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CHAPTER 50: WATER

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GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter shall be known and may be cited and referred to as the La Salle, Illinois Water System Ordinance.
(Ord. 2237, passed 7-26-2010)

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of La Salle, Illinois which furnishes water and services under these rules and regulations.

CONSUMER. A person, firm or corporation using water and services supplied by the city.

CONTRACTOR. A person, persons, firm or corporation engaged in the business of the plumbing craft having a valid state license; City of LaSalle registration certificate; valid manufacturer's or contractor's insurance policy and have on file, with the City Clerk, a good and sufficient surety bond in the penal sum of \$10,000, with securities in full force and effect, prior to the start of work. Also, insurance requirements shall be as per section 7-2 of the "Specifications for Water and Sewer Construction in Illinois," current edition. Such bond must be in effect for a minimum of 1 year.

DEPARTMENT OF PUBLIC WORKS. The department within the city which consists of the office of City Engineer, the Superintendent of Public Works, the Building Inspector, Buildings and Grounds, the Water and Street Departments and the Water and Wastewater Treatment Plants.

EXCAVATIONS. Disruption of the existing conditions of the soil grades on city property. The contractor and/or owner making the **EXCAVATIONS** shall be completely responsible for any and all damages causes in making the **EXCAVATIONS**.

OWNER. A person, persons, firm or corporation whose property is serviced by the public water supply.

OWNER'S BOND. The bond required of the owner or customer who desires to perform work on property owned by the city. Such surety bond must be valid and filed with the City Clerk in the penal sum of \$10,000, with securities in full force and effect, prior to the start of work. Such bond must be in effect for a minimum of 1 year.

WATER METER. A city **WATER METER** shall be a mechanical device properly installed on a water service line or other approved installation to measure the volume of water flowing between 2 given points.

WATER SERVICE LINE. All pipes, corporations, valve boxes, curb stops, tapping sleeves, strainers, tapping valves, meters or any other accessories supplying water to the owner, from the water main to the output side of the water meter. (Ord. 2237, passed 7-26-2010)

§ 50.03 CITY LIABILITY.

The city shall not be liable for:

(A) Water damage to property;

(B) Damage to utilities or accessories on property;

(C) For any fire loss on property. (Ord. 2237, passed 7-26-2010)

§ 50.04 PUBLIC INFORMATION.

(A) The city shall have on file and available to the public in the office of the City Comptroller, a copy of the water system ordinance.

(B) The city shall review on a case by case basis any request for information regarding the location of its water infrastructure. Consideration of public utility vulnerability shall be considered in honoring any such request for information.

(Ord. 2237, passed 7-26-2010)

§ 50.05 SERVICE CALLS.

(A) *Work assignments.* The Department of Public Works office of the city shall assign work to qualified personnel on a water service malfunction.

(B) *Classifications.*

(1) *Standard service calls.* The performance of work on a water service line or any other connection between the output side of a water meter and the city water main supply pipe during the regular working hours of the day.

(2) *Emergency service call.* The performance of work on a water service line or any other connections between the output side of a water meter and the city water main supply pipe where critical, unscheduled repairs or installations must be performed. A city wage rate with a minimum of 2 hours overtime per employee shall be applied to all after hours service calls.

(3) *Temporary shut off.* Due to vacation or other circumstances as approved by the Comptroller, water may be temporarily shut off. Upon turning water back on, a service fee of \$75 will be charged. Water shall be turned on during normal city business hours only and it is required that the owner or a representative of the owner be present.

(C) *Limitations.* No employee of the city shall perform work on a water service line beyond the valve shut off box (Buffalo Box). The building owner is responsible for work done between the valve shut off box and the building.

(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

WATER SYSTEM RULES

§ 50.15 PERMIT APPLICATIONS FOR NEW SERVICES AND WATER.

(A) *New installations.* All new applications for services and water will be made at the Department of Public Works, by either the owner or a contractor representing the owner.

(B) *Permit approval.* All permit applications must be submitted to and approved by the Department of Public Works prior to the start of work.

(C) *New installation fee.* All new applications shall be accompanied by the owner's bond; the necessary fees computed by the Department of Public Works office, and submitted to the office of the Comptroller. All fees must be paid, in full, prior to the start of work.

(D) *New installation permit.* A permit must be issued from the office of the Department of Public Works prior to the start of work. After permit approval and receipt of all fees, a receipt covering all fees will be issued to the owner or a designated representative, by the office of the Comptroller.

(E) *Application for service.* Applications for water service shall be made by the consumer to the Department of Public Works. Upon acceptance of such application, the city shall, as promptly as practicable, supply the consumer with service in accordance with the price schedules, rules, terms, regulations and conditions as set forth in this chapter. (Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.16 RULES AND REGULATIONS FOR NEW CONSTRUCTION AND REPAIR.

(A) *General requirements.* The owner or contractor shall have in his or her possession an approved permit prior to installing a new water service line or making repairs to an existing one. It shall be the owner or contractor's responsibility to notify JULIE for utility locations prior to the start of work.

(B) *Owner's or contractor's bond.* If a property owner or contractor constructs or repairs a water service line from the curb stop to the meter, he or she must furnish an owner's bond or contractor's bond, as defined by this chapter, prior to working on city property.

(C) *Installation and repair.* It shall be the responsibility of the owner and/or the contractor for the correct installation and repair of a water service line, including all accessories. Only city personnel are authorized to turn water on or off. Under no circumstance shall an owner, tenant and/or contractor/plumber be allowed to turn water on or off premises. If doing so, the act will result in a fine imposed on the owner or contractor/plumber by the city. The fine shall be not less than \$50, nor more than \$500 for each offense; each day shall constitute a new offense.

(D) *Construction and repair costs.* All construction and repair costs for a water service line, including accessories and excavations, shall be at the expense of the owner.

(E) *Frozen pipes and thawing process.*

(1) In the event that an owner, tenant and/or other occupant of premises has a frozen pipe within a building, the owner, tenant and/or other occupant may use a hot air hair dryer to endeavor to thaw the pipe. A torch and/or any type of device with a flame, should never be used in this process.

(2) In the event that the pipe does not thaw through the use of a hot air hair dryer and/or otherwise thaw in the course of normal events, then the owner and/or tenant should contact a bonded and licensed plumber and/or other appropriate bonded and licensed professional to appropriately investigate the matter and endeavor to thaw the line.

(3) The owner, the tenant and/or the bonded and/or licensed plumber may consult the City of LaSalle Water Department (815-223-4579) regarding any questions and/or concerns related to frozen pipes but in no event shall it be the duty of the city, its Water Department and/or other agents of the

city to be responsible for the thawing of frozen pipes. Additionally, in the event the tenant, owner and/or bonded or licensed plumber is not able to appropriately thaw the line, the city Water Department shall be continued to be informed as to the progress and status.

(4) The City of LaSalle, through its Water Department and agents, may at times and in certain circumstances, go out to the residence and use city-owned thawing equipment to assist in the process of thawing pipes. However, in the event such assistance is requested and in the event the city does assist, the city shall be reimbursed by the owner/occupant and any other party requesting the assistance for all labor and material costs of the city in connection with assisting in the thawing of the pipes process with reimbursement to include reimbursement for labor, equipment and materials.

(5) Additionally, notwithstanding anything else contained herein, the city shall not be responsible for nor obligated to thaw water pipes on private premises and/or on any water service line and/or in any pipe within any building.

(F) *Ownership.* The owner of a water service line shall comply with the specifications set forth elsewhere in this chapter.

(G) *Permit to contractor.*

(1) No permit shall be issued by the Department of Public Works to any person for the installation of any services or supply pipes in the public ways, or other public places in the city, or for the alteration, extension, installations or repair of any service pipe or any system of water supply piping in connection with any plumbing system in any building, structure or premises where such pipe or system of piping is connected, or intended for connection, to the pipes of the LaSalle water works system, unless such person be duly licensed by the State of Illinois as a qualified plumber and registered with the city as a licensed plumber. Qualified, assigned city personnel may be authorized to make necessary repairs of any service pipe or any system of water supply piping in the water system.

(2) It shall be the responsibility of the contractor to test for all malfunctions on a water service line from the city water main supply pipe to the output side of a water meter.

(3) It shall be the responsibility of a contractor or a city qualified assigned person to make a water tap and install a water corporation on a city water main supply pipe for a water service line or any other approved applications. All work is to be performed under the supervision of a qualified, assigned person authorized by the city.

(4) It shall be the responsibility of the contractor to install Illinois Plumbing Code approved pipe, with the least amount of connections, from the city water main supply pipe to the input side of the water meter. This shall include new installation and repair work. Polyvinyl chloride pipe meeting the requirements set forth in the "Specifications for Water and Sewer Installation in Illinois," the most recent edition, shall be allowed for services 1 inch or greater in size provided tracing wire is placed directly over or around the pipe.

(5) It shall be the responsibility of the contractor to locate and install on any water service line a curb stop and curb box adjacent to the back side of a city curb, or a designated location specified by the Department of Public Works. The style/maker of the box needs to meet city specifications.

(H) *Restrictions.* At no time henceforth shall more than 1 dwelling be allowed to be serviced with a water service line attached to the city water main supply pipe, except those structures located in a commercial and industrial zoning district, and then only with the approval of the Department of Public Works. In the event that a water line supplying 1 or more dwellings at the present time exists, that water line shall not be required to be modified unless and until that water service line needs to be repaired or replaced or in the event that the premises should be sold; that upon the first of any of these events, separate water service lines shall then be required for each dwelling. The cost of the same shall be shared equally by each dwelling owner.

(I) *Temporary metering.*

(1) Any person, persons, firms or corporation requiring temporary water consumption shall make immediate preparations for a temporary, city approved, metering connection. A water meter shall be furnished and installed by the city prior to any water consumption.

(2) It shall be the responsibility of the contractor and/or owner to protect a temporary meter installation from any damage. Should any damage occur, the owner/contractor shall be responsible for any and all costs required to repair/replace the temporary meter.

(3) It shall be the sole responsibility of the city to relocate a temporary water meter to the permanently approved location.

(4) It shall be the responsibility of the building owner to make arrangements to contractor or owner shall install a shut off valve, strainer and backflow prevention equipment when required, according to the necessary pipe sizes as required by the Illinois Plumbing Code. This is required to be done prior to the water meter installation.

(J) *Inspections.* It shall be the responsibility of any person, person, firms or corporation installing or repairing an existing water service line, including all accessories or any other performance of work, to notify the Department of Public Works prior to the start of work and before final back-filling. Final inspection must be done under city approved water line pressures and testing methods.

(K) *Notifications.* It shall be the responsibility of the owner or contractor to notify the Department of Public Works of any malfunction on a water service line, or accessories, prior to the start of work. It shall also be the owner's responsibility to notify JULIE prior to the start of any excavation work.

(L) *Corporations.*

(1) *Nomenclature.* A city water corporation shall be a mechanical device, properly installed on a

city water main supply pipe, to control the flow of water from the main supply pipe to a water service line or other approved accessories as specified by the city.

(2) *Requirements.* A water corporation shall be installed on every water service line or any other means or methods whereby water is drawn from a city water main supply pipe. The minimum size to be used shall be 1-inch and the maximum size to be used shall be 2-inch unless permission for a larger size is obtained from the Department of Public Works prior to installation.

(3) *Supplier.* The city shall supply all necessary types and sizes of water corporations for all water service lines.

(4) *Costs.*

(a) *Original.* All original costs of a water corporation shall be included in the tapping fee.

(b) *Maintenance.* It shall be the responsibility of the city in cases of emergencies to excavate and shut off any water corporation and protect the excavation until relief is given the city by a contractor employed by the owner. The city shall bill the owner of the property for the excavation and corporation replacement costs; based on current time and material costs. This shall include manpower, equipment and materials.

(5) *Location.* All water corporations that are to be attached to the city water main supply pipe shall be located in a location specified by the Department of Public Works.

(6) *Records.* It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water corporation, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the corporation may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Eliminations.* Water corporations shall not be installed when the water service line exceeds the size of 2 inches. Instead, a valve box, strainer and shut off valve shall accompany such installations. A tapping sleeve and tapping valve shall also be required.

(M) *Curb stop.*

(1) *Nomenclature.* A city curb stop shall be a mechanical device, properly installed, to control the flow of water on a water service line as specified by the city.

(2) *Requirements.* A water curb stop shall be installed on every water service line up to and including 2-inch in size.

(3) *Supplier; city.* The city shall supply all the necessary types and sizes of water curb stops for all water service lines.

(4) *Costs.*

(a) *Original.* All original costs of a water curb stop shall be included in the tapping fee.

(b) *Maintenance.* It shall be the responsibility of the property owner for all costs involved on a water curb stop. This shall include repair, new, replacement and excavation, or any other malfunction.

(5) *Location.* All water curb stops shall be located adjacent to the back side of a city curb or designated location issued by the Department of Public Works.

(6) *Records.* It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water corporation, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the corporation may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Elimination.* When a water service line exceeds the size of 2 inches the water curb stop shall not be installed. Instead, a valve box, strainer and shut off valve shall accompany all such installation. A tapping sleeve and tapping valve shall also be required.

