to the Pretreatment Coordinator cannot be established, the matter will be

referred for further enforcement action consistent with the provisions of § 54.54 thru § 54.60 as appropriate.

- (C) Progress Reports. Progress Reports will be filed by the User on a schedule agreed to by the Pretreatment Coordinator and the User concerning the completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). The User shall identify whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.
- (D) Final Report. A Final Report will be filed with the Pretreatment Coordinator by the User normally required within ninety (90) calendar days from the end of the schedule deadline to verify the success or failure or the schedule objective chosen by the User. The Final Report will if appropriate identify the steps being taken by the User to resolve noncompliance.

#### **54.40 Additional Pretreatment Requirements for Categorical Industrial Users**

In the event that either LCPW, EPA or a User determines that the User is regulated as a CIU by standards and requirements promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, the following reports are required to be filed by the User with both LCPW and USEPA.

##### **(A) Baseline Monitoring Reports**

Within either one hundred eighty (180) calendar days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, existing CIUs currently Discharging to or scheduled to Discharge to the WRF shall submit to the Pretreatment Coordinator a report which contains the information listed below. At least ninety (90) calendar days prior to commencement of their Discharge, New Sources, and sources that become CIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Pretreatment Coordinator a report which contains the information listed below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated Flow and quantity of Pollutants to be Discharged.

Users described above shall submit the information set forth below.

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of Discharge to the WRF from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily Flow, in gallons per day, to the WRF from regulated process streams and other streams, as necessary, to allow use of the Combined Waste Stream Formula set out in 40 CFR Section 403.6(e).
- (5) Measurements of Pollutants.
  - (a) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - (b) The User shall submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, 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. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard;
  - (c) The User shall take a minimum of one representative sample to complete that data necessary to comply with the requirements of this paragraph. A minimum of four (4) Grab Samples are required for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds;

- (d) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the Flows and concentrations necessary to allow the use of the Combined Waste Stream Formula of 40 CFR Section 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - (e) Sampling must be performed in accordance with procedures set out in § 54.13 and shall be analyzed in accordance with procedures set out in § 54.14;
  - (f) The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and
  - (g) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the County.
- (6) Compliance Certification. A statement, reviewed by the User's Authorized Representative of the User (as defined in § 53.01(I)), 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 for the User to meet the Pretreatment Standards and Requirements.
- (7) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in § 54.40(B).
- (8) Signature and Report Certification. All baseline monitoring reports must be signed and certified in accordance with § 54.27.

(B) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by § 54.40(A)(7):

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) calendar months;
- (3) The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;
- (4) In no event shall more than nine (9) calendar months elapse between such progress reports to the Pretreatment Coordinator; and
- (5) All compliance schedule progress reports must be signed and certified in accordance with § 54.27.

(C) Reports On Compliance With Categorical Pretreatment Standard Deadline

Within ninety (90) calendar 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 WRF, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information described in § 54.40(A). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c) and § 54.09, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 54.27.

#### **54.41 Periodic Compliance Reports / Self-Monitoring Reports**

##### **(A) Significant Non-Categorical Industrial Users**

- (1) Significant Non-Categorical Industrial Users shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year (on dates specified by LCPW) submit a report to LCPW with a description of the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period.
- (2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of § 54.13 and § 54.14.
- (3) All sampling and analysis may be performed by LCPW in lieu of Significant Non-Categorical Industrial User. In such cases, LCPW will issue an Attachment to the Wastewater Discharge Permit that specifies LCPW will perform sampling and analysis semi-annually at minimum.
- (4) In cases where the LCPW requires compliance with a BMP or pollution prevention alternative, the User must submit documentation necessary to determine the compliance status of the User.
- (5) Where LCPW itself collects all the information required for the report, the Significant Non-Categorical Industrial User will not be required to submit the report.

##### **(B) Categorical Industrial Users**

- (1) All Industrial Users subject to categorical Pretreatment Standard (CIU) shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year on dates specified by LCPW (normally in July and January), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period. At the discretion of LCPW and in consideration of such factors as local high or low Flow rates, holidays, budget cycles, etc., LCPW may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with § 54.27.

