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# **LAKE COUNTY PRETREATMENT ORDINANCE**

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## Article 1 – Introductory Provisions

### Sec. 1.1 Title

This Ordinance shall be officially known and cited as the Pretreatment Ordinance of Lake County, Illinois. References made herein to “this Ordinance” shall be interpreted as referring to the Pretreatment Ordinance.

### Sec. 1.2 Authority

This Ordinance is adopted pursuant to the statutory authority conferred by 55 ILCS 5/5-15021.

### Sec. 1.3 Applicability and Jurisdiction

This Ordinance shall apply to anyone whose waste stream is treated by a Lake County Public Works Water Reclamation Facility. It does not apply to a municipality or sanitary district that has its own Pretreatment Ordinance. This Ordinance authorizes the issuance of individual Wastewater Discharge 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.

This Ordinance sets forth uniform requirements for Users of Lake County Public Works Water Reclamation Facilities and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).

### Sec. 1.4 Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such permit, certificate or approval from the responsibility for complying with all other applicable requirements of any other county, state or federal agency, having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

### Sec. 1.5 Purpose

The purposes of this Ordinance are:

- A. To prevent the introduction of pollutants into the Lake County Public Works Water Reclamation Facilities that will or could interfere with the operation of the system or contaminate the resulting sludges and biosolids;
- B. To prevent the introduction of pollutants into the Lake County Public Works Water Reclamation Facilities that will pass through the treatment process and be discharged into receiving waters, or otherwise be incompatible with the system;
- C. To prevent the introduction of pollutants into the Lake County Public Works Water Reclamation Facilities that will pose a health or safety threat to the general public or to the Lake County industrial pretreatment program, collection system field crew or Water Reclamation Facilities personnel;
- D. To promote reuse and recycling of industrial wastewater and biosolids from the Lake County Public Works Water Reclamation Facilities;

- E. To establish how surcharges for excessive strength wastewater discharged into the Lake County Public Works Water Reclamation Facilities are calculated and evaluated;
- F. To enable the Lake County Public Works Water Reclamation Facilities to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Water Reclamation Facilities is subject.

## **Sec. 1.6 Word Usage and Construction of Language**

### **1.6.1 Meanings and Intent**

All provisions, terms, phrases and expressions contained in this Ordinance shall be construed according to the purpose set out in Section 1.5.

### **1.6.2 Headings, Illustrations and Text**

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

### **1.6.3 Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including”, “such as,” or similar language are intended to provide examples. They are not intended to be exhaustive lists of all possibilities.

### **1.6.4 Computation of Time**

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the County, that day shall be excluded.

### **1.6.5 References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

### **1.6.6 Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing officer, department head or employee to delegate that responsibility to others over whom they have authority.

### **1.6.7 Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. (See also Section 1.10, “Definitions”)

### **1.6.8 Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of Lake County, unless otherwise expressly provided.

### **1.6.9 Mandatory and Discretionary Terms**

The words “shall,” “will,” and “must” are mandatory, unless the context clearly indicates the contrary. The words “may” and “should” are advisory and discretionary terms.

### **1.6.10 Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- a. “And” indicates that all connected items, conditions, provisions, or events apply; and
- b. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

### **1.6.11 Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

### **1.6.12 Numerical Calculations**

Unless otherwise specifically indicated, for standards involving the use of numbers, all calculations shall be rounded to the nearest whole number.

## **Sec. 1.7 Conflicting Provisions**

### **1.7.1 Conflict with State or Federal Regulations**

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

### **1.7.2 Conflict with Other County Regulations**

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control. No text amendment, variance or condition of approval placed on a permit or other form of County approval under this Ordinance shall have the effect of nullifying, abrogating or diminishing the provisions of any other County ordinance.

## **Sec. 1.8 Transitional Provisions**

### **1.8.1 Violations Continue**

Any violation of the pretreatment provisions of any previous County ordinance, or any previously permitted or enforced local limit shall continue to be a violation under this Ordinance and shall be subject to penalties and enforcement under Article 4, unless the use, construction or other activity is consistent with the express terms of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the adoption of this Ordinance.