(8) *Access and operation.*

(a) At no time shall any unauthorized person or persons attempt to operate a corporation. Only city personnel are authorized to turn water service on or off at a corporation. Fines for unauthorized operation of a corporation will be imposed by the city. The fine shall be not less than \$50, nor more than \$500 for each offense; each day shall constitute a new offense.

(b) Water leaks from the curb stop to the building shall be the responsibility of the building owner to schedule a contractor for repairs. This work shall be required to be completed 1 week from notification.

(N) *Valves (master and branch).*

(1) *Nomenclature.* A city master and branch hand control valve shall be a mechanical device properly installed on a water service line or other approved purposes specified by the city to control the flow of water.

(2) *Requirements.* Master and branch water hand control valves shall be installed on every water service line, or any other means, whereby water is drawn from the city water main supply pipe, or further specified by the Department of Public Works.

(3) *Supplier.* The contractor or owner shall supply all master and branch valves.

(4) *Costs.*

(a) *Original.* All original costs for master and branch water hand control valves shall be paid by the owner.

(b) *Maintenance*. It shall be the responsibility of the property owner for all costs involved on a water hand control valve. This shall include repair, new, replacement or any other malfunction.

(5) *Location*. All master hand control water valves shall be located between the curb stop or tapping valve and tapping sleeve, and the meter, whereby ingress and egress shall not be obstructed and protection is secure against all possible injuries. The preferred location shall be adjacent to the input side of the meter except where a water strainer is installed and then adjacent to the input side of the strainer.

(O) *Curb boxes (Buffalo Box)*.

(1) *Nomenclature*. A city water curb box shall be a mechanical device, properly installed, to provide a means for the city to gain access to the curb stop in order to turn on or shut off water to any structure.

(2) *Requirements*. A water curb box shall be installed on every water service line whereby water is drawn from a city water main supply pipe.

(3) *Supplier*. The city shall supply all the necessary types and sizes of curb boxes installed on water service lines or other installations.

(4) *Costs*.

(a) *Original*. All original costs of a curb box shall be included in the tapping fee.

(b) *Maintenance*. It shall be the responsibility of the owner for all costs involved on a water curb box. This shall include repair, new, replacement or any other malfunction.

(5) *Location*. All water curb boxes shall be located by centering the box directly over the center of a water curb stop adjacent to the back side of a city curb or a designated approved location issued by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates, or changes in any way a water curb box, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be present so that future locating of the curb box may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Exposure*. It shall be unlawful for any contractor or owner to cover, or allow to be covered, a water curb box on the city water system. If a contractor or owner does not comply, they are subject to a fine imposed by the city. The fine shall be not less than \$50, nor more than \$500 for each offense; each day shall constitute a new offense.

(8) *Elimination*. When a water service installation exceeds the size of 1 inch, a water curb box shall not be installed. Instead, a valve box, strainer and shut off valve shall accompany all such installations. A tapping sleeve and tapping valve shall also be required.

(9) *Access and operations*. Leaks from the shut off to the building shall be the responsibility of the building owner to schedule a contractor for repairs. This work shall be required to be completed 1 week from notification.

(P) *Valve boxes*.

(1) *Nomenclature*. A city water valve box shall be properly installed to provide access for operation of a valve on a water service line or other approved purposes specified by the city.

(2) *Requirements*. A water valve box shall be installed on every water service line exceeding 1 inch in size or any other means whereby water is drawn from a city water main supply pipe. The minimum inside diameter shall be 4 ¼ inches.

(3) *Supplier*. The city shall supply all the necessary types and sizes of valve boxes installed.

(4) *Costs.* All costs for valve boxes including new, repair, replacement or any other malfunction shall be paid by the owner.

(5) *Location.* All water valve boxes shall be located by centering the valve box directly over the center of a water curb stop or a water valve either adjacent to the back side of a city curb or a designated approved location issued by the Department of Public Works.

(6) *Records.* It shall be the responsibility of the person who originally locates, removes, relocates, or changes in any way a water valve box, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the water valve box may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Exposure.* It shall be unlawful for any contractor or owner to cover or allow to be covered a water valve box on the city water system. If a contractor or owner does not comply, they are subject to a fine imposed by the city. The fine shall be not less than \$50, nor more than \$500; each fine shall constitute a new offense.

(Q) *Tapping sleeves and tapping valves.*

(1) *Nomenclature.* A city water tapping sleeve and tapping valve shall be a mechanical device properly installed on a city water main to control the flow of water or other approved purposes specified by the city. The combination of these 2 items shall be classified as 1 in the installation procedure.

(2) *Requirements.* A tapping sleeve and tapping valve shall be installed on every water main over the size of 2 inches or any other means whereby water is drafted, beyond a 2-inch size from a city water main supply pipe or further specified by the Department of Public Works.

(3) *Supplier.* The city shall supply all the necessary types and sizes of water tapping sleeves and tapping valves.

(4) *Costs.* All costs for tapping sleeves and tapping valves including new, repair, replacement or other malfunctions shall be paid by the owner.

(5) *Location.* All water tapping sleeves and tapping valves shall be located on and adjacent to a city water main supply pipe in an approved designated area specified by the Department of Public Works.

(6) *Records.* It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water tapping sleeve or tapping valve to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the tapping sleeve or tapping valve may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(R) *Strainers.*

(1) *Nomenclature.* A water strainer shall be installed on a water service line or branch service line or any other installation to filter all the water consumed prior to its entry into the input side of a water meter.

(2) *Requirements.* A water strainer shall be installed on every water service line or branch line when the pipe exceeds 1 inch in diameter.

(3) *Supplier.* The city shall supply all the necessary types and sizes of water strainers.

(4) *Costs.* All the costs for water strainers including, new, repair or replacement or any other malfunction shall be paid by the owner.

(5) *Location.* All water strainers shall be located between a master or branch control valve and a water meter and ingress and egress shall not be obstructed in any form or way that immediate maintenance can be performed on the water strainer. The location shall be adjacent to the input side of the water meter.

(S) *Check valves.*

(1) *Nomenclature.* A water check valve shall be a mechanical device properly installed to restrict the flow of water in 1 direction.

(2) *Requirements.* A water check valve shall be inserted in any water line where any changes in temperature of the water exists within 10 horizontal feet from the output side of a water meter and where surging or pulsations can cause damage to a water service line and its accessories.

(3) *Supplier.* The contractor or owner shall be the supplier of all city-approved type check valves.

(4) *Costs.* All costs for check valves including new, repair, replacement or any other malfunction shall be paid by the owner.

(T) *Meters and accessories.*

(1) *Nomenclature.* A city water meter shall be a mechanical device properly installed on a water service line or other approved installation to measure the volume of water flowing between 2 given points. any water meter 2 inches or less shall remain the property of the city.

(2) *Requirements.*

(a) A water meter shall be installed on every water service line or any other means or methods whereby water is drawn from a city water main supply pipe.

(b) City personnel must be allowed access into a building for installation and maintenance purposes. Each building owner or their representative must be present to allow city personnel access.

(3) *Supplier.* The city shall supply all water meters.

(4) *Costs.*

(a) *Original.* All original water meter costs, up to and including 1 inch in size, shall be included in the tapping fee. All those exceeding 1 inch

in size shall be based on a cost-plus calculation. The meter will remain the property of the city.

(b) *Maintenance.*

1. The city shall pay all maintenance costs for all water meters up to the size of 2 inches under normal conditions.

2. The owner shall pay all costs for a water meter 2 inches in size and over.

3. If any malfunction has occurred due to the negligence, failure to protect, misuse or any other cause on the part of the owner, all costs shall be paid by the owner including all temporary and permanent installations.

4. All water meters being 2 inches in size and over shall be removed, replaced and repaired at the expense of the owner.

5. All temporary water meter installations and relocations shall be at the expense of the owner.

6. All original installations shall be installed by city personnel or by a contractor hired by the city.

(5) *Protection.* It shall be the responsibility of the property owner to protect a water meter after the installation thereof. This shall include all temporary and permanent installations.

(6) *Testing.* The city shall test all water meters for any malfunction or adjustment as follows:

(a) *Removal.* Water meters shall be removed for investigation when malfunction occurs.

(b) *Testing of meters.* Defective meters shall be defined under American Waterworks Association (AWWA) specifications.

(7) *Location.*

(a) All water meters attached to the city water system shall be located in a clean, dry and safe place, not subjected to climatic changes or great variations in temperatures, as specified by the Department of Public Works.

(b) All water meters shall be placed at the nearest point of entrance within a protected area.

(c) All water meters installed by the city shall be installed in an accessible location. The owner shall be responsible to keep the water meter accessible.

(d) All water meters installed in new construction shall be preceded by a minimum of 2 feet of service piping. Ball valves shall be installed by the contractor before and after the water meter.

(8) *Vacancies.*

(a) *Notifications.* Upon notification of discontinuance of service by consumer, the city has the right to enter the premises and remove the existing meter.

(b) *Replacement.*

1. All fees due the Comptroller of the city shall be paid in full prior to reinstallation of a water meter.

2. All specifications and requirements for the proper installation of a water meter set forth by the city shall be complied with prior to the reinstallation of a water meter.

(U) *Branch services.*

(1) *Nomenclature.* All branch water services shall be mechanically constructed whereby water shall be distributed from a water service line.

(2) *Requirements.*

(a) *Master valve.* All branch water service shall be controlled by a water shut off valve.

(b) *Branch valve.* All branch water services shall be controlled by their respective independent water shut off valves.

(c) *Strainer.* All branch water services that exceed the size of 1 inch shall have installed on their respective independent water branch a water strainer immediately following the independent water shut off valve and input side of a water meter.

(d) *Metering.* All branch water services shall comply with all rules and regulations of this chapter.

(3) *Costs.* All costs including original installations and maintenance shall be paid by the owner.

(4) *Ownership.* All water branch services shall become the property and responsibility of the property owner.

(5) *Restrictions.* A branch service cannot be installed without the approval of the Department of Public Works. At no time shall any contractor or owner be allowed to install or have installed a branch water service in a R-1 or R-2 Single-Family Residence Zoning District.

(V) *Water main.*

(1) *Nomenclature.* A water main shall be a water supply pipe owned by the city to transmit water by a system of continuous piping and it being the principal artery of the system to which branches may be connected.

(2) *Requirements.*

(a) All water mains shall comply with all I.E.P.A., Illinois Plumbing Code and city requirements.

(b) Complete plans and specifications for new water main installation shall be submitted to the Department of Public works for approval prior to the performance of work on a water main.

(3) *Supplier.*

(a) *City.* The city shall be the supplier for the replacement of any existing water mains now in service within the city limits.

(b) *Subdivisions.* A developer/owner of land shall be the supplier and installer of a water main to be attached to the city water system.

(c) *Approval.* The city shall have final approval authority for all types and sizes of water mains connected to the city water system.

(4) *Costs, original.* All original cost involved in the installation of a new water main to be attached to the city water system shall be paid by the developer/owner.

(5) *Location.* Complete drawings and specifications, showing the location of any water main to be attached to the city water system, shall be submitted to the city for its approval. All I.E.P.A., Illinois Plumbing Code and city codes must be complied with. A petition to connect to the city water system must be submitted the City Council.

(6) *Inspection.* The State of Illinois, and the city shall be allowed to inspect all work performed on a water main attached to the city water system.

(7) *Records.* Complete preliminary and final records of a water main approval and installation shall be kept on file at all times in the office of the Department of Public Works. Construction and record drawings shall be submitted when completed.

(W) *Fire hydrants.*

(1) *Nomenclature.* A city water fire hydrant shall be a mechanical device whereby water shall be drawn from the city water system for emergency purposes or other reasons approved by the city.

(2) *Requirements.*

(a) Before any water is drawn from a fire hydrant for any reason other than an emergency,

permission must be granted from the Superintendent of Public Works. All water consumed shall be paid for based on the water rates as established by this chapter.

(b) All fire hydrants installed on the city water system shall have incorporated special city thread sizes. They being as follows:

1. Two and one-half-inch thread is $7\frac{1}{2}$ threads per inch by 3-7/64ths, outside diameter, male thread (Mueller Co. b-309).

2. Four and one-half-inch pumper connection shall be national standard threads on all steamer type fire hydrants.

(c) Steamer water fire hydrants shall be installed in every portion of the city, public or private.

(d) A clearance of 3 feet, 0 inches radius from the center of a fire hydrant shall be maintained at all times above ground elevation. No obstruction of any kind shall be allowed in this restricted area.

(e) All water fire hydrants shall have a resilient-wedge, gate valve installed between the hub or bell inlet and the city water main supply pipe. Its location to be determined by the Department of Public Works.

(3) *Supplier.* The installer shall be the supplier for all types and all sizes of fire hydrants subject to the approval of the Department of Public Works.

(4) *Costs.*

(a) *Original.* The installer shall pay all costs for a fire hydrant.