- (2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of § 54.13 and § 54.14.
- (3) This sampling and analysis may be performed by LCPW in lieu of CIU. In such cases, LCPW will issue an attachment to the Wastewater Discharge Permit that specifies LCPW will perform sampling and analysis semi-annually at minimum.
- (4) If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in § 54.13 and § 54.14, the results of this monitoring shall be included in the report.
- (5) Where LCPW has imposed mass limitations on Users as provided for by 40 CFR Section 403.6(c), the report required by paragraph (B)(1) of this section shall indicate the mass of Pollutants regulated by the Pretreatment Standards in the Discharge from the Industrial User.
- (6) For Users subject to equivalent mass or concentration limits established by LCPW in accordance with the procedures in § 54.09, the report required by paragraph (B)(1) shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by paragraph (B)(1) shall include the User's actual average production rate for the reporting period.
- (7) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
- (8) Upon approval of a monitoring waiver for Pollutants found to be not present and revision of the User's permit by the Pretreatment Coordinator, the User must certify on each periodic report with the statement in § 54.27, that there has been no increase in the Pollutant in its waste stream due to activities of the User with the following statement:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ (specify applicable National Categorical Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of the \_\_\_\_\_(list the categorically regulated pollutant(s)) in the wastewaters due to the activities at the facility since filing of the last periodic report.”

- (9) In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately comply with the monitoring requirements of paragraph B.1 of this section or other more frequent monitoring requirements imposed by the Pretreatment Coordinator, and notify the Pretreatment Coordinator.

(C) Non-Significant Categorical Users

- (1) Non-Significant Categorical Industrial Users as defined in § 53.01(I) shall, at a frequency determined by the Pretreatment Coordinator but no less frequently than annually (on dates specified by LCPW) submit a report which contains the certification statement contained in § 54.41(C)(2) below.

(2) Certification Statement.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_(months, days, year):

- a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by § 53.01(I);
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_”

The report is required to be signed by an Authorized Representative of the User.

(D) Other Non-Significant Regulated Users

- (1) Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Batch Dischargers, Food Service Establishments and any firms regulated by individual or general permit requirements including but not limited to BMPs shall, at a frequency determined by the Pretreatment Coordinator, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.
- (2) The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation necessary to determine the compliance status of User as defined by the Pretreatment Coordinator and identified in the Wastewater Discharge Permit.
- (3) All FSE's with GI's must maintain cleaning logs (including but not limited to hauling manifests). These logs shall be immediately available at the time of an inspection and are required to contain the following information:
  - (a) Person and company that performed the cleaning;
  - (b) Measurement of the depth of solids blanket and grease cap prior to cleaning in each interceptor;
  - (c) Volume of material removed from each interceptor; and
  - (d) Location where waste will be disposed.

A copy of the cleaning log may be required to be submitted to LCPW by a date specified in a request issued by the Pretreatment Coordinator.

**54.42 Reports from Non-permitted Users**

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Pretreatment Coordinator as required. These reports include but are not limited to surveys of business activities, water usage, wastes Discharged, spill and Slug Loading potential, Pretreatment equipment, waste hauling and facility layout.

#### **54.43 Authorized Representative Change Notification**

Any SIU that changes the Authorized Representative of its company as defined in § 53.01(l) shall file a change notice with LCPW within thirty (30) calendar days.

#### **54.44 Reports of Changed Conditions**

Each User must notify the Pretreatment Coordinator of any planned substantial changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) calendar days before the change that for example results in an increase or addition or planned shutdown or deletion of products. Immediate shutdowns or deletions of products are required to be noticed within five (5) working days of determination.