## Sec. 1.9 Abbreviations

The following abbreviations shall have the designated meanings:

BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CBOD <sub>5</sub>	Carbonaceous 5 Day Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
GPM	Gallons Per Minute
HEM	Hexane Extractable Material
IEPA	Illinois Environmental Protection Agency
µg/L	Micrograms per Liter
mg/L	Milligrams per Liter
NORM	Naturally Occurring Radioactive Material
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
O&G	Oils and Grease
P-HEM	Polar Hexane Extractable Material
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation Recovery Act
SGT-HEM	Silica Gel Treated Hexane Extractable Material
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act (42 USC 6901 et seq.)
TENORM	Technically Enhanced Naturally Occurring Radioactive Material
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency
WRF	Water Reclamation Facility

## Sec. 1.10 Definitions

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

1. "Act" shall mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987. (33 USC 1251 et seq.)
2. "Authorized Representative" with respect to an Industrial User shall mean:
  - (1) principal executive officer or at least the level of vice-president, or proprietor if the User is a corporation; or
  - (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or
  - (3) a duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to Lake County by a person described in Section 1.10 (2.)(1) or (2) of this Ordinance.



3. "Baseline Monitoring Report" shall mean the report required by 40 CFR 403.12(b)(1-7).
4. "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States" as defined by the Clean Water Act 40 CFR 230.3. BMPs also include treatment requirements, operating procedures, and practices to control Water Reclamation Facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
5. "Biochemical Oxygen Demand (BOD<sub>5</sub>)" is the measurement of the amount of organic pollution that can be oxidized biologically in a sample of water, expressed in mg/L, over a five-day period using laboratory procedures as described in Standard Methods.
6. "Biosolids" shall mean the liquid containing solids or semi-solid Water Reclamation Facilities byproduct that has been processed to allow its disposal or land application in accordance with applicable Federal and State regulations.
7. "Bypass" shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
8. "Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>)" the same standard method test as defined in BOD<sub>5</sub> where the contribution from nitrogenous bacteria has been suppressed.
9. "Categorical Industrial User (CIU)" shall mean an industrial User that is currently subject to a categorical Pretreatment Standard.
10. "Chemical Oxygen Demand (COD)" shall mean the measure of oxygen consuming capacity, expressed in mg/L, of inorganic and organic matter present in wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test using procedures as described in Standard Methods.
11. "Code of Federal Regulations (CFR)" means the official compilation of rules and regulations of the agencies of the United States government.
12. "Combined Waste Stream Formula" shall mean the combined waste stream formula as found at 40 CFR 403.6(e).
13. "Composite Sample" shall mean the numerical average of all grab samples or the result of an analysis of a single sample formed by combining all individual aliquots. A daily composite sample must be based upon at least four (4) grab samples taken at different times and representative of the User's flow.
14. "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration to which the only pollutant added is heat.
15. "Compatible Pollutant" shall mean Ammonia Nitrogen, CBOD<sub>5</sub>, fats, oils and grease by HEM, TSS, pH, COD and fecal coliform bacteria.
16. "Director" means the Director of the Lake County Public Works or his duly authorized representative.
17. "Economic Benefit" shall mean the difference between the cost of on-time compliance and delayed compliance. Economic benefits realized by a User who fails to comply by a required deadline can be measured by:

- A. the money that the User would expect to earn by delaying the purchase of pretreatment equipment and investing the money in more profitable projects; or
  - B. the annual cost the User avoids, and the expected return on avoided costs during the period of non-compliance; or
  - C. any competitive advantage the User may gain, such as increased market share over competitors already in compliance, because of cost advantages attributed to delayed compliance.
18. "Existing Source" shall mean any building, structure, facility or installation from which there is or may be a discharge, which is not a New Source.
19. "Fecal Coliform" shall mean any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
20. "Flow" shall mean volume of wastewater per unit of time.
21. "Gallons per minute (gpm)" means a rate of water, wastewater or other flow.
22. "Grab" shall mean a sample which is collected from a waste stream on a one-time basis without regard to the waste stream flow and without consideration of time.
23. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from commercial handling, storage and sale of produce.
24. "Hexane Extractable Material (HEM)" shall mean the oil and grease extracted from a wastewater sample using USEPA Method 1664 as found in USEPA document EPA-821-B-94-004, October, 1994.
25. "Incompatible Pollutant" shall mean all pollutants other than the compatible pollutants as defined herein.
26. "Indirect Discharge or Discharge" shall mean the introduction of pollutants into the Lake County Water Reclamation Facilities from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, State law, or this Ordinance.
27. "Industrial User" shall mean a source of indirect discharge including, but not limited to, a manufacturing or process facility or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders services to the public.
28. "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, that both:
- A. Inhibits or disrupts the Lake County Water Reclamation Facilities, including, but not necessarily limited to: the collection and conveyance of wastewater to the Water Reclamation Facilities, the processes or operations of the Water Reclamation Facilities, or the use or disposal of sludges and biosolids produced by the Water Reclamation Facilities; and