(b) *Maintenance.* All maintenance costs for fire hydrants attached to the city water system when located on city controlled property shall be at the expense of the city. All maintenance costs for fire hydrants attached to the city water system when located on private property shall be at the

expense of the property owner and all maintenance work shall be done by the city.

(5) *Ownership.* All fire hydrants attached to the city water system on city property shall become the property of the city. Hydrants on private property can be maintained by city personnel; including routine flushing, lubrication and flow testing. If the private property owner does the maintenance, they shall notify the city prior to doing the work. This shall allow the city personnel to observe and supervise this operation to make sure that proper procedures are being followed. Replacement of hydrants or parts replacement shall be at the expense of private property owner.

(6) *Limitations.*

(a) At no time shall any person be allowed to operate a fire hydrant without proper tools.

(b) When water is drawn from a fire hydrant other than an emergency, the hydrant must be opened to the extreme open position and the control for the volume of water extracted shall be governed by an auxiliary hand shut off valve mounted on the exterior of the hydrant at an output terminal. This shall be done under the supervision of city personnel.

(7) *Location.* All fire hydrants attached to the city water system shall be located in an approved area specified by the Department of Public Works and the Fire Department.

(8) *Records.* It shall be the responsibility of the person involved who originally locates, removes, relocates or changes in any way a water fire hydrant, to present in writing and drawing, a detail showing its location relative to several fixed object. Swing ties and state planes coordinates must be presented so that future locating of the water fire hydrant may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(9) *Ingress and egress to private property.* The city shall have the right to enter on private

property to operate and maintain a fire hydrant located thereon.

(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

WATER SERVICE BILLING AND PROCEDURES

§ 50.30 WATER BILLING POLICIES.

(A) *Garbage/recycling.* A garbage/recycling fee is added to each water bill with the exception of properties with 4 or more units. Owners with 4 or more units shall make their own arrangements for garbage/recycling pickup service.

(B) *Interruption of water service.*

(1) The city shall reserve all rights to stop the supply of water in a water main supply pipe.

(2) At no time shall the city become liable for results sustained from the discontinuance or interruption of water service.

(C) *Meter reading.*

(1) *Regular.* All water meters shall be read periodically for the purpose of billing for the amount of water consumed. All residential water meters shall be read at regular intervals for the purpose of billing on a 30-day cycle. All commercial and industrial volume water consumers shall be read at regular intervals for the purpose of billing monthly.

(2) *Special.* The city shall, at any reasonable hour, be allowed to read a water meter.

(3) *Methods of reading.* The city shall be vested with all rights to adopt a plan of dividing the municipality, or territory serviced, into districts for the purpose of reading meters.

(4) *Water meter deposit.* Regarding rental premises and premises being purchased on contract, all such occupants (hereinafter referred to as "tenant")

must pay a \$100 meter deposit prior to having water service placed into the name of the tenant in the event that the water service is going to be so placed in the name of the tenant. The owner, who is also responsible for all charges related to the cost of water consumed on the premises, has the option to waive the meter deposit for the tenant, but in order to do that, must provide the city a written request that the \$100 meter deposit be waived prior to the water service being placed in the tenant's name, with waiver to also include the acknowledgment that the owner (landlord) understands that the owner (landlord) is responsible for any delinquencies in connection with water used and consumed on the premises. Further, the owner (landlord) shall also be provided copies of all billings and delinquency notices in connection with water used and consumed on the premises unless the owner signs a statement in writing waiving notice as to the original bill which is due within 15 days of mailing. (Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.31 WATER SERVICE BILLS.

(A) *Issuance and payment.* All water service bills shall be billed in accord with rates established from time to time by the City Council of the City of LaSalle, by ordinance. All water service bills shall be payable to the office of the Comptroller of the City of LaSalle, Illinois, 15 days subsequent of the date of billing.

(B) *Computation.*

(1) All water service bills shall be calculated by measure of cubic feet based on the existing water rate unless other arrangements are made and approval obtained by the Comptroller's office for alternate methods of measure.

(2) All water service bills shall state the preceding water meter reading and the present readings. The differential between these 2 readings shall be cubic feet of water consumed and the figure shall be the basis of determining the amount due.

(C) *Payment date.* All water service bills shall be considered past due the day following the due date,

which due date as set forth in division (A) above is 15 days subsequent to the date of billing. Further, in the event that the bill is not paid within the 15 days subsequent to billing, there shall be automatically assessed on the sixteenth day, a 5% penalty charge on the delinquency remaining after 15 days.

(D) *Further delinquency notice.* The day following the due date, a delinquency notice (pink slip) is to be sent in the mail providing a 5-day period within which to pay the total amount of the remaining bill, plus the 5% penalty, which notice shall be sent to the owner of the premises in care of the address concerning which the general real estate tax bill is sent in reference to the premises, and additionally to the tenant if the tenant has been established as a party to receive the water bill as provided herein. The notice shall provide, amongst other things, that the bill regarding water charges has become delinquent, that a 5% penalty has already been assessed, that unpaid charges may create a lien on the real estate under Illinois Compiled Statutes, including ILCS Ch. 65, Act 5, § 11-139-8, and that continued delinquency, subsequent to the expiration of the 5-day period, shall result in shut off of water service as provided in division (E) below.

(E) *Delinquencies.* Upon the expiration of the grace period, the following rules and regulations shall apply:

(1) The Comptroller of the city shall issue a final warning in the form of a red tag, which is placed on the front door of the home.

(2) The tenant and/or owner and/or anyone on their behalf shall have 24 hours to pay the past due bill.

(3) After the expiration of the 24 hours, the Comptroller of the city shall issue a work order to the Water Department to immediately shut off the water service of the delinquent account.

(4) When water is shut off at any building for which the water bill remains unpaid, the water shall not be turned on until the entire water bill is paid. Additionally, a \$40 turn on fee shall be assessed

if water is restored during the Water Department business hours. After regular business hours, the water consumer must go to the Police Department and pay the entire bill. Additionally, an \$80 turn on fee shall be assessed at which time the Water Department will be called out to turn on the water.

(F) *Method of adjustment.* For any defective water meter, an adjustment shall be made by the Comptroller, as follows: The present statement shall be estimated on the same month of the previous year as recorded in the Comptroller's office.

(G) *Special billings.* In the sole discretion of the Comptroller, the Comptroller's office shall be vested with all rights to issue a special billing when a case shall warrant such action.

(H) *Provisions regarding tenant's vacation of premises.* It is further provided that upon the tenant's vacation of the premises in circumstances wherein the water service bill had been pursuant to the provisions of this chapter placed in the tenant's name, the water service bill upon the tenant's vacation of the premises shall be transferred into the property owner's name unless arrangements are made at that time by the property owner and a new tenant to transfer the billing into the new tenant's name, and in that regard, to comply with the provisions herein in reference to the water meter deposit as set forth above.

(I) *Lien.* Charges for water service shall be a lien upon the premises as provided by the Illinois Compiled Statutes, specifically included to automatically becoming a lien as provided by the Illinois Compiled Statutes, including, but not being limited to, ILCS Ch. 65, Act 5, § 11-139-8. Additionally, whenever a bill for water service remains unpaid after the water service has been rendered and the 5-day grace period has expired in reference to any billing, the City of LaSalle, through the Comptroller or other appropriate agent may file with the Recorder of Deeds of LaSalle County a formal statement of lien claim. This notice and statement of lien shall consist of a sworn statement setting out (1) a description of the real estate sufficient for the identification thereof, (2) the amount of money

due for such service, (3) the date when the amount became delinquent. The municipality shall send a copy of the formal notice of lien to the owner or owners of record of the real estate as referenced by the taxpayers identification number and the notice may also state, amongst other things, that the city may claim a lien for any charges for water consumed on the premises subsequent to the period covered by the billing and delinquency notice. The notice of lien shall also be sent to any tenant in whose name the bill has been placed. Additionally, the failure of the City of LaSalle, through its Comptroller or other appropriate agent to record such lien, or to mail such notice, or the failure of the owner to receive such notice shall not affect the right of the City of LaSalle to foreclose the lien for unpaid bills as provided within this chapter and/or as otherwise provided within the Illinois Compiled Statutes of the State of Illinois.

(J) *Foreclosure of lien.* The City of LaSalle has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

(K) *Additional remedies.* The City of LaSalle also has the power, from time to time, to sue the occupant or user or the owner of the real estate in a civil action to recover the money due for services rendered, plus reasonable attorney fee and costs in connection with the proceeding, to be fixed by the court. The provisions of this section of this chapter shall also be exercised in a manner consistent with the Illinois Compiled Statutes as the same may be from time to time amended, specifically including, but not being limited to, ILCS Ch. 65, Act 5, § 11-139-8. (Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.32 CONDITIONS FOR DISCONTINUING WATER SERVICES.

(A) *Dangerous property.* When a dangerous condition exists or an obstruction exists on the water consumer's property, upon notice, the water service shall be shut off, and the water service shall not be resumed until the condition is rectified to the satisfaction of the city. A service call charge of \$40

during the Water Department business hours must be paid to the Comptroller's office and an \$80 fee after business hours shall be paid at the Police Department before service is restored.

(B) *Misuse of water.*

(1) No water shall be resold or distributed by the recipient thereof, from the city supply to any premises other than that for which application has been made and authorized.

(2) When water is being used fraudulently, the city shall immediately shut off the water service. Service shall not be restored until the condition is rectified.

(3) It shall be unlawful for any person, persons, firm or corporation, not authorized by the city, to tamper with, alter or injure any part of the city waterworks, supply system, or meter.

(C) *Fines.* Any person, firm or corporation violating the above provisions of division (B) shall be fined not less than \$50, nor more than \$500 for each offense; each day shall constitute a new offense. (Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.33 RATES, FEES AND BONDS.

(A) Deposit: \$100.

(B) Contractor's bond: \$10,000.

(C) Owner's bond: \$10,000.

(D) *Taps.*

(1) *Fees.* Water taps shall be based on current material costs plus a 15% administrative charge.

(2) *Supplier.* The city shall supply all materials at owner/ contractor's expense.

(3) *Requirements.* Contractors using a licensed plumber shall be responsible for making water main taps.

(4) *Tapping kit.* Tapping kit shall include; a corporation, curb stop, shut off box, meter and spuds, automated meter reader (AMR) device.

(5) *Plastic/PVC lines.* If the tap is made on a plastic line, a tapping saddle must be included and a locator wire must be installed.

(E) *Use of city tapping equipment.*

(1) *Rental fee.* A rental fee shall be established by the Comptroller's office.

(2) *Requirements.* Upon return of city tapping equipment, Water Department personnel shall inspect for any possible damages and will be billed to user.

(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.99 PENALTY.

In addition to all of the other rights and remedies provided herein in reference to the City of LaSalle, in the event that any person and/or entity should be found guilty of violating any section of this chapter by a court of competent jurisdiction, then in any of these events, an additional remedy for such violations shall be a fine of not less than \$50 nor more than \$750 for each violation of this chapter, and for each day that any violation of this chapter exists, the same shall be considered an additional violation of this chapter. The remedies provided herein are in addition to all of the other rights and remedies of the City of LaSalle as provided within this chapter and/or otherwise allowed by law.

(Ord. 2237, passed 7-26-2010)

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CHAPTER 51: SEWERS

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SEWER USE

§ 51.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED AGENT. The Superintendent of Public Works, the City Engineer, the City Building Inspector, or other employee of the city acting in the capacity as an authorized deputy, agent, or representative as assigned by the Mayor.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to

the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

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

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

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and servicing of foods.

INDUSTRIAL PRETREATMENT COORDINATOR. The city employee assigned by the Mayor to coordinate and oversee the industrial pretreatment program for the city.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

MAY is permissive (see **SHALL** as defined in this section).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of

solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of 10^{-7} .

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

SEWAGE TREATMENT PLANT. Any arrangements of devices and structure used for treating sewage.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL is mandatory (see **MAY** as defined in this section).

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (STORM SEWER). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUPERINTENDENT. The Superintendent of Public Works of the city, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering.

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

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

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

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT**.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.02 USE OF PUBLIC SEWERS REQUIRED.

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

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line and further provided that said connection is otherwise feasible. That said connection with the sewer system is hereby declared to be otherwise feasible as to any premises wherein the said public sewer is within 100 feet (30.5 meters) of the property line and wherein said premises also abut on the same side of any street, alley or other public way or sewer right-of-way in which any line of the sewer system of the city exists.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.03 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private wastewater disposal system the owner or owners shall first obtain a written permit signed by the

authorized agent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the authorized agent. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the authorized agent. The authorized agent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the authorized agent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the authorized agent.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Illinois. No permit shall be issued for any private wastewater disposal system employing sub-surface soil adsorption facilities where the area of the lot is less than 8,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in division (D) of this section, a direct connection shall be made to the public sewer within 90 days in compliance with this subchapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized agent.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person or persons shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the authorized agent.