- (A) The Pretreatment Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under § 54.26.
- (B) The Pretreatment Coordinator may issue or modify an existing individual or general Wastewater Discharge Permit under § 54.31 and § 54.33 in response to changed conditions or anticipated changed conditions.
- (C) For purposes of this requirement, substantial changes include, but are not limited to, Flow increases of twenty percent (20 percent) or greater, the addition or deletion of a shift, the Discharge of any previously unreported Pollutants including changes to the listed or characteristic hazardous wastes for which the User has submitted initial notification under § 54.47, introduction of a Pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste Discharge or lack of Discharge, shutdown of a process, or addition or deletion of a product.
- (D) SIUs and CIUs are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **54.45 Reports of Potential Problems**

- (A) Initial Notification. 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, that may cause potential problems for the WRF, the User shall immediately telephone (within fifteen (15) minutes), and notify the Pretreatment Coordinator of the incident. If this notification cannot be made to the WRF staff during routine business hours, the User shall call the County's emergency office number at (847)377-7188. This notification shall include the name of the caller, location of the Discharge, physical state of Discharge, chemical composition, concentration and volume, if known, and date and time of Discharge as well as duration of the Discharge, and corrective actions taken by the User. The notification shall include what Federal, State and local entities have also been notified by the User.
- (B) The User shall control production of all Discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (C) Written Notification: Within fifteen (15) calendar days following such Discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences.
- (D) Such notifications shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WRF, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to Chapters 53 and 54.
- (E) A Notice/Sign shall be permanently posted on the User's bulletin board or other prominent place advising employees in English and any other language of common use whom to call in the event of a Discharge described in paragraph (A), above. Employers shall ensure through documentation that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.

#### **54.46 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) calendar days after becoming aware of the violation. The User is not required to resample if the Pretreatment Coordinator monitors at the User's facility at least once a month, or if the Pretreatment Coordinator samples between the User's initial sampling and when the User receives the results of this sampling. If LCPW performed the sampling and analysis in lieu of the User, LCPW will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

#### **54.47 Notification of the Discharge of Hazardous Waste**

- (A) Pursuant to 40 CFR Section 403.12 (p) any User who commences the Discharge of hazardous waste shall notify the WRF, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any Discharge into the WRF 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 User Discharges more than one hundred (100) kilograms of such waste per calendar month to the WRF, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) calendar days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under § 54.44. The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of § 54.40(A), § 54.40(C), and § 54.41(B).
- (B) Dischargers are exempt from the requirements of paragraph A, above, 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 Sections 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 Sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the 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 User must notify the Pretreatment Coordinator, the USEPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- (D) In the case of any notification made under this Section, the 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.
- (E) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by Chapters 53 and 54, a permit issued thereunder, or any applicable Federal or State law.

#### **54.48 Report Submittal Due Dates**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. In order to meet deadlines, reports may be faxed or emailed on the due date to LCPW. The original of the Fax or email is required to be mailed to LCPW postmarked within one (1) working day of the transmission.

### **COMPLIANCE MONITORING**

#### **54.49 Right of Entry: Inspection and Sampling**

The Pretreatment Coordinator and Coordinator's designee(s), Duly Authorized Agents of the County, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, hereafter referred to as above named entities, shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of Chapters 53 and 54 and any individual or general Wastewater Discharge Permit or order issued hereunder. Users shall allow the above named entities ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, analyses, records examination and copying, and the performance of any additional duties.

- (A) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the above named entities will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (B) LCPW shall have the right to set up on the 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 Pretreatment Coordinator may require the 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 User at its own expense. All devices used to measure Wastewater Flow and quality shall be calibrated twice yearly (at six month intervals) to ensure their accuracy. The User shall submit these calibration reports semi-annually to LCPW with the Periodic Compliance Reports required in § 54.41.
- (D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (E) Unreasonable delays in allowing the Pretreatment Coordinator and the Coordinator's designee access to the User's premises shall be a violation of Chapters 53 and 54.

#### **54.50 Record Keeping**

- (A) Users. Users subject to the reporting requirements of Chapters 53 and 54 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by Chapters 53 and 54 and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under § 54.11(I). Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 the User or the County, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.
- (B) County. LCPW will maintain documentation of any monitoring waiver issued per § 54.26(F) for a period of five (5) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

#### **54.51 Search Warrants**

If the Pretreatment Coordinator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of Chapters 53 and 54, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with Chapters 53 and 54 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pretreatment Coordinator may seek issuance of a search warrant from the Circuit Court of Lake County.