- B. Is therefore a cause of a violation of any requirement of Lake County's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, most commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
29. "Lake County" means Lake County, Illinois including the Lake County Department of Public Works.
30. "Medical Waste" shall mean any isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
31. "Milligrams per Liter (mg/L)" means a unit of concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 mL of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
32. "Micrograms per Liter ( $\mu\text{g/L}$ )" means a unit of concentration of water or wastewater constituent. It is 0.000001 g of the constituent in 1,000 mL of water.
33. "National Categorical Pretreatment Standard" shall mean any pretreatment regulation specifying quantities or concentrations of pollutants which may be discharged to a Water Reclamation Facilities by Industrial Users promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317). This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 or any revision thereto.
34. "National Pollutant Discharge Elimination System (NPDES) Permit" shall mean a permit issued for the direct discharge to waters of the United States pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).
35. "New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
- If National Categorical Pretreatment Standards are not applicable, "New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the remodeling (if that remodeling results in a new SIC code being assigned to the Industrial User by Lake County) or the construction of which commences after the effective date of this Ordinance.
36. "Non-Significant Categorical Industrial User (NSCIU)" shall mean a categorical industrial User, who does not discharge a regulated waste, or meet the definition of a SIU.
37. "Polar Hexane Extractable Material (P-HEM)" shall mean vegetable oils, animal fats, other highly degradable oils and other polar hydrocarbons as determined by subtracting a sample's SGT-HEM content from its HEM content.
38. "NORM" shall mean naturally occurring radioactive materials as defined in Section 3.1 of the Guidance on Radioactive Materials in Sewage and Ash at Publicly Owned Treatment Works Interagency Steering Committee on Radiation Standards.

39. "Oil and Grease (O&G)" shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted with an extraction solvent as prescribed by Standard Methods.
40. "Pass Through" shall mean a discharge which exits the Lake County Water Reclamation Facilities 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 Lake County's NPDES Permit (including an increase in the magnitude or duration of a violation).
41. "Person" shall mean any individual, partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
42. "pH" shall mean the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.
43. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, agricultural waste, or any other contaminant.
44. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Lake County Water Reclamation Facilities. This can be accomplished by physical, chemical or biochemical processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).
45. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.
46. "Pretreatment Standards" shall mean any Lake County prohibitive discharge standard as set forth in Section 2.1 of this Ordinance; Lake County specific limitation on discharge as set forth in Section 2.5 of this Ordinance, or a National Categorical Pretreatment Standard.
47. "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works as defined by Section 212 of the Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the POTW.
48. "Receiving Water" means a surface body of water into which wastewater or effluent is discharged.
49. "Resource Conservation Recovery Act (RCRA)" shall mean the federal law in the United States governing disposal of solid and hazardous waste.
50. "Sanitary Sewer" shall mean any pipe conduit, or other device used that collects and conveys sewage and polluted industrial wastes and to which stormwater, surface drainage, groundwater or unpolluted wastewater are not intentionally admitted.
51. "Surcharge" shall mean the fee Lake County assesses to Industrial User for the treatment of excessive or high strength sewage, without incurring a violation for one or more pollutants.
52. "Self-Monitoring Report" shall mean the report required by 40 CFR 403.12(e) to be submitted by the Industrial User every six months to Lake County.

53. "Severe Property Damage" shall mean substantial physical damage to the Water Reclamation 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 bypass. Severe property damage does not mean economic loss caused by delays in production.
54. "Significant Industrial User (SIU)" shall mean any Industrial User of the Lake County Water Reclamation Facilities who meets any of the following criteria:
- (i) discharges an average of 25,000 gallons per day or more of process wastewater into the Water Reclamation Facilities (excluding sanitary, noncontact cooling and boiler blow-down wastewater); or
  - (ii) contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the Water Reclamation Facilities; or
  - (iii) is designated as such by Lake County on the basis that the Industrial User has a reasonable potential for adversely affecting Lake County's Water Reclamation Facilities' operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)); or
  - (iv) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subchapter N.