(B) There shall be 2 classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or owners or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the authorized agent. A permit and inspection fee shall be paid to the city at the time the application is filed, according to the following:

Sewer Tap On Fee

(1) Residential - \$200 minimum with the city reserving the right to reasonably negotiate the same at the time of presentation of a final plat of any proposed subdivision and/or at the time of presentation of application for individual building permits, if not done sooner. In connection with said negotiations, the city will consider all legal factors including, but not necessarily being limited to, the following:

- (a) Size of the premises;
- (b) Population equivalent;
- (c) Additional costs, if any, to service said premises;
- (d) Whether said premises are part of an Enterprise Zone and/or TIF District; or
- (e) Whether the tap on is being used to serve an existing facility as opposed to new construction.

(2) Commercial/industrial - \$1,500 minimum with the city reserving the right to reasonably negotiate the same on a case by case basis at the time of presentation of application for a building permit. In connection with said negotiations, the city shall consider all reasonable and appropriate factors, including, but not necessarily being limited to the following:

- (a) Size of the premises;
- (b) Population equivalent;
- (c) Additional costs, if any, to service said premises;
- (d) Whether said premises are part of an Enterprise Zone and/or TIF District; or
- (e) Whether the tap on is being used to serve an existing facility as opposed to new construction.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as 1 building sewer, but the city does not and will not assume any responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authorized agent, to meet all requirements of this subchapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the *American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9* shall apply. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(G) Sanitary sewer services from basements and other floors below grade shall be connected to the sanitary service using a sewer ejector pump (overhead sewers) at no expense to the city unless the city provides a waiver and/or variance from this requirement as provided herein. A waiver and variance from the provisions of this division may be granted by the City Council upon request to the City Council on application if the City Council finds that considering the totality of the circumstances, the likelihood of a sewer backup on the affected premises concerning which the variance and waiver is requested is minimal considering the totality of the circumstances involved, and further provided that the party and/or parties requesting the variance and waiver signs an agreement and release that will run with the land that will provide amongst other things that the City of LaSalle be released and discharged from any potential liability in connection with not requiring the sewer ejector pump, and that the city further be held harmless in connection with any liability in connection therewith and subject to such other terms as the Superintendent of Public Works and the City Attorney for the City of LaSalle may deem appropriate in the circumstances. In the event that an application for variance and waiver of this particular division is denied, such denial shall be appealable to the Circuit Court of LaSalle County, and in that

regard, then subject to the same terms, covenants and provisions and standards of review as would be provided in connection with the appeal and review of an administrative review proceeding. Additionally, notwithstanding anything else contained herein to the contrary, direct connection of basement and/or floors lying below grade to a gravity service line shall not be permitted.

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the authorized agent for purposes of disposal of polluted surface drainage.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the *American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the authorized agent or his representative before installation.

(J) The applicant for the building sewer permit shall notify the authorized agent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the authorized agent or his representative.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 2157, passed 1-12-2009; Am. Ord. 2232, passed 6-14-2010)

§ 51.05 USE OF PUBLIC SEWERS; PROHIBITIONS AND LIMITS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Industrial Pretreatment Coordinator.

(B) Stormwater other than that exempted under division (A) of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the authorized agent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the authorized agent, to a storm sewer, combined sewer, or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not

limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(D) (1) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have any adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Industrial Pretreatment Coordinator may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives.

(2) In forming his opinion as to the acceptability, the Industrial Pretreatment Coordinator will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be exceeded without approval of the Industrial Pretreatment Coordinator are as follows:

(a) Wastewater having a temperature higher than 150° Fahrenheit (60° Celsius).

(b) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(c) Wastewater from industrial plants containing floatable oils, fat, or grease.

(d) Any garbage that has not been properly shredded (see § 51.01). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Industrial Pretreatment Coordinator for such materials.

(f) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Industrial Pretreatment Coordinator.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Industrial Pretreatment Coordinator in compliance with applicable state or federal regulations.

(h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent

cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(k) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions; and

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(l) Wastewater containing BOD⁵ greater than 200 mg/l or TSS in excess of 250 mg/l unless permitted by specific written agreement with the city provided the city has determined that no adverse effect on the city's wastewater treatment facilities will occur from these alternative limits. Any written agreement with the city to discharge such BOD⁵ or TSS may provide for special charges, payments or provisions for treating and testing equipment.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section, and which in the judgment of the Industrial Pretreatment Coordinator, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise created a hazard to life or constitute a public nuisance, the Industrial Pretreatment Coordinator may:2010 S-1

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (J) of this section.

(2) When considering the above alternatives, the Industrial Pretreatment Coordinator shall give consideration to the economic impact of each alternative or the discharge. If the Industrial Pretreatment Coordinator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Industrial Pretreatment Coordinator.

(F) (1) Grease, oil, and sand interceptors shall be provided at the user's expense when, in the opinion of the authorized agent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, as specified in division (D)(2)(c) of this section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Industrial Pretreatment Coordinator, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. The units shall be of substantial construction, watertight and equipped with easily removable covers which when butted in place shall be gas-tight and watertight. Suitable grease traps are aimed at the control of fats, oils and grease (FOG) to address maintenance issues such as sanitary sewer blockages and accumulation of FOG materials in pump station wet wells and wastewater treatment plant unit processes. The primary targeted commercial

entities for this type of waste are restaurants, car washes, commercial laundry facilities, etc.

(2) In maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Industrial Pretreatment Coordinator. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms. Where installed, all grease and oil separators shall be maintained by the user at their expense in continuously efficient operations.

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

(H) When required by the Industrial Pretreatment Coordinator, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(I) The Industrial Pretreatment Coordinator may require a user of sewer services to provide information needed to determine compliance with this subchapter. These requirements may include:

(1) Wastewater's discharge peak rate and volume over a specified time period.

(2) Chemical analyses of wastewaters.

(3) Information on raw materials, processes, and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(J) Water quality standards have been adopted by the State of Illinois, naming dissolved and suspended substances which are objectionable, and established the quantities of each which may be discharged into the Illinois River as a receiving stream. The city sewer system may normally be expected to provide a considerable dilution and this may be taken into account by an industrial or commercial user as follows:

(1) Any industrial or commercial sanitary sewer user may normally expect to discharge 5 times the concentration of any substance into the sanitary sewer which would be permitted by the water quality standards if the said user discharged the said waste directly to the Illinois River.

(2) Possibly higher concentrations of some substances may be discharged without interfering with the sewage treatment process and this will be considered by the city, providing:

(a) The industrial or commercial user inaugurates and maintains a suitable system of policing its sewage effluent quality and quantity.

(b) The industry shall arrange to discharge at a uniform rate any substances included in

the list of objectionable materials of the State Water Quality Standards for the Illinois River at LaSalle.

(K) Any industry discharging as much as 5 times the allowable concentration of any substance which falls into the category of an objectionable substance in terms of the water quality standards shall periodically sample the sewage leaving each sewer which discharges into the city system and shall submit a monthly report to the city including sampling data and results of analysis. The concentration of any of said substances which can occur in a grab sample of waste taken under the "worst" circumstances at the "worst" time shall be the concentration that governs.

(L) (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the last edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic instantaneous grab samples.)

(M) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(N) All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.06 COMBINED SEWER SYSTEM REQUIREMENTS.

(A) New construction tributary to the combined sewer system shall be designed to minimize and/or delay inflow contributions to the combined sewer system.

(B) It shall be required that inflow sources on the combined sewer system be connected to a storm sewer, within 90 days, if a storm sewer becomes available within 200 feet of the building

(C) Any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate connection of the inflow connection to a storm sewer, within 90 days, if a storm sewer becomes available within 200 feet of the building.

(D) CSO impacts from non-domestic sources shall be minimized by determining which non-domestic discharges, if any, are tributary to CSOs. The city shall review, and, if necessary, modify the sewer use ordinance to control pollutants in these discharges.

(E) The city assures that the owners of all publicly owned systems with combined sewers tributary to the city's collection system has procedures in place that are adequate to ensure that the objectives, mechanisms, and specific procedures that follow are achieved.

(1) Collection system inspection shall be done on a scheduled basis;

(2) Sewer, catch basin, and regulator cleaning and maintenance shall be done on a scheduled basis;

(3) Inspections are made and preventive maintenance is performed on all pump/lift stations;

(4) Collection system replacement, where necessary;

(5) Detection and elimination of illegal connections;

(6) Detection, prevention, and elimination of dry weather overflows;

(7) The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,

(8) The treatment and collection systems are operated to maximize treatment.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.07 PROTECTION FROM DAMAGE.

No unauthorized person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.08 POWERS AND AUTHORITY OF INSPECTORS.

(A) The authorized agent and other duly authorized employees of the city and representatives of the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA) bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing

pertinent to discharge to the community system in accordance with the provisions of this subchapter.

(B) The authorized agent or other duly authorized employees of the city or representatives of the IEPA and the USEPA are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in § 51.07, the authorized agent or duly authorized employees of the city or representatives of the IEPA and the USEPA shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to the property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(H).

(D) (1) The authorized agent and other duly authorized employees of the city and representatives of the IEPA and the USEPA bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement.

(2) All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

PRETREATMENT PROGRAM

§ 51.20 PURPOSE AND POLICY; ADMINISTRATION.

(A) This subchapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the city, and enables the city to comply with all applicable state and federal laws including the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the General Pretreatment Regulations, 40 C.F.R. pt. 403. The objectives of this subchapter are:

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

(2) To prevent the introduction of pollutants into the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

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

(4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;

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

(6) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

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

(C) Administration. Except as otherwise provided herein, the Superintendent shall administer, implement and enforce the provisions of this subchapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized city employee. (Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.21 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

APPROVAL AUTHORITY. The Regional Administrator of the United States Environmental Protection Agency, or his or her designee at Region V in Chicago, Illinois.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of 1 or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater

discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in divisions (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the city.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20° C, usually expressed as a concentration (e.g., mg/l).

BEST MANAGEMENT PRACTICES (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 51.23(A) and (B), 40 C.F.R. 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C.

1317, § 307(b) and (c) that apply to a specific category of users and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER. An industrial user subject to a categorical pretreatment standard or categorical standard.

CHEMICAL OXYGEN DEMAND (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY. The City of LaSalle. May also be referred to as the city.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge that is not a "new source."

GRAB SAMPLE. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into the POTW from any non-domestic source.

INSTANTANEOUS LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

LOCAL LIMIT. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. 403.5(a)(1) and (b).

MEDICAL WASTE. Isolation wastes, infectious agents, human blood, and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MONTHLY AVERAGE. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided

by the number of "daily discharges" measured during that month.

NEW SOURCE.

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

(a) The building, structure, facility or installation is constructed as a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; and

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of division (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assignee. This definition includes all federal, state or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological material, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the

characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.)

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

PRETREATMENT COORDINATOR. (See **SUPERINTENDENT**).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD OR STANDARDS. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 51.23.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by 33 U.S.C. 1292, § 212, which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage, or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER (SIU).

Except as provided in divisions (3) and (4) of this definition, a significant industrial user is:

(1) An industrial user subject to categorical pretreatment standards;

(2) An industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater; to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

(3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in Section § 51.33(N), see 40 C.F.R. 403.12(q), together with any additional information necessary to support the certification statement;

(c) The industrial user never discharges any untreated concentrated wastewater; and

(4) Upon a finding that a user meeting the criteria in division (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard of requirement. The city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 C.F.R. 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG DISCHARGE. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 51.23. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

STORM WATER. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT. The person designated by the city administration to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this subchapter. The term also means a duly authorized representative of the Superintendent.

TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

USER OR INDUSTRIAL USER. A source of indirect discharge.

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

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT. That portion of the POTW designed to provide treatment of municipal sewage and industrial waste.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.22 ABBREVIATIONS.

The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand

BMP - Best Management Practice

BMR - Baseline Monitoring Report

C.F.R. - Code of Federal Regulations

CIU - Categorical Industrial User

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

gpd - gallons per day

IU - Industrial User

mg/l - milligrams per liter

NPDES - National Pollutant Discharge Elimination System

NSCIU - Non-Significant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIU - Significant Industrial User

SNC - Significant Noncompliance

TSS - Total Suspended Solids

U.S.C. - United States Code

(Ord. 1785, passed 12-9-2002; Ord. 1083, passed --; Am. Ord. 2158, passed 1-26-2009)

§ 51.23 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other

national, state or local pretreatment standards or requirement.

(B) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. 261.21;

(2) Wastewater having a pH less than 5.0 or more than 10.0 s.u. or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which shall cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than 1/2 inch, or 1.27 centimeter (cm) in any dimension);

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 104°F, (40°C) or which inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the production of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute workers health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 51.30(E);

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

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; and

(18) Wastewater causing 2 readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

(C) *Prohibitions.* Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.24 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users must comply with the categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with divisions (E) and (F) of this section. Note: See 40 C.F.R. 403.6(c).

(B) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent 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 industrial users.

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the standard, the Superintendent shall impose an alternate limit in accordance with 40 C.F.R. 403.6(e).

(D) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following divisions of this section. Note: See 40 C.F.R. 403.15.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable

standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of division (D)(2) of this section are met.

(2) Criteria.