### **CONFIDENTIAL INFORMATION**

#### **54.52 Confidential Information**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, individual or general Wastewater Discharge Permits, and monitoring programs, and the Pretreatment Coordinator inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is

able to demonstrate to the satisfaction of the Pretreatment Coordinator and County Attorney, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the 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.

## **PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

### **54.53 SNC Publication**

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the WRF, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and Categorical Industrial Users (or any other User that violates paragraphs (C), (D) or (H)) of this Section and shall mean:

- (A) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66 percent) or more of all the measurements taken for the same Pollutant parameter during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits as Defined in § 54.11;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 percent) or more of Wastewater measurements taken for each Pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by § 54.11 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, Oil and Grease, and 1.2 for all other Pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined by § 54.08 thru 54.11 (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator has determined caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of WRF 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 Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a Discharge;
- (E) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an individual or general Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- (F) Failure to provide within forty-five (45) calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation(s), which may include a violation of Best Management Practices, that the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local Pretreatment program.

## **ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **54.54 Notification of Violation**

- (A) When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of Chapters 53 and 54, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement including instantaneous limits, the Pretreatment Coordinator may serve upon that User a written Notice of Violation (NOV). Within ten (10) working 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 Pretreatment Coordinator. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV.
- (B) The Pretreatment Coordinator may initiate a Pretreatment Review meeting for any Violation issued under § 54.54(A), which meeting shall ordinarily be scheduled within thirty (30) calendar days after such initiation (which User may be notified as part of a NOV or separate written notice).

As a result of a Pretreatment Review meeting, LCPW may issue a compliance directive stating that the User is in a “corrective action” status. A plan for correction and compliance schedule illustrating milestones may be issued by LCPW to the User. This plan for correction and compliance schedule may become part of the User’s permit. The User is responsible for meeting the permit limits at all times. The plan for correction, compliance schedule and revised permit does not relieve the User of meeting the permit limits and/or Ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.

- (C) As a result of a violation, LCPW may require the User to conduct additional

sampling or LCPW may continue to sample the User and inspect the User's progress towards meeting milestones as needed to determine if the User is complying with the conditions of the plan of action, compliance schedule and/or permit. In the event LCPW detects and documents any violation; a NOV will be issued to the User.

- (D) If administrative adjudication is found to be the appropriate remedy to resolve the violation(s), the notice must be served in accordance with and shall contain all information specified and required in the Lake County Administrative Adjudication Ordinance. Prior to the hearing date documented on the notice of ordinance violation, the respondent may elect to abate or cease the violation for which the notice of ordinance violation was issued, pay the fine listed on the notice of ordinance violation, and not participate in the hearing.
- (E) When the User has met the conditions of the plan of action, compliance schedule, and permit, LCPW will notify the User in writing that the conditions have been satisfied, and they are no longer under a "corrective action" status if such a status was formally issued.
- (F) Nothing in this section shall limit the authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

#### **54.55 Compliance Agreements**

The Director may enter into Compliance Agreements, i.e. Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document, any stipulated fines, and signatures of authorized Lake County and User representatives. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 54.57 and § 54.58 and shall be judicially enforceable.

#### **54.56 Show Cause Order**

The Director may order a User which has violated, or continues to violate, any provision of Chapters 53 and 54, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear at a specified date and time to

provide show cause to LCPW why the proposed enforcement action should not be taken. A written 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 the 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 five (5) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### **54.57 Compliance Orders**

When the Director finds that a User has violated, or continues to violate, any provision of Chapters 53 and 54, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **54.58 Cease and Desist Orders**

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of Chapters 53 and 54, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past

violations are likely to recur, the Director or his/her representative 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; and
- (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 bar against, or a prerequisite for, taking any other action against the User.

#### **54.59 *Emergency Suspensions***

The Director or his/her representative may immediately suspend a User's Discharge and/or Wastewater Discharge Permit, after informal notice to the User, whenever such suspension is necessary 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 County WRF, or environment. The Director or his/her representative may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to Interfere with the operation of the WRF, or which presents, or may present, an endangerment to the environment.