Upon finding that an Industrial User meeting the criteria in (1) through (3) of this Section has no reasonable potential for adversely affecting the Lake County Water Reclamation Facilities or violating any pretreatment standard or requirement, Lake County may, at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(F)(6), determine that such Industrial User is not an SIU.

55. "Significant Non-Compliance" shall mean: Violations by point source dischargers of sufficient magnitude or duration to be a regulatory priority. An IU is in significant non-compliance if its violation meets one or more of the following criteria:
- (i) Chronic Violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit for the same pollutant parameter by any amount; or
  - (ii) Technical Review Criterion (TRC) Violations defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken during a six-month monitoring period equals or exceeds the product of the daily maximum limit or the average limit multiplied by an applicable TRC factor. The TRC factor for CBOD5, TSS, O&G is 1.4. The TRC factor for all other pollutants except pH, is 1.2.; or
  - (iii) Any other discharge violations that Lake County believes has caused, alone or in combination with other discharges, interferences or Pass Through (including endangering the health of Lake County personnel or the general public); or
  - (iv) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in Lake County's exercise of its emergency authority to halt or prevent such a discharge under Article 4 of this Ordinance; or
  - (v) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement action for starting construction, completing construction, or attaining final compliance; or

- (vi) Failure to provide, within thirty (30) days after the due date, required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, Self-Monitoring Reports, and reports on compliance with compliance schedules; or
  - (vii) Failure to accurately report noncompliance; or
  - (viii) Any other violation or group of violations which Lake County determines will adversely affect the operation or implementation of the Lake County Pretreatment Program.
56. "Silica Gel Treated Hexane Extractable Material (SGT-HEM)" shall mean the total petroleum hydrocarbons extracted from a wastewater sample using USEPA Method 1664 as found in USEPA document EPA-821-B-94-004, October, 1994.
57. "Sludge" shall mean the settleable solids separated from liquids during the wastewater treatment process.
58. "Slug" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
59. "Solid Waste Disposal Act of 1965 (42 USC 6901 et seq.) (SWDA)" shall mean the law passed by Congress to regulate methods for disposal of household, municipal, commercial and industrial wastes.
60. "Standard Industrial Classification (SIC)" shall mean the system used by government agencies to classify industry areas.
61. "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation; and other procedures as recognized by the USEPA and IEPA.
62. "State" shall mean the State of Illinois.
63. "TENORM" shall mean technically enhanced naturally occurring radioactive materials, technologically enhanced by human activity as defined in Section 3.1 of the Guidance on Radioactive Materials in Sewage and Ash at Publicly Owned Treatment Works Interagency Steering Committee on Radiation Standards.
64. "Total Suspended Solids or (TSS)" shall mean the total filterable residue, expressed in milligrams per liter that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by filtration as prescribed in Standard Methods.
65. "Total Toxic Organics (TTO)" shall mean the sum of the masses or concentrations of specific toxic organic compounds at a concentration greater than 0.01 mg/L.
66. "Toxic Pollutant" shall mean any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state law.
67. "United States Code (USC)" shall mean the collection of the general and permanent laws of the United States.

68. "United States Environmental Protection Agency (USEPA)" shall mean an independent federal agency established to coordinate programs aimed at reducing pollution and protecting the environment.
69. "Unpolluted Water" shall mean water of quality equal to or better than the effluent quality criteria set forth in Title 35 of the Illinois Administrative Code, Part 304 or water that would not cause violation of receiving water quality standards set forth in Title 35 of the Illinois Administrative Code, Parts 302 and 303 and would not be benefitted by discharge to sanitary sewers and Water Reclamation Facilities provided.
70. "Upset" shall mean an incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed Water Reclamation Facilities, inadequate Water Reclamation Facilities, lack of preventative maintenance, or careless or improper operation.
71. "User" shall mean any person who contributes, causes or permits the contribution of wastewater into the Lake County Water Reclamation Facilities.
72. "Wastewater" shall mean the combination of the liquid and water carrying industrial or domestic wastes from residences, commercial buildings, industrial plants, or institutions including polluted cooling water, whether treated or untreated.
73. "Wastewater Discharge Permit" shall mean the document(s) allowing discharge into the Lake County Water Reclamation Facilities and issued to a User by Lake County in accordance with the terms of this Ordinance.
74. "Water Reclamation Facility" shall mean a treatment works as defined by Section 212 of the Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the Water Reclamation Facility regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the Water Reclamation Facility. Also referred to as Publicly Owned Treatment Works (POTW).
75. Dental Discharger: Any non-mobile company or firm that removes amalgam (mercury and silver amalgam). Dental Dischargers shall not be governed or classified as a categorical or significant industrial user as defined herein. These dischargers will be subject to the rules and regulations set forth in 40 CFR 441.