(a) Either the applicable categorical pretreatment standards contained in 40 C.F.R. Subchapter N specifically provide that they shall be applied on a net basis; or the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(d) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(E) (1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The city may establish equivalent mass limits only if

the industrial user meets all the conditions set forth in (2)(a) through (e) below.

(2) To be eligible for equivalent mass limits, the industrial user must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use 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; and

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate must be representative of current operating conditions. (Ord. 2158, passed 1-26-2009)

§ 51.25 STATE PRETREATMENT STANDARDS.

Users must comply with state pretreatment standards located at "State of Illinois, Rules and Regulations, Title 35: Environmental Protection: Subtitle C: Water Pollution, Chapter 1: Pollution Control Board" are hereby incorporated; as the same may be amended from time to time by the Illinois Environmental Protection Agency. (Ord. 2158, passed 1-26-2009)

§ 51.26 LOCAL LIMITS.

(A) The Superintendent is authorized to establish local limits pursuant to 40 C.F.R. 403.5(c).

(B) (1) The following pollutant limits are established to protect against pass through, sludge contamination and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit concentrations per day.

Ammonia nitrogen	50.0 mg/l
Antimony	1.00 mg/l
Arsenic	0.46 mg/l
Barium	1.00 mg/l
Beryllium	0.50 mg/l
Cadmium	0.25 mg/l
Chromium (Hexavalent)	2.00 mg/l
Chromium (Trivalent)	3.50 mg/l
Chromium Total	3.50 mg/l
Copper	6.50 mg/l
Cyanide (Total)	0.50 mg/l
Fluoride	80.0 mg/l
Iron	10.0 mg/l
Lead	1.0 mg/l
Manganese	4.6 mg/l
Mercury	0.0005 mg/l
Molybdenum	0.50 mg/l
Nickel	0.50 mg/l
Oil & Grease (FOG)	100.0 mg/l
pH - minimum standard units 5.5 *1 (daily discharge)	the same *1
pH - maximum standard units 9.5 *1 (daily discharge)	the same *1
Phenols	7.50 mg/l
Phosphorous	10.0 mg/l
Selenium	0.40 mg/l
Silver	0.20 mg/l
Sulfate	500 mg/l
Thallium	0.50 mg/l
Zinc	1.27 mg/l
Total identifiable chlorinated hydrocarbons	1.0 mg/l

*1 - pH standard shall be extended from 5.5 to 10.0 standard units if the manufacturing facility is engaged in the precipitation of metals in the pretreatment process.

(2) Discharge limits for BOD and TSS shall be established in individual wastewater discharge permits by the Industrial Pretreatment Coordinator. For existing users, BOD and TSS limits will be established based upon currently allowed discharge levels. For new users or existing users with new production capacity and discharging greater than 25,000 gpd, or where such user is deemed a "Significant Industrial User" by the Industrial Pretreatment Coordinator, concentration limits will be set at levels such that treatment efficiency and capacity at the POTW will not be diminished beyond the extent desired. Limits will be established that are economically achievable where possible.

(3) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

(C) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 51.23. (Ord. 2158, passed 1-26-2009)

§ 51.27 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this subchapter or the general and specific prohibitions in § 51.23. (Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.28 SPECIAL AGREEMENTS.

The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. They may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.12.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.29 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent 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.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.30 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in

§ 51.23 within the time limitations specified by the EPA, the state, or the Superintendent - whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Superintendent shall be provided, operated, or maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this subchapter.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the Superintendent may require industrial 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 POTW and determine the industrial user's compliance with the requirements of this subchapter.

(2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. The facility shall be equipped with a rate of discharge controller, the regulation of which shall be directed by the Superintendent. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection.

Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense. Records showing quantities and dates of removal of both grease and oil or sand shall be maintained by the owner. These records shall be available for city, county, state and federal inspectors. Such units shall comply with the city's Oil and Grease Management Ordinance, as such becomes enacted.

(4) Users with the potential to discharge flammable substances may be required to install, maintain and use an approved combustible gas detection meter.

(C) *Accidental discharge/slug control plans.* The Superintendent may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every 2 years the Superintendent shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following.

(1) Description of discharge practices, including non-routine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 51.33(F). Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 51.23.

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

(D) *Tenant responsibility.* Where an owner of the property leases premises to any other person as a

tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this subchapter.

(E) *Hauled wastewater.*

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such wastes shall not violate §§ 51.23 through 51.29 or any other requirements established or adopted by the city. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

(2) The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this subchapter.

(3) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of the sources of the waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(5) Fees for dumping septage will be established as part of the industrial user fee system as authorized in §§ 51.41 and 51.42.

(F) *Vandalism.* No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 51.37 through 51.39.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.31 INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS.

(A) *Wastewater analysis.* When requested by the Superintendent, a user must submit information on the nature and characteristics of their wastewater within 15 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the subchapter.

(B) *Individual wastewater discharge permit and general permit requirement.*

(1) No significant industrial user shall discharge wastewater into the city's POTW without first obtaining an individual wastewater discharge permit or general permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to division (C) of this section may continue to discharge for the time period specified therein.

(2) The Superintendent may require other users, including liquid waste haulers, to obtain individual wastewater discharge permits or general permits as necessary to carry out the purpose of this subchapter.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this subchapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 51.37 through 51.39. Obtaining a wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law.

(C) *Individual wastewater discharge and general permitting: existing connections.* Any user required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this subchapter and who wishes to continue such discharges in the future, shall, within 180 days after said date, apply to the Superintendent for an individual wastewater discharge permit or a general permit in accordance with division (F) of this section, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this subchapter except in accordance with an individual wastewater discharge permit or general permit issued by the Superintendent. Notwithstanding anything else contained herein to the contrary, however, any significant industrial user which as of the effective date of this subchapter already has a wastewater discharge permit issued by the city, need not reapply; as said existing permits shall remain in full force and effect, except that the same shall be hereby modified to incorporate any new requirements and/or discharge limits set by this subchapter.

(D) *Individual wastewater discharge and general permitting: new connections.* Any user required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

(E) *Individual wastewater discharge and general permit application contents.*

(1) All users required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Users that are eligible may request a general permit under division (F) of this section. The Superintendent may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information:

1. The name and address of the facility, including the name of the operator and owner; and

2. Contact information, description of activities, facilities, and plant production processes on the premises;

(b) Environmental permits. A list of any environmental control permits held by or for the facility;

(c) Description of operations:

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and the rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

2. Types of wastes generated, and a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

3. Number and types of employees, hours of operation, and proposed or actual hours of operation;

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

5. 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;

(d) Time and duration of the discharges;

(e) The location for monitoring all wastes covered by the permit;

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 51.24(C), 40 C.F.R. 403.6(e);

(g) Measurement of pollutants:

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each of the regulated processes;

3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.33(J). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standards to determine compliance with the standard;

5. Sampling must be performed in accordance with procedures set out in § 51.33(K);

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 51.33(D)(2), 40 C.F.R. 403.12(e)(2);

(i) Any request to be covered by a general permit based on division (F) of this section; and

(j) Any other information as may be deemed necessary by the Superintendent to evaluate the discharge permit application.

(2) Incomplete and inaccurate applications will not be processed and will be returned to the user for revision.

(F) *Wastewater discharge permitting: general permits.*

(1) At the discretion of the Superintendent, the Superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes;

(c) Require the same effluent limitations;

(d) Require the same or similar monitoring; and

(e) In the opinion of the Superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU must file a written request for coverage that

identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 51.33(D)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with § 51.33(D)(2).

(3) The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in division (F)(1)(a) to (e) of this section and applicable state regulations, and a copy of the user's written request for coverage for 3 years after the expiration of the general permit. Note: see 40 C.F.R. 403.8(f)(1)(iii)(A)(1) through (5).

(4) The Superintendent may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (§ 51.24(C)) or net/gross calculations (§ 51.24(D)). Note: See 40 C.F.R. 403.6(e) and 40 C.F.R. 403.15.

(G) Application signatories and certifications.

(1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 51.33(N)(1).

(2) 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

Superintendent prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.21 must annually submit the signed certification statement in § 51.33(N)(2). Note: See 40 C.F.R. 403.3(v)(2).

(H) Individual wastewater discharge and general permit decisions. The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of the receipt of a complete permit application, the Superintendent will determine whether or not to issue an individual wastewater discharge permit or a general permit. If no determination is made within this time period, the application will be deemed denied. The Superintendent may deny any application for a wastewater discharge permit or general permit.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.32 INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE.

(A) Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period not to exceed 5 years. An individual wastewater discharge permit or a general permit may be issued for a period of less than 5 years, at the discretion of the Superintendent. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

(B) Individual wastewater discharge permit and general permit contents. An individual wastewater discharge permit or a general permit shall include such conditions as are reasonably deemed necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality,

and protect against damage to the POTW. Such conditions shall include, but not necessarily be limited to any such condition described in any Pretreatment Implementation Review Task Force (PIRT) amendments and/or Domestic Sewage Study (DSS) amendments, as required by the Illinois Environmental Protection Agency (IEPA) and/or the United States Environmental Protection Agency (USEPA).

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date. (See division (A) of this section.)

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city in accordance with division (E) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(c) Effluent limits, including best management practices, based on applicable pretreatment standards. (Note: Required streamlining rule change.)

(d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 51.33(D). Section 51.31(E) includes an instruction to the permittees to include requests for a new (or renewal of an existing) monitoring waiver for a pollutant neither present nor expected to be present in the discharge. See 40 C.F.R. 403.12(e)(2).

(f) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(g) Requirements to control slug discharge, if determined by the Superintendent to be necessary. (Note: Required streamlining rule change.)

(h) Any grant of the monitoring waiver by the Superintendent (see § 51.33(D)) must be included as a condition in the user's permit or other control mechanism.

(2) Individual wastewater discharge permits or a general permit may contain, but need not be limited to the following:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, or eliminate, or prevent the introduction of pollutants into the treatment works.

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharge to the POTW.

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

(g) A statement that compliance with the individual wastewater discharge permit or a general 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 individual wastewater discharge permit or a general permit.

(h) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this subchapter, and state and federal laws, rules, and regulations.

(C) *Permit issuance process.*

(1) Public notification. The Superintendent will publish in an official government publication and/or newspapers of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least 5 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(2) Permit appeals. The Superintendent shall provide public notice of the issuance of an individual wastewater discharge permit or a general permit. Any person, including the user, may petition the Superintendent to reconsider the terms of an individual wastewater discharge permit or a general permit within 30 days of notice of its issuance.

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

(b) In its petition, the appealing party must indicate the individual wastewater discharge permit or a general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit or a general permit.

(c) The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.

(d) If the Superintendent fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or a general permit, or not to modify an individual wastewater discharge permit or a general permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties requesting judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the Circuit Court of the Thirteenth Judicial Circuit of the State of Illinois, LaSalle County, within 30 days of said final administrative decision.

(D) *Permit modification.*

(1) The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of an individual wastewater discharge permit issuance;

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

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters. (Note: The control authority should consider threats to the POTW's beneficial sludge use.);

(e) Violation of any terms or conditions of the wastewater discharge permit;

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

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;

(h) To correct typographical or other errors in the individual wastewater discharge permits; or

(i) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where requested in accordance with division (E) of this section.

(2) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any individual or a general permit wastewater discharge permit condition.

(3) The Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

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

(c) To correct typographical or other errors in the individual wastewater discharge permit; or

(d) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with division (E) of this section.

(E) *Individual wastewater discharge permit and general permit transfer.*

(1) Individual wastewater discharge permits or coverage under the general permit may be transferred to new owner and/or operator only if the permittee gives at least 30 days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit or the general permit coverage transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator have no immediate intent to change the facility's operation and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

(2) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

(F) *Individual wastewater discharge permit and general permit revocation.*

(1) The Superintendent may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Superintendent of a changed condition pursuant to § 51.33(E);

(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 Superintendent timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of a permitted facility; and

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the general permit or this subchapter.

(2) Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or a general permit to that user.

(G) *Individual wastewater discharge permit and general permit reissuance.* A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 51.31(E), a minimum of 60 days prior to the expiration of the user's existing individual wastewater discharge permit or general permit.

(H) *Regulation of waste received from other jurisdictions.*

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by division (1), above, the Superintendent shall request the following information from the contributing municipality:

(a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(b) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(c) Such other information as the Superintendent may deem necessary.

(3) An intermunicipal agreement, as required by division (1), above, shall contain the following conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in § 51.26. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection, and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(d) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the Superintendent 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 Superintendent; and

(h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(4) Note: Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

(Ord. 1401, passed - -; Ord. 1627, passed - -; Ord. 1767, passed - -; Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.33 REPORTING REQUIREMENTS.

(A) *Baseline monitoring reports.* (Note: Users that become subject to new or revised categorical pretreatment standards are required to comply with the following reporting requirements even if they have been designated as non-significant categorical industrial users.)

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a) (4), whichever is later, existing categorical industrial users discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent, a report which contains information listed in division (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) All information required in § 51.31(E)(1)(a)1., (b), (c)1. and (f). (Note: See 40 C.F.R. 403.12(b)(1)-(7).)