- (A) Any User notified of a suspension of its Discharge and/or Wastewater Discharge Permit shall immediately stop or eliminate its Discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director or the Director's representative may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the County's WRF, its receiving stream, or endangerment to any individuals. The Director or the Director's representative may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Director or the Director's representative that the period of endangerment has passed, unless the termination proceedings in § 54.60 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 or the Director's representative prior to the date of any show cause or termination hearing under § 54.56 or § 54.60.
- (C) The Director or the Director's representative shall allow the User to recommence its Discharge when the endangerment has passed following a hearing held in accordance with § 54.56, unless the revocation proceedings set forth in § 54.35 are initiated against the User.

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

#### **54.60 Termination of Discharge**

In addition to the provisions in § 54.35, any User who violates the following conditions 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 substantial 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; or
- (E) Violation of the Pretreatment Standards in § 54.07 thru § 54.15.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under § 54.56 why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **PENALTIES AND JUDICIAL ENFORCEMENT REMEDIES**

### ***54.61 Recovery of Costs Incurred; Special User Fees***

A. Any entity or User who causes damage to or impairs the County's WRF as a result of any Discharge or by violating any of the provisions of Chapters 53 and 54 shall be charged a special user fee equal in amount to any expense, loss or damage caused by such violation or Discharge. LCPW shall promptly invoice the entity or User for such special user fee. Refusal to pay the special user fee shall constitute a violation of Chapters 53 and 54 enforceable under the provisions of § 54.54 thru § 54.60.

- (1) The special user fee shall be established based on the costs, including but not limited to, sampling and analyses associated with the investigation, costs of mitigating impact to the WRF, as well as any costs associated with cleaning, repair, replacement or other investigative and/or corrective action(s) as a response to the violation or Discharge.
- (2) If the County is required to pursue enforcement actions to recover a special user fee resulting from damage due to an improper Discharge or violation of any of the provisions of Chapters 53 and 54, then the special user fee shall also include the costs of preparing the administrative enforcement actions such as notices and orders investigative and/or correction actions, and review of response(s) from the User.

B. Recovery of costs incurred also includes but is not limited to the following provisions specific for Food Service Establishments (FSE):

- (1) Grease Disposal Mitigation Fee. FSE that operate without a grease interceptor (GI) may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increase maintenance of the sewer system as a result of the FSE's inability to adequately remove O&G from its Wastewater Discharge. This Section shall not be interpreted to allow the new construction of, or existing FSE undergoing remodeling to operate without an approved GI.
  - (a) The Grease Disposal Mitigation Fee shall be established in the Rate Ordinance and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of O&G and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device.

- (2) Service Charges for Sewer System Overflows, Public Nuisance, Abatement and Cleanup Costs. SSOs may cause threat and injury to public health, safety,

and welfare of life and property and are hereby declared public nuisances.

- (a) Any FSE found to have contributed to a sewer blockage, Sewer System Overflows (SSOs) or any sewer system Interferences resulting from the Discharge of Wastewater or waste containing O&G may be subject to a service charge incurred by the LCPW as established in Rate Ordinance. The service charge shall include the costs of cleaning up the overflow or backup and all costs of cleaning the blockage out of the immediately adjacent County sewerage system. In addition, the responsible customer shall be responsible for payment of any fine levied by the Illinois Environmental Protection Agency (IEPA) against the County as a result of any overflow or blockage in the County sewerage system, or National Pollution Discharge Elimination System (NPDES) permit discharge violation attributable to the customer violation(s) of any provision of Chapters 53 and 54, or an inadequately operating grease removal system (GRS), or lack of an approved GRS.
- (b) Sewer lateral failures and SSOs caused by FSE alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If LCPW must act immediately to contain and clean up an SSO caused by blockage of a private or Public Sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the County's costs for such abatement may be charged to the property owner or operator of the FSE, a special user fee as provided in this section.
- (c) Imposition of a special user fee under this section shall not preclude other enforcement actions.