## Article 2 – General Sewer Use Requirements

### Sec. 2.1 Prohibited Discharge Standards

An Industrial User that discharges to a County owned interceptor that is tributary to a POTW owned and operated by an outside agency shall be subject to the local POTW's pretreatment requirements

- 2.1.1** No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, non-contact cooling waters, or any other unpolluted water to any sanitary sewer, unless specifically authorized by the Director or his representative.
- 2.1.2** It shall be unlawful to bypass if not in accordance with Section 3.5 of this Ordinance.
- 2.1.3** It shall be unlawful for any Industrial User to violate any applicable Pretreatment Standard or requirement.
- 2.1.4** The general prohibition found in Section 2.1.5 of this Ordinance and specific prohibitions found in Section 2.1.6 of this Ordinance shall apply to all Users of the Lake County Public Works Water Reclamation Facilities whether or not a User is subject to National Categorical Standards or any other National, State or Local Pretreatment Standards or Requirements.

A User shall have an affirmative action defense in any action brought against it alleging a violation of the general prohibitions established in Section 2.1.5 and the specific prohibitions in paragraphs 2.1.6.3, 2.1.6.4, 2.1.6.5, 2.1.6.6 and 2.1.6.7 of this Ordinance where the User can demonstrate that:

- a. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or other discharges from other sources, would cause Pass Through or Interference; and
  - b. A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed for each pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
  - c. If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant that caused the Pass Through or Interference, and the User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the Lake County Public Works Water Reclamation Facilities were regularly in compliance with its NPDES Permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.
- 2.1.5** No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Lake County Public Works Water Reclamation Facilities or will pass through the Water Reclamation Facilities.
  - 2.1.6** In addition, the following pollutants shall not be introduced into the Lake County Public Works Water Reclamation Facilities:



- 2.1.6.1** Pollutants which create a fire or explosion hazard in the wastewater collection system, including, but not limited to:
- (1) waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21; or
  - (2) waste streams that create two (2) successive Lower Explosion Limit (LEL) readings of five percent (5%) or any single reading of ten percent (10%) occur at any point in the Water Reclamation Facilities.
- 2.1.6.2** Any wastewater which will cause corrosive structural damage to the Water Reclamation Facilities, or any wastewater having a pH less than 5.0 Std. units, or any wastewater having a pH greater than 9.5 Std. units which is not in accordance with the notification requirements of Section 2.16 of this Ordinance.
- 2.1.6.3** Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Water Reclamation Facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts, or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, towels, excessive non-biodegradable products, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubrication oil, mud, glass, grinding or polishing wastes, tumbling or deburring stones, or any material which can be disposed of as trash.
- 2.1.6.4** Any wastewater containing pollutants, released at a flow or concentration, either singly or by interaction with other sources, to injure or cause interference with any wastewater treatment process, constitute a hazard to humans or animals, cause Pass Through resulting in a violation of the water quality standards of the receiving waters of the Lake County Public Works Water Reclamation Facilities, exceed any limitation set forth in a National Categorical Pretreatment Standard (when effective) or in Section 2.5 of this Ordinance or create a public nuisance.
- 2.1.6.5** Any wastewater having a temperature which will inhibit biological activity in the Water Reclamation Facilities resulting in Interference. In no case shall wastewater be discharged which causes temperatures at the head of any of the Lake County Public Works Water Reclamation Facilities to exceed 104 degrees Fahrenheit or 40 degrees Centigrade.
- 2.1.6.6** Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- 2.1.6.7** Any pollutant(s), which either singly or by interaction with other wastewater, result in the presence of toxic gases, vapors or fumes in the Lake County Public Works Water Reclamation Facilities in a quantity that may cause acute worker health and safety problems to occur.
- 2.1.6.8** Trucked or hauled pollutants, except at discharge points designated by the Lake County Public Works Department in accordance with Section 2.19 of this Ordinance.
- 2.1.6.9** Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.