(b) Measurement of pollutants.

1. The user shall provide the information required in § 51.31(E)(1)(g)1. through 4..

2. The user shall take a minimum of 1 representative sample to compile the data necessary to comply with the requirements of this paragraph.

3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternative concentration or

mass limit has been calculated in accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.

4. Sampling and analysis shall be performed in accordance with division (J) of this section.

5. The Superintendent 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.

6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 51.21 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) 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 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 division (B) of this section.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with division (N) of this section and signed by an authorized representative as defined in § 51.21.

(B) *Compliance schedule progress report.* The following conditions shall apply to the compliance schedule required by division (A)(2)(d) of this section:

(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 9 months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and

(4) In no event shall more than 9 months elapse between such progress reports to the Superintendent.

(C) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 51.31(E)(1)(f) and (g) and division (A) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 51.24 (see 40 C.F.R. 403.6(c)), this report shall contain a reasonable measure of the user's

long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with division (N) of this section. All sampling will be done in conformance with division (K) of this section.

(D) *Periodic compliance reports.* Note: All SIUs are required to submit periodic compliance reports even if they have been designated a non-significant categorical industrial user under the provisions of division (D)(3) of this section. The Superintendent may request chain-of-custody forms with monitoring data.

(1) Except as specified in division (D)(3) of this section, all significant industrial users must, at a frequency determined by the Superintendent, but in no case less than twice per year (in July and January), submit reports indicating the nature and concentration of pollutants in the discharge and which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or the pretreatment standard necessary to determine the compliance status of the user. (Note: Required streamlining rule change.)

(2) (The following provision may only be included if authorized under state law. Criteria for monitoring waivers must also include any criteria defined in applicable state law requirements.) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (see

40 C.F.R. 403.12(e)(2)). 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 standard and otherwise includes no process wastewater.

(b) The monitoring waiver is only effective for 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. See § 51.31(E)(1)(h).

(c) In making a presentation that a pollutant is not present, the industrial user must provide data from at least 1 sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with § 51.21, and include the certification statement in division (N)(1) of this section, 40 C.F.R. 403.6(a)(2)(ii).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the Superintendent may be included as a condition of 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 Superintendent for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the Superintendent, the industrial user must certify on

each report with the statement in division (N)(3) of this section, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) 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 division (D)(1) of this section, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.

(i) This provision does not supercede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

(3) (a) The city may reduce the requirement for periodic compliance reports (see division (D)(1) of this section (40 C.F.R. 403.12(e)(1))) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standards or by the USEPA or IEPA, where the industrial user's total categorical wastewater flow does not exceed any of the following:

1. 0.01% of the POTW's design dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches.

2. 0.01% of the design dry-weather organic treatment capacity of the POTW.

3. 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with § 51.26.

(b) Reduced reporting is not available to industrial users that have in the last 2 years been in significant noncompliance, as defined in § 51.36. In

addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

(4) All periodic compliance reports must be signed and certified in accordance with division (N)(1) of this section.

(5) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure for a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. (Required streamlining rule change).

(6) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in division (K) of this section and results of this monitoring shall be included in the report. (Note: see 40 C.F.R. 403.12(g)(6)).

(7) Users that send electronic (digital) documents to the city to satisfy the requirements of this section must satisfy the requirements of 40 C.F.R. Part 3 related to electronic reporting.

(E) *Report of changed conditions.* Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(1) The Superintendent 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 § 51.31(E) of this section.

(2) The Superintendent may issue an individual wastewater discharge permit or a general permit under § 51.32(G) or modify an existing wastewater discharge permit or a general permit under § 51.32(D) in response to changed conditions or anticipated changed conditions.

(3) No industrial user shall implement the planned changed conditions until and unless the Superintendent has responded to the user's notice.

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

(F) *Reports of potential problems.*

(1) 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 discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(2) Within 5 days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expenses, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed pursuant to this subchapter. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this subchapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place, advising employees who to call in the event of a

discharge described in division (1) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (Note: Required streamlining rule change.)

(G) *Reports from unpermitted users.* All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Superintendent of the Wastewater Plant as the Superintendent may require.

(H) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. (Note: Required streamlining rule change needed if POTW performs sampling in lieu of the industrial users. If the city performed the sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. See 40 C.F.R. 403.12(g)(2).)

(I) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth

in 40 C.F.R. Part 261, the EPA hazardous waste numbers, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under division (E) of this section. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of divisions (A), (C) and (D) of this section.

(2) Dischargers are exempt from the requirements of division (A) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a 1-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) 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.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this subchapter, a permit issued thereunder, or any applicable federal or state law.

(J) *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 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by the EPA.

(K) *Sample collection.* Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. (Note: The control authority is required to indicate the frequency of monitoring necessary to assess and assure compliance by the user with applicable pretreatment standards and requirements.) Chain-of-custody forms shall be used for all sampling work that is used to generate pretreatment program reporting. (Note: In the streamlining rule changes, divisions (1) and (2) below have been deleted from 40 C.F.R. 403.12(b)(5) and added to 403.12(g)(3). The original paragraphs relate to categorical industrial user monitoring reports only while all of the following paragraphs in this section apply to all SIU monitoring.)

(1) Except as indicated in division (K)(2) and (3) of this section, the user must collect wastewater samples using 24-hour flow-proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (Note: Required streamlining rule change. See 40 C.F.R. 403.12(g)(3)).

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in divisions (A) and (C) of this section (40 C.F.R. 403.12(b) and (d)), a minimum of 4 grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by division (D) of this section (40 C.F.R. 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by the applicable pretreatment standards and requirements. (Note: Required streamlining rule changes, see 40 C.F.R. 403.12(g)(4).) The Superintendent may use grab sample to determine noncompliance with pretreatment standards.

(L) *Date of receipt of reports.* 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.

(M) *Recordkeeping.* Users subject to the reporting requirements of this subchapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this subchapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 51.26(C). 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 3 years. Records related to sludge generation and disposal shall be kept for 5 years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent. (Note: The recordkeeping requirements for BMPs are a required streamlining rule change.)

(N) *Certification statements.* (Note: 40 C.F.R. 403.12(1) requires that the certification that follows be provided for IU Baseline Monitoring Reports (BMRs)(403.12(d)), CIU Periodic Reports on Continued Compliance (403.12(e)) and the initial request from CIUs to forego monitoring for pollutants not present. In addition to CIUs, the model ordinance requires this certification statement for all wastewater discharge permit applications and user reports. Furthermore, the POTW should require this certification statement for all noncategorical SIU compliance reports.)

(1) Certification of permit applications, user reports and initial monitoring waiver.

(a) The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 51.31(G); users submitting baseline monitoring reports under division (A)(2)(e) of this section (Note: See 40 C.F.R. 403.12(1)); users submitting reports on compliance with categorical pretreatment standard deadlines under division (C) of this section (Note: See Section 40 C.F.R. 403.12(d)); users submitting periodic compliance reports required by division (D) of this section (Note: See 40 C.F.R. 403.12(e) and (h)), and users submitting an initial request to forego sampling of a pollutant on the basis of division (D)(1) through (4) of this section (Note: See 40 C.F.R. 403.12(e)92)(iii)). The following certification statement must be signed by an authorized representative as defined in § 51.21:

"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) Additional certification concerning the use and disposal of total toxic organic compounds shall be included with routine data submittals and shall include the following certification statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the

solvent management plan submitted to the control authority."

(2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.21 and § 51.31(G)(3) (Note: See 40 C.F.R. 403.3(v)(2)) must annually submit the following certification statement signed in accordance with the signatory requirements in § 51.21 (Note: See 40 C.F.R. 403.120(1)). This certification must accompany an alternative report required by the Superintendent):

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 C.F.R. 403, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [month, days, year]:

(a) The facility described as _____, [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 51.21; [Note: See 40 C.F.R. 403.3(v)(2)].

(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 certification is based on the following information. _____

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on division (D) of this section must certify on each report with the following statement that there has been

no increase in the pollutant in its wastestream due to activities of the user. (Note: See 40 C.F.R. 403.12(e)(2)(v)).

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 C.F.R. 403, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under division (D) of this section"

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.34 COMPLIANCE MONITORING.

(A) *Inspection and sampling.*

(1) The Superintendent or his representative(s) shall have the right to enter the premises of any user to ascertain whether the purpose of this subchapter, and any individual wastewater discharge or general permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Superintendent or his representative(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where 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, personnel from the city, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The city, state and EPA shall have the right to set up on the 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 Superintendent 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 periodically, as defined in an individual wastewater discharge or general permit, to ensure their accuracy.

(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 Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the Superintendent or his representatives access to the user's premises shall be a violation of this subchapter.

(2) If the monitoring facility is constructed in the public right-of-way or easement, it shall be done so in an unobstructed location. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Superintendent's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner so as to enable the Superintendent or his representatives to perform independent monitoring activities.

(B) *Search warrants.* If the Superintendent has been refused access to a building, structure or property or any part thereof, and if the Superintendent has demonstrated probable cause to believe that there may be a violation of this subchapter or that there is a need to inspect and/or sample as part of a routine inspection program of the city designated to verify compliance with this subchapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Circuit Court Judge of LaSalle County shall issue a search

and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Superintendent in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections and/or sampling shall be made without the issuance of a warrant.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.35 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits and monitoring programs, and from the Superintendent's 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 Superintendent, 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 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.36 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The Superintendent shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates divisions (C), (D) or (H) of this section) and shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6 month period exceed the daily maximum limit or average limit as defined in §§ 51.23 through 51.29 for the same pollutant parameter by any amount; (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

(B) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the daily maximum limit or the average limit as defined in §§ 51.23 through 51.29, multiplied by the applicable criteria (1.4 for BOD⁵, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

(C) Any other discharge violation of a pretreatment standard or requirement as defined by §§ 51.23 through 51.29 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public) or sludge contamination such that it limits its beneficial reuse or disposal; (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

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

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

(F) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation(s), which may include a violation of best management practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.37 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) *Notification of violation.* The city's enforcement response plan is based on the United States Environmental Protection Agency's "Guidance for Developing Control, Authority Enforcement Response Plan" dated September, 1989. The same, or any updated versions of the same, shall be made a part of the general discharge permit issued to the monitored industries that are part of the industrial pretreatment program. Whenever the Superintendent finds that any user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharger permit or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent or his agent may serve upon said user a written notice of

violation. Within 10 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 Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(B) *Consent orders.* The Superintendent is hereby empowered to enter into a consent order, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to divisions (D) and (E) of this section and shall be judicially enforceable.

(C) *Show cause hearing.* The Superintendent may order any user which has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why 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) a least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 51.21 and required by § 51.31(G). Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(D) *Compliance orders.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within 5 days. If the user does not come into compliance within this time frame, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(E) *Cease and desist orders.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventing 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.

(F) *Administrative fines.*

(1) When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as may be available for other service charges and fees.

(2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 5% of the unpaid balance and interest shall accrue thereafter at the rate of 1% per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(3) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Superintendent shall convene a hearing on the matter within 45 days of receiving the request from the user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

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

(G) *Emergency suspensions.*

(1) The Superintendent may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which

reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in division (H) of this section 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 Superintendent, prior to the date of any show cause or termination hearing under divisions (C) and (H) of this section.

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

(H) *Termination of discharge.*

(1) In addition to those provisions in § 51.32(F), any user who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit or general permit conditions;

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

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(e) Violation of the pretreatment standards in §§ 51.23 through 51.29.

(2) Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.38 JUDICIAL ENFORCEMENT REMEDIES.

(A) *Injunctive relief.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Circuit Court of LaSalle County, within the Thirteenth Judicial Circuit of the State of Illinois, through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit order, or other requirement imposed by this subchapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct an environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) *Civil penalties.*

(1) Any user who has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or a general permit or order hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of not more than \$ 1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

(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, 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 prerequisite for taking any other action against a user.

(C) *Criminal prosecution.*

(1) Any user that willfully or negligently violates any provisions of this subchapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or imprisonment for not more than 1 year or both.

(2) A user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 and/or be subject to imprisonment of 1 year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) A user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this subchapter, individual wastewater discharge permit or general permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter shall, upon conviction, be punished by a fine of not more than \$1,000 per day or imprisonment for not more than 1 year, or both.

(D) *Remedies nonexclusive.* The remedies provided for in this subchapter are not exclusive. The Superintendent 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 city's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than 1 enforcement action against any noncompliant user. These actions may be taken concurrently.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.39 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) *Penalties for late reports.* A penalty of \$50 shall be assessed to any user for each day that a report required by this subchapter, a permit or order issued hereunder is late, beginning 5 days after the date the report is due, higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the Superintendent to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

(B) *Performance bonds.* The Superintendent may decline to reissue an individual wastewater discharge permit or general permit to any user who has failed to comply with any provisions of this subchapter, any orders, or a previous individual

wastewater discharge permit or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(C) *Liability insurance.* The Superintendent may decline to reissue an individual wastewater discharge permit or general permit to any user who has failed to comply with any provisions of this subchapter, any order, or a previous individual wastewater discharge permit or previous general 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 POTW caused by its discharge.