#### **54.62 *Alternative Adjudication Hearing Process***

The Director in conjunction with the County Attorney as defined by Lake County Administrative Adjudication Ordinance shall have the discretion to direct any process involving civil fines and penalties set forth in Chapters 53 and 54 to the Administrative Adjudication hearing process described in Lake County Administrative Adjudication Code 94.50-94.66. Upon filing of any action before the administrative adjudication hearing officer, he or she shall have plenary powers to levy all civil fines and penalties, to decide and continue cases and to take all other quasi-judicial steps which are consistent with the grant of powers given in said Ordinance. However, consistent with the limitations on the grants of powers that can be devolved onto such hearing officers, the administrative

adjudication hearing officer shall have no jurisdiction to levy any criminal fine or to issue any form of injunction, restraining order or other extraordinary remedy.

#### **54.63 *Injunctive Relief***

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of Chapters 53 and 54, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director or his/her representative may petition the Circuit Court of Lake County through the County Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general Wastewater Discharge Permit, order, or other requirement imposed by Chapters 53 and 54 on activities of the User. The Director or his/her representative may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### **54.64 *Civil Penalties***

A. When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of Chapters 53 and 54, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of Lake County through the County Attorney for civil penalties as follows:

- (1) Any User of LCPW shall be subject to the imposition of a civil penalty in at least the amount of one thousand dollars (\$1000.00) a day for each violation. 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.
- (2) The County may recover costs, including but not limited to, filing fees, witness fees, attorneys' fees, court costs, and other expenses associated with enforcement activities, including but not limited to sampling and monitoring expenses, and the cost of any actual damages incurred by the County.

- (3) 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 of the violation, 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.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(B) Criminal Penalties: If a User engages in activity or conduct in apparent violation of the statute of Illinois or a federal regulation, the County may refer such matters to the Office of the State's Attorney, the IEPA, the USEPA or any other appropriate agency for investigation and criminal enforcement action. Any such referral will be made in addition to any appropriate enforcement action taken pursuant to the County's Enforcement Response Plan and will not reduce the County's authority to aggressively pursue such enforcement.

The County will seek, through the appropriate agency, the maximum criminal penalty assessable under statute or regulation and will supply evidence and testimony as deemed necessary by the agency in the prosecution of any such matters.

#### **54.65 Remedies Nonexclusive**

- (A) In addition to remedies available to the County set forth elsewhere in Chapters 53 and 54, if the WRF is fined by the state or USEPA for violation of the WRF NPDES permit or violation of Water Quality Standards as the result of Discharge of Pollutants by a User or group of Users, then the fine, including all legal, sampling, analytical testing costs and any other related costs incurred by the County shall be special user fee to be charged to the responsible User or group of Users. Such charges shall be in addition to, and not in lieu of, any other remedies the County may have under Chapters 53 and 54, statutes, regulations, at law or in equity.
- (B) If the Discharge from any non-residential User causes a deposit, obstruction or damage to any portion of the County's wastewater collection system or WRF, the Director's representative shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be a

special user fee charged to the Person or non-residential User causing such deposit, obstruction, or damage.

- (C) The remedies provided for in Chapter 53 and 54 are not exclusive. The Pretreatment Coordinator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the County’s enforcement response plan once the County gets a USEPA approved Pretreatment Program. However, the Pretreatment Coordinator may take other action against any User when the circumstances warrant. Further, the Pretreatment Coordinator is empowered to take more than one enforcement action against any noncompliant User.

**SUPPLEMENTAL ENFORCEMENT ACTION**

**54.66 Failure to Report or Notify**

- (A) Sewer Extension and Connection Permits

Any entity who fails to file for and obtain a sewer extension or connection permit prior to commencing construction of said extension or connection required by Chapters 53 and 54 may be subject to the following late filing fees in addition to extension, connection or annexation fees:

(1) First Notice	Issuance	of
Warning/Citation		
(2) Second Notice	\$250.00	
(3) Cost per day per Population Equivalent (PE) for each additional day past second notice deadline	\$100.00	

- (B) LCPW Reports or Notifications

Any entity who fails to file any report or notification so required by Chapters 53 and 54 may be subject to the following late filing fees:

(1) First Offense – less than 30 calendar days past due	Issuance	of
Warning		
(2) Recurring reporting violations or		
30 or more calendar days past due	\$100.00	
NOV response noncompliance	\$250.00	
Cost per additional day past final request deadline	\$50.00	
(3) Substantial Change Notification		
No written notification of substantial changes whether		
Discharged or not:		
At start-up or shutdown	\$500.00	
Per each additional 15 days in excess of 30 calendar days	\$100.00	

(C) Reports or Notifications required by Significant or Categorical Industrial Users

Any entity who fails to file any Periodic Pretreatment Report (Semi-Annual), Baseline Monitoring Report, or 90-day Final Compliance Report so required by Chapters 53 and 54 may be subject to the following late filing fees:

- |   |             |           |
|---|-------------|-----------|
| (1) First Offense – less than 30 calendar days past due   | Issuance of |           |
| Warning   |             |           |
| (2) Recurring reporting violations or                     |             |           |
| 30 or more calendar days past due                         |             | \$250.00  |
| NOV response noncompliance                                |             | \$500.00  |
| Cost per additional day past final request deadline       |             | \$100.00  |
| (3) Substantial changes                                   |             |           |
| No written notification of substantial changes whether    |             |           |
| Discharged or not:  |             |           |
| At start-up or shutdown                                   |             | \$1000.00 |
| Per each additional 15 days in excess of 30 calendar days |             | \$200.00  |

(D) Ownership Notification Specific to Entities With Wastewater Discharge Permits

- (1) No written notification of change in ownership and/or operation of facility, or any portion thereof with an individual permit. \$1000.00
- (2) No written notification of change in ownership and/or operation of facility, or any portion thereof with a general permit. \$500.00

**54.67 Performance Bonds**

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to comply with any provision of Chapters 53 and 54, a previous individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by the Pretreatment Coordinator to be necessary to achieve consistent compliance.

#### **54.68 Liability Insurance**

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to comply with any provision of Chapters 53 and 54, a previous individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the WRF caused by its Discharge.

#### **54.69 Payment for Outstanding Fees and Penalties**

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, charges, fines or penalties incurred as a result of any provision of Chapters 53 and 54, a previous individual or general Wastewater Discharge Permit or order issued hereunder.

#### **54.70 Public Nuisances**

A violation of any provision of Chapters 53 and 54, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Coordinator. Any Person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the County for any costs incurred in removing, abating, or remedying said nuisance.

#### **54.71 Contractor Listing**

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are hereby declared to be non-responsible Users and therefore are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by a User found to be in significant noncompliance with Pretreatment Standards or

Requirements may be terminated at the discretion of the Pretreatment Coordinator. This provision shall be deemed to be a part of any contract of the County for which goods or services are acquired by or provided to the County.

## **AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **54.72 *Upset & Prohibited Discharge Standards***

- (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 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), below, are met.
- (C) A 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 User can identify the cause(s) of the Upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the Pretreatment Coordinator verbally within twenty-four (24) hours of becoming aware of the Upset, and in writing, within five (5) working days):
    - (a) A description of the Indirect Discharge/Upset 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; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent

recurrence of the noncompliance.

- (D) *Burden of Proof.* In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- (E) 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) *User responsibility in case of Upset.* Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (G) **Prohibited Discharge Standards.** A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 54.08(A) and (B) or the specific prohibitions in § 54.08(C)(1) through (C)(33) if it can prove that it did not know or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference or that either:
  - (1) A Local Limit exists for each Pollutant Discharged and the User was in compliance with each Limit directly prior to, and during, the Pass Through or Interference; or
  - (2) No Local Limit exists, but the Discharge did not cause substantially in nature or constituents from the User's Discharge when the County was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable Biosolids use or disposal requirements.

### **54.73 Bypass**

- (A) For the purposes of this section,
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment 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) A 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 Subsections (C) and (D) of this section.

(C) Bypass Notifications

(1) Anticipated: If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Pretreatment Coordinator, at least ten (10) working days before the date of the Bypass, if possible.