(D) *Payment of outstanding fees and penalties.* The Superintendent may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provisions of this subchapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

(E) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this subchapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(F) *Public nuisances.* Any violation of this subchapter, an individual wastewater discharge permit, a general 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 Superintendent or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 91 of these Codified Ordinances, governing such

nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(G) *Contractor listing.* Users who have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent. (Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.40 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) *Upset.*

(1) For the purpose 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.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (3), below, are met.

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

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) 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

(c) The user has submitted the following information to the Superintendent or his agent within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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

(5) 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.

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

(B) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 51.23(A) or the specific prohibitions in § 51.23(B)(3) through (7) and (B)(9) through (18) 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 and 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 change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Note: Pursuant to 40 C.F.R. 403.5(a)(2), the affirmative defense outlined in this section cannot apply to the specific prohibitions in § 51.23(B)(1), (2), and (8).)

(C) *Bypass.*

(1) For the purposes of this section:

(a) Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility; and

(b) 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.

(2) 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 divisions (C)(3) and (4) of this section.

(3) Bypass notifications:

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the

Superintendent, at least 10 days before the date of the bypass, if possible; and

(b) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 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 Superintendent may waive the written report on a case by case basis if the oral report has been received within 24 hours.

(4) Bypass:

(a) Bypass is prohibited and the Superintendent may take enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. 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

3. The user submitted notices as required under division (C)(3) of this section.

(b) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will

meet the 3 conditions listed in division (C)(4)(a) of this section.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.41 SURCHARGE COSTS.

(A) *FOG Surcharge.* In addition to the other matters set forth herein, an additional billable surcharge cost of \$0.50/# FOG/DAY, for any discharge in excess of 100 mg/l but below an enforcement ceiling of 180 mg/l on fats, oils and grease (FOG) per day. This surcharge shall apply to the multiplicative product of the facility flow in millions of gallons per day, times the concentration of FOG in excess of 100 mg/l times the conversion factor of 8.34 pounds per gallon times the above unit rate.

(B) *Sulfate surcharge.*

(1) The following surcharge shall be applicable to all users for sulfate contained in their discharge. Sulfate is a pollutant, which may be converted to sulfide by bacterial action. Once in sulfide form, bacteria commonly found within a sanitary sewage collection system, combined with moisture present in the sewer can result in the formation of sulfuric acid. The presence of sulfate in high concentrations have proven to be extremely corrosive to concrete gravity sewers, in particular. In addition, sulfate converted by bacteria into sulfide may combine with hydrogen to form hydrogen sulfide, which is corrosive, odorous, and presents a serious threat to human health, especially if breathed at high concentrations (death is quite possible). Finally, sulfate can inhibit the activated sludge and anaerobic digestion processes. Both activated sludge treatment and anaerobic sludge digestion are critical to the operation of the treatment plant.

Sulfate - (Sulfate - 400 mg/l) x 30 days at \$0.01

Where:

Sulfate = User monthly average sulfate discharge concentration, in mg/l

400	=	Surcharge value for sulfate, below the enforcement ceiling limit of 500 mg/l, as contained in the ordinance, based upon digester inhibition
30	=	days in calendar month
\$0.01	=	surcharge rate for sulfate

(2) The sulfate discharge shall be based upon the monthly average discharge for each user. The monthly average value shall be determined based upon averaging the results of all samples collected and analyzed during each calendar month. The surcharge shall only be calculated when a user's monthly average sulfate concentration is in excess of 400 mg/l but below an enforcement ceiling of 500 mg/l, or other value specific to an individual permit.

(C) *Additional surcharge parameters for BOD⁵ and TSS.* These can be found in § 51.56, or its most recent modified version.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.42 PRETREATMENT CHARGES AND FEES.

The City Administration may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

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

(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 and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

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

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

WASTEWATER SERVICE CHARGES

§ 51.55 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASIC USER CHARGE. The basic assessment levied on all users of the public sewer system.

CAPITAL IMPROVEMENT CHARGE. A charge levied on users to improve, extend or reconstruct the sewage treatment works.

DEBT SERVICE CHARGE. The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

LOCAL CAPITAL COST CHARGE. Charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement.

SEWERAGE FUND. The principal accounting designation for all revenues received in the operation of the sewerage system.

SURCHARGE. The assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Ord. 923, Article 2, Sec. 2 (f) and as modified by Ord. 1518.

USEFUL LIFE. The estimated period during which the collection system and/or treatment works will be operated.

USER CHARGE. A charge levied on users of treatment works for the cost of operation, maintenance and replacement.

WASTEWATER SERVICE CHARGE. The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in an Ordinance Establishing User Charge and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.
(Ord. 923, passed 12-12-1977; Ord. 1200, passed 4-3-1989)

§ 51.56 SERVICE CHARGES.

(A) *Basis for wastewater service charges.* The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

(1) *Debt service charge.* The debt service charge is computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly and/or quarterly debt service charges can be computed.

(2) *Capital improvement charge.* The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement is computed by apportioning the

annual amount to be accrued as a cost per 100 cubic feet or as a fixed charge per month.

(3) *Basic user charge.*

(a) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

1. A 5-day, 20-degree centigrade biochemical oxygen demand (BOD) of 200 mg/l;
2. A suspended solids (SS) content of 250 mg/l.

(b) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;
2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories;

3. Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD;

4. Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by volume, suspended solids and BOD;

5. Compute costs per 100 cubic feet for normal sewage strength;

6. Compute surcharge costs per pound per 100 cubic feet in excess of normal sewage strength for BOD and SS.

(4) *Surcharge.* A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Division (F) below of this section specifies the procedure to compute a surcharge.

(5) *Review of charges.* The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by certified public accountants for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

(6) *Notification of users.* The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

(B) *Measurement of flow.* The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 cubic feet.

(1) If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the Superintendent of Public Works for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waste discharged may be required by the Superintendent of Public Works if these volumes cannot otherwise be determined from the metered water consumption records.

(3) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent of Public Works.

(C) *Local capital cost charge.* Debt service charge: A debt service charge of \$3.84 per month to each user of the wastewater facility of the city is hereby established.

(D) *User rates.* User rate minimum charges, sewer maintenance fees, and incremental user rate charges are hereby amended and provided to be as follows:

(Table on Following Page)

(1) All rates shown, with the exception of the base fee and the sewer maintenance fee, shall be in dollars per 100 cubic feet. The total monthly charge for each metered user shall be the sum of each increment of usage multiplied by its corresponding rate, plus the base fee, and the sewer maintenance fee.

(2) The adequacy of the wastewater service charges shall be reviewed annually and shall be revised as necessary in order to reflect a change in the operation and maintenance costs, including equipment replacement or changes in the debt service and/or capital improvement costs. Additionally, all annual adjustments in the user rates are premised on an annual increase in a user's total monthly charge of approximately 3% per year in order to maintain pace with inflation.

(3) Also, any non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month equal to the base fee usage charge plus the sewer maintenance fee for each month (i.e., \$12.50 between 10-1-2009 and 4-30-2010). The flat rate charge for non-metered users will allow a maximum of 200 cubic feet per month.

(4) In the event use of the wastewater facilities is determined by the Superintendent of Public Works to be in excess of 200 cubic feet per month, the Superintendent of Public Works may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(5) Additionally, for users of over 500,000 cubic feet per month, the city reserves the right to negotiate individually with such large users.

(6) The city reserves the right, duty and responsibility to review and revise the sewer rates if deemed appropriate with the discretion of the City Council. In connection with any such review, the City Council may utilize any appropriate resource tool including, but not limited to, sewer rate studies. Any amendment and/or revision hereof shall be by ordinance.

(E) *Surcharge rate.* The rates of surcharges for BOD5 and SS shall be as follows:

Per lb. of BOD: \$.405

Per lb. of SS: \$.154

(F) *Computation of surcharge.* The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent of Public Works and shall be binding as a basic for surcharges.

(G) *Computation of wastewater service charge.* The wastewater service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu - X) CU + CS$$

Where

CW = Amount of waste service charge (\$) per billing period

CD = Debt Service Charge (division (C)).

CC = Capital Improvement Charge.

CM = Minimum Charge for Operation, Maintenance and Replacement (division (D)).

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (division (D)).

CU = Basic User Rate for Operation, Maintenance and Replacement (division (D)).

CS = Amount of Surcharge (divisions (E) and (F)).

(Ord. 923, passed 12-12-1977; Ord. 924, passed 12-12-1977; Ord. 1082, passed 5-6-1985; Ord. 1200, passed 4-3-1989; Am. Ord. 1424, passed 7-6-1993; Am. Ord. 1756, passed 1-21-2002; Am. Ord. 2189, passed 9-8-2009)

§ 51.57 BILLING; LIENS; RECORDS.*(A) Bills.*

(1) Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the city.

(2) Bills for sewer service shall be sent out by the City Treasurer on or about the first day of the month succeeding the period for which the service is billed.

(3) All sewer bills are due and payable 15 days after mailing.

(B) Delinquency procedures. For city provisions concerning payment of utility bills and delinquencies, see § 50.35.

(C) Lien - notice of delinquency.

(1) Whenever a bill for sewer service remains unpaid for 30 days for monthly service after it has been rendered, the City Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(2) If the user whose bill is unpaid is not the owner of the premises and the City Treasurer has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Treasurer, whenever such bill remains unpaid for the period of 45 days for a monthly bill after it has been rendered.

(3) The failure of the City Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien unpaid bills as mentioned in the foregoing section.

(D) Foreclosure of lien. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the city. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.

(E) Revenues. All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the city and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than 10 days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Mayor and City Council. The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the Sewerage Fund of the City of La Salle. Said Treasurer shall administer such fund in every respect in the manner provided by statute of the Revised Cities and Villages Act, effective January, 1942.

(F) Accounts.

(1) The City Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions

relative to the sewerage system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate the sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(a) Flow data showing total cubic feet received at the wastewater plant for the current fiscal year;

(b) Billing data to show total number of cubic feet billed per fiscal year;

(c) Debt service for the next succeeding fiscal year.

(G) *Notice of rates.* Each user will be notified by the city in conjunction with a regular bill, of the rate and that portion of the user charges or ad valorem taxes which are attributable to wastewater treatment services, including the financial information of division (F) above.

(H) *Access to records.* The IEPA or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant or federal regulations and conditions of the federal grant. (Ord. 923, passed 12-12-1977; Ord. 1200, passed 4-3-1989)

§ 51.58 AUTHORITY.

(A) Any duly authorized employee or agent of the city bearing proper credentials and identification shall at any time be permitted to enter upon all properties within the corporate limits of the city or outside the city and contracted for service for the purpose of inspection, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this subchapter.

(B) While performing the necessary work on private properties referred to in this section, the duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless from injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence failure of the company to maintain safe conditions. (Ord. 923, passed 12-12-1977; Ord. 1200, passed 4-3-1989)

§ 51.59 APPEALS.

The method for computation of rates and service charges established for user charges in § 51.56(C) through (G), shall be made available to a user within 10 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the water committee of the City Council within 14 days after notification of a formal written appeal outlining the discrepancies. (Ord. 1200, passed 4-3-1989)

§ 51.99 PENALTY.

(A) Any person found to be violating any provisions of §§ 51.01 through 51.08 shall be served by the city with written notice stating the nature of the violation and providing a 10 day limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations;

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than \$100 nor more than \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the above provisions of §§ 51.01 through 51.08 shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. (Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

(D) (1) Any user that willfully or negligently violates any provisions of §§ 51.20 through 51.41, any orders or wastewater discharge permits issued thereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation per day or imprisonment for not more than 1 year or both.

(2) Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 and/or be subject to imprisonment of 1 year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to §§ 51.20 through 51.41, wastewater

discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under §§ 51.20 through 51.41 shall, upon conviction, be punished by a fine of not more than \$1,000 per day or imprisonment for not more than 1 year or both.

(Ord. 1785, passed 12-9-2002)

(E) Any person, firm or corporation violating any provisions of § 51.57 shall be fined not less than \$100 nor more than \$500 for each offense.

(Ord. 1200, passed 4-3-1989)

CHAPTER 52: GARBAGE

Section

- | | | |
|-------|---|---|
| 52.01 | Authorization | charges to single-family, 2-family and 3-family |
| 52.02 | Fees | residences of the city during the term of said |
| 52.03 | Individuals authorized to effectuate
this chapter | agreement.
(Ord. 1952, passed 3-13-2006) |
| 52.04 | Timing of placement for collection of
residential garbage | |
| 52.99 | Penalty
Appendix A: Garbage disposal and
waste disposal agreement | |

§ 52.01 AUTHORIZATION.

That the city is hereby authorized to enter into a garbage disposal and waste disposal agreement with Illinois Valley Waste Services consistent with a motion passed on the floor of the City Council of the city on June 6, 2005 to be effective as of February 1, 2006; further provided that such agreement be substantially in the form set forth on attached Appendix A which is hereby made a part hereof together any other modifications as the Mayor, in his or her discretion, deems appropriate.
(Ord. 1952, passed 3-13-2006)

§ 52.02 FEES.

That the fees in reference to city residential units in reference to garbage pick up and the charges in reference to extra cans and/or bags for single-family, 2-family and 3-family residences within the city's jurisdiction as served by the city public water supply and by a public water meter shall be consistent with and accord with the fees and charges set forth in the agreement attached hereto and made a part hereof as Appendix A, which fees and charges shall be the

§ 52.03 INDIVIDUALS AUTHORIZED TO EFFECTUATE THIS CHAPTER.

That the Mayor, the City Clerk and such other city officials as are necessary and appropriate in the circumstances are hereby authorized and empowered to sign such documents and to further do and perform such reasonable acts as may be necessary and appropriate in order to carry out and effectuate the intent and purpose of this chapter.
(Ord. 1952, passed 3-13-2006)

§ 52.04 TIMING OF PLACEMENT FOR COLLECTION OF RESIDENTIAL GARBAGE.

Regarding residential garbage collection service, all materials suitable for collection shall be placed in containers at the curb line not earlier than 5:00 p.m. on the evening preceding the day of collection, and not later than 6:00 a.m. on the day of collection, and shall be removed from the curb line not later than the evening of the day of collection.
(Ord. 2097, passed 11-5-2007) Penalty, see § 52.99

§ 52.99 PENALTY.

Any person and/or entity that violates § 52.04 shall, in addition to any other remedies allowable by law, be fined not less than \$50 nor more than \$500 for

each violation of that section; and each day that a violation exists may constitute a new separate independent violation of § 52.04.
(Ord. 2097, passed 11-5-2007)

APPENDIX A: GARBAGE DISPOSAL AND WASTE DISPOSAL AGREEMENT

THIS AGREEMENT formalized on the 1st day of February, 2006, by and between the City of LaSalle [hereinafter referred to as "City"] and Illinois Valley Waste Services [hereinafter referred to as "Contractor"], furtherance of a prior understanding being formalized as provides herein and as originally agreed to be effective as of February 1, 2006, all consistent with a motion passed on the floor of the City Council of the City of LaSalle on June 6, 2005:

IN CONSIDERATION OF THESE PRESENTS AND COVENANT AND CONDITIONS CONTAINED HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, IT IS HEREBY AGREED AS FOLLOWS:

1. This Agreement, which may from time to time herein be referred to as the "Scavenger Contract," shall be effective for a period of five years commencing on the 1st day of February, 2006 and ending on the 31st day of January, 2011, subject and according to the terms contained herein.
2. That the Contractor shall collect and dispose of the following material:
 - (a) Properly contained household kitchen wastes, including cans, bottles, paper goods, food and vegetable matter, attendant on the preparation, use, cooking and serving of foods.
 - (b) Properly contained general household trash and refuse, including packaging material, empty cartons, crates, boxes, wrapping materials, newspapers and magazines, cloth material, empty cans, discarded toys, clothing and similar materials.
 - (c) Yard waste materials including grass clippings, leaves, weeds, bushes and brush clippings. Loose materials shall be contained in generic 30-gallon paper yard waste bags made for that purpose. Individual branches less than three (3) inches in diameter and brush shall be bundled with biodegradable twine not to exceed four (4) feet in length or two (2) feet in diameter. Christmas trees shall be collected for the two (2) weeks following the holiday.
 - (d) Properly contained and prepared household recyclable material, including newspaper and all inserts thereof, paper items, aluminum, tin, glass of all color, and plastic containers that have been rinsed to remove all food residues.
 - (e) Large items that one (1) individual can handle including furniture and household appliances that do not contain Freon or other gases, chemicals or other materials known to require special handling prior to recycling or disposal.
 - (f) Specifically excluded from the materials to be collected shall be auto parts and tires, earth, sod, rocks, concrete, refuse from remodeling or construction of home, trees or parts thereof with exception of small bundled branches as provided in the paragraph above. Hazardous household and automotive chemicals including, but not limited to, paints and varnishes, thinner and turpentine, pesticides, gasoline and other fuels, flammables and reactive materials, motor oil and coolant shall also be excluded.

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3. The collection and disposal of the above items shall be made as follows:
 - (a) Regular weekly service. All collections by the Contractor shall be made between the hours of 6:00 a.m. and 6:00 pm. The Contractor will furnish regular scheduled weekly collection service from every single-family unit in the city, according to a schedule approved by the City, using modern, compaction-type refuse collection equipment. All materials suitable for collection shall be placed by residents at the curb for collection by 6:00 A.M.
 - (b) All perishable materials to be collected in the regular weekly service shall be placed in regular, standard garbage cans, no larger than 32-gallons in capacity, or suitable plastic garbage bags limited to 40-gallons in capacity of a wall thickness sufficient to hold the materials. Containers shall be loaded not to exceed 40 pounds. Lids shall be kept on containers when placed outside for collection. Items such as empty crates and cartons not to exceed 2 feet by 2 feet by 2 feet shall be stacked neatly alongside garbage containers. Bags or bundles of yard waste and recycling material in designated containers, defined as above, shall be kept separate from other waste materials.
 - (c) Yard waste shall only be collected between the first full week in April and the last full week in November of each year.
 - (d) Up to one (1) large item per household to be collected in the regular weekly service.
 - (e) In the event that the day of service shall fall on a legal holiday, which shall be a day on which the employees of the Contractor do not work, all pick ups during the week of such holiday shall be delayed one day upon the publication of a notice in the newspapers. The following legal holidays shall be observed by the contractor: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Payment for Services:
 - (a) For the first year of this agreement the City shall pay the contractor \$9.00 per month per residence (Monthly per Residence Fee) to be paid not later than the 15th day of the month following the last day of the month in which Contractor has provided the services contemplated by this Agreement to the City. The amount of the City's payment to the Contractor shall be equal to an amount calculated by multiplying the number of water meters serving single family, two- family and three-family residential units within the jurisdiction of the City by the monthly per residence fee, as increased from time to time as provided for in this Agreement.
 - (b) In order for Contractor to calculate the monthly billing, the City shall, on the anniversary date of this agreement, provide to Contractor the number of single family, two-family and three-family residences within its jurisdiction served by the City public water supply and served by a water meter. The parties agree that for Contractor's invoicing purposes during the first year of this agreement, the number of water meters in service within the jurisdiction of the City shall be agreed to as 3,650.

- (c) In order to calculate the Monthly Per Residence Fee during the subsequent years of this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, the Monthly Per Residence Fee shall be determined by adding to the current year's Monthly Per Residence Fee any increase in the Consumer Price Index established for the year prior to the then current per residence fee, provided however, that in no circumstance shall the increase in the per residence fee increase more than five (5) per cent.
 - (d) For the first year of this agreement there shall be an additional charge of \$1.50 each for any cans or bags in excess of two per household. Residents shall be required to purchase and apply additional waste (Additional Waste) stickers to each extra item at their own expense. For subsequent years subject to this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, any applicable cost of living increase in the additional waste sticker shall be determined by adding to the current Additional Waste fee any increase in the Consumer Price Index established the year prior to the effective date. Increases in sticker prices shall not exceed five (5) per cent.
 - (e) For the first year of this agreement the cost of yard waste collection shall be \$1.50 for each bag or bundle of yard waste material. Residents shall be required to purchase and apply yard waste stickers (Yard Waste Sticker) to each bag or bundle of yard waste at their own expense. Any applicable cost of living increase for the Yard Waste sticker For subsequent years subject to this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, any applicable cost of living increase shall be determined by adding to the current Yard Waste fee any increase in the Consumer Price Index established the year prior to the effective date. Increases in rates shall not exceed five (5) per cent.
- (5) All waste material collected by the Contractor shall be discharged at a certified landfill site, yard waste compost facility or material recycling facility in reference to the items indicated in paragraphs 2(a) through 2(c) above. All costs in connection with landfill disposal shall be the responsibility of the Contractor hereunder.
 - (6) It is understood that the number of City water meters in service for residences receiving service may not be equal to the number of family units in the City and that the contractor is to be paid on the basis of the number of water meters in single, two and three family residences. All family units are to be served. However, this Contract shall not cover service to four or more multiple family units.
 - (7) In the event that either fuel costs and/or landfill costs should escalate substantially, either the City or the Contractor may request renegotiation on collection costs upon thirty (30) days written notice to the other party. In the event of any renegotiation amongst the parties, the City would retain and reserve the right to place up for bid garbage services as opposed to continuing to receive service from the present Contractor. However, the City would allow the Contractor herein, the right of first refusal to match the lowest bid of any other capable Contractor in reference to the remaining term of this agreement. In reference to said right of first refusal, upon the City's opening bids, and upon further deciding that one of the bids may be acceptable to the City subject to the right of first refusal, the Contractor shall be provided thirty (30) days written notice of the City's intention to accept the alternative bid, absent that bid being matched by the present Contractor, within said thirty (30) day period.
 - (8) The Contractor shall also give the City of LaSalle at least sixty (60) days notice if unable to fulfill the obligations under this agreement. This notice shall not relieve the Contractor from any liability for breach of contract.

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- (9) Upon execution of this Agreement, the Contractor shall provide the City with a performance or surety bond in the amount of Ten Thousand Dollars (\$10,000.00), that may be drawn upon by the City only in the event of Contractor's default of this Agreement and which default results the City assuming the duties and performance of the Contractor under this Agreement.
- (10) A policy to protect the Contractor against liability under Workers Compensation and Occupational Disease Statutes of the State of Illinois shall be required and shall be the Contractor's responsibility in connection with all of the same. None of the employees of the Contractor are employees of the City.
- (11) The Contractor must carry an appropriate policy under comprehensive form to insure the Contractor's motor vehicle liability for its operations within the limits of public liability coverage of not less than \$1,000,000.00 for all occurrences in reference to both property damage, personal and other risks.
- (12) The contractor must additionally provide a comprehensive general liability policy for its operations other than motor vehicle, with limits of public liability of not less than \$1,000,000.00 for all occurrences, and with the same to cover all foreseeable risks including personal injury and property damage with limits of not less than \$1,000,000.00.
- (13) That any and all insurance policies required by the Contractor to be maintained herein and all certificated of insurance required herein shall provide that the City is an additional insured of the parties hereunder, and shall further provide that the City of LaSalle shall receive no less than thirty (30) days notice prior to the cancellation, revocation or material change in said policies. At least ten (10) days prior to the termination date of any such policy, a renewal policy or certificate showing such renewal shall be delivered to the City embodying the same terms as the original policy.
- (14) All policies of insurance furnished to or for the benefit of the City as required herein shall be written by an insurance company with the best financial rating no lower than AA and general policy holders rating no lower than A.
- (15) The Contractor shall perform all disposal services rendered hereunder in a neat, orderly and efficient manner; shall use care and diligence in the performance of this contract; and shall provide neat, orderly and courteous employees and personnel on its crews. The Contractor, insofar as possible, shall hire people to carry out the terms of this agreement.
- (16) All complaints shall be given prompt and courteous attention and in case of missed scheduled collections, the Contractor shall investigate, and if such allegations are verified, shall arrange for the pick up of all disposal materials not collected, within twenty-four (24) hours after the complaint is received. The Contractor shall provide and publish the number of a telephone to receive complaints or other business in the Daily News Tribune, at least twice a year for the duration of this agreement. Further, the Contractor shall maintain and operate a voicemail system to receive messages after normal business hours and shall promptly investigate and rectify said complaints the following business day.

- (17) The parties acknowledge that the City is engaging in a recycling program. The Contractor agrees to cooperate with the City in operation of the recycling program and to do all things reasonably necessary to promote its success, including, but not being limited to, picking up the recycling materials in appropriate recycling containers.
- (18) The Contractor shall not assign this Contract or any of the rights hereunder to any separate corporation or entity without the prior written consent of the City, which consent will not unreasonably withheld. It is additionally understood and agreed that notwithstanding any such assignment, the Contractor shall remain fully responsible in reference to all of the duties of the Contractor hereunder.
- (19) That the Contractor shall comply at all times with all laws, ordinances and regulations of the City of LaSalle and State of Illinois, at any time, properly applicable to the Contractor's operations under this contract. The Contractor shall also be entitled to provide a scavenger license for the purpose of rendering private disposal service according to the provisions of any applicable ordinances and/or laws.
- (20) That this agreement is intended to govern the prospective disposal of the refuse described herein by Contractor in reference to the City.
- (21) That in the event that the Contractor shall fail at any time to dispose of garbage and other materials herein provided to be disposed of, the City may, at its option, take over on its own, and dispose of said items, and /or may contract with any other party deemed appropriate by the City to dispose of said items in order to continue to provide for the reasonable expenses incurred by the City in so doing, may be deducted by the City from the compensation due the Contractor hereunder, and in the event that the costs and/or expenses in connection with the same should exceed the amounts owed to the Contractor, the Contractor shall remit the amount of any excess promptly to the City upon being billed for the same.

(Ord. 1952, passed 3-13-2006)