(2) Unanticipated: A User shall submit oral notice to the Pretreatment Coordinator of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) working days of the time the User becomes aware of the Bypass. The 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 Pretreatment Coordinator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(D) WRF Actions

(1) Bypass is prohibited, and the Pretreatment Coordinator may take an enforcement action against a 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 User submitted notices as required under paragraph (C) of this

section.

- (2) The Pretreatment Coordinator may approve an anticipated Bypass, after considering its adverse effects, if the Pretreatment Coordinator determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

## **MISCELLANEOUS FEES**

### ***54.74 Pretreatment Charges and Fees***

The County may adopt reasonable fees for reimbursement of costs of setting up and operating the County's Pretreatment Program unique to a specific User found in Rate Ordinance which may include:

- (A) Categorical pretreatment standard determination, establishment and documentation for wastewater discharge permit;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;
- (C) Fees for reviewing plans or construction relating to Spill Prevention Containment and Countermeasures / Slug Load Plans as defined in § 54.20;
- (D) Fees for responding to Report of Potential Problems as defined in § 54.45;
- (E) Fees for filing appeals;
- (F) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Pretreatment Coordinator to address User noncompliance; and
- (G) Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by Chapters 53 and 54 and are separate from all other fees, fines, and penalties chargeable by the County.

## USER & SURCHARGE INDUSTRIAL WASTE COST RECOVERY

### 54.75 Surcharge Rates

LCPW has determined that certain Pollutants are compatible with the WRF and LCPW reserves the right to recover the treatment costs for those compatible Pollutants that exceed the surcharge levels below:

Compatible Pollutant	Surcharge Level (mg/l)
Biochemical Oxygen Demand (CBOD <sub>5</sub> )	470
Chemical Oxygen Demand (COD)	1250
Total Suspended Solids (TSS)	460
Ammonia Nitrogen (NH <sub>3</sub> -N)	25

The excessive strength sewage surcharges for these pollutants shall be calculated using the following formula:

$$PS = (PAVG - PSL) \times Q \times 8.34 \times TCP$$

Where:

PS = the excessive strength surcharge for the given compatible pollutant.

PAVG = the average concentration of the compatible pollutant for the wastewater discharge in question.

PSL = the surcharge level concentration of the compatible pollutant as indicated in any Lake County Ordinances or Rate Schedules in effect at the time the surcharge is calculated.

Q = the Industrial User wastewater flow in million gallons per day (MGD).

8.34 = a factor which converts the product of concentration (mg/l) and flow (MGD).

TCP = the treatment cost charge per pound of the compatible pollutant, such charge being stipulated by any Lake County Ordinances or Rate Schedules in effect at the time the surcharge is calculated.

The County reserves the right to include, at its discretion, other parameters which it determines are compatible with the wastewater treatment process. The County does not consider industrial wastewater concentrations of compatible pollutants above the surcharge levels listed to be Discharge violations except for those concentrations or slug loadings which would cause Interference or Pass Through at the County WRFs.

#### **54.76 *Delinquent Bills***

Liability, late fees and delinquency requirements for unpaid invoices and fines assessed under Chapters 53 and 54 are outlined in § 51.22.

#### **54.77 *Access to Records***

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the County which are applicable to the County system of User charges or industrial cost recovery, for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any State Grant or loan.

### **MISCELLANEOUS PROVISIONS**

#### **54.78 *Severability***

If any provision of Chapters 53 and 54 is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

#### **54.79 *Conflict***

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of Chapters 53 and 54 are hereby repealed to the extent of such inconsistency or conflict.

#### **54.80 *Offenses Under Previous Ordinances***

Chapters 53 and 54 shall not be construed or held to repeal a former Ordinance, whether such former Ordinance is expressly repealed or not, as to any offense committed against such former Ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former Ordinance, or in any way whatever to affect such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new Ordinance takes effect, save only that proceedings thereafter shall conform to the Ordinance in force

at the time of such proceeding, so far as practicable. Nothing contained in Chapters 53 and 54 shall be construed as abating any action now pending.

### **EFFECTIVE DATE**

Chapters 53 and 54 shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Baxter & Woodman, Inc.