- 2.1.6.10** In no case shall a substance be discharged into the Lake County wastewater collection system which causes Lake County to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Air Act, or State criteria applicable to the sludge management method being used.
- 2.1.6.11** Any waters or wastes containing color producing or odor producing substances that will inhibit, interfere or pass through the treatment process.
- 2.1.6.12** Materials which exert or cause:
- a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute an excessive load on the Water Reclamation Facility, in the opinion of the Lake County Public Works.
  - b. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium sulfate).
- 2.1.6.13** Any wastewater containing compatible pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the Water Reclamation Facilities; provided, however, that a User may be permitted by specific written agreement with Lake County, which agreement to discharge such compatible pollutants may provide for special charges, payments or provisions for treating or testing equipment.
- 2.1.6.14** Any discharge exceeding the standards established in Title 35 of the Illinois Administrative Code, Part 307.
- 2.1.6.15** Any slug discharged into the Lake County Public Works Water Reclamation Facilities.
- 2.1.6.16** Any regulated medical waste as defined by 40 CFR 259.30(a), or residues resultant from treatment and destruction processes of said waste, except as specifically authorized by the Director or his representative in a Wastewater Discharge Permit.
- 2.1.6.17** Any wastewater containing detergents, surface active agents (surfactants), or other substances which may cause excessive foaming in the Lake County Public Works Water Reclamation Facilities.
- 2.1.6.18** Any waters or wastes containing chlorine above 2 mg/L.
- 2.1.7** Compliance with the provisions of this Section shall be required on the effective date of promulgation of this Ordinance.

## **Sec. 2.2 Sampling and Analysis Procedures to Be Used**

Wastewater sampling and analysis procedures to determine compliance with the limits found in this Ordinance shall conform to those specified at 40 CFR 136. Lake County may designate sampling and analysis procedures for those pollutants not specified at 40 CFR 136.

## **Sec. 2.3 Federal Categorical Pretreatment Standards**

- 2.3.1** The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated into this Ordinance by reference.

- 2.3.2** Upon the promulgation of the National Categorical Pretreatment Standard for a particular User, the said standard, if more stringent than the limitations imposed under this Ordinance for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this Ordinance. Lake County shall notify all known affected Users of the applicable reporting requirements under 40 CFR 403.12(b)(1-6)

**Sec. 2.4 State Requirements**

Illinois Pretreatment Program requirements, found at Title 35 of the Illinois Administrative Code, Parts 307 and 310, are hereby incorporated into this Ordinance by reference.

**Sec. 2.5 Local Limits**

- 2.5.1** Compliance with the provisions of this Section for New Sources shall be required on the effective date of this Ordinance.
- 2.5.2** Compliance with the provisions of this Section for Existing Sources shall be required within two years of the effective date of this Ordinance where such limits for a given pollutant(s) are new or are more stringent than the limits they are superseding. Limits which are being superseded shall remain in effect until two years past the effective date of this Ordinance.
- 2.5.3** Unless otherwise indicated, concentrations in this Section are expressed in mg/L and refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents may be measured as other than total, the word "total" is indicated for clarity.
- 2.5.4** The Hexane Extractable Material (HEM) or Fats, Oils & Grease, indicated in this Section and Section 2.8 of this Ordinance, refers to the sum of polar hydrocarbons (such as vegetable oils, animal fats, and other highly biodegradable oils). The Silica Gel Treated Hexane Extractable Material (SGT-HEM) in this Section refers to non-polar hydrocarbons (such as petroleum oil, non-biodegradable cutting oil, products of mineral oil origin and other non-polar hydrocarbons) as determined by HEM and SGT-HEM analyses.
- 2.5.5** Each discharge from an Industrial User, as measured under the provisions of this Ordinance and 40 CFR 136, shall not exceed the daily maximum for each pollutant listed below:

Des Plaines River POTW  
Table 1  
Pollutant Parameters

Pollutant	Daily Maximum
Arsenic, Total .....	0.1 mg/L
Barium, Total .....	3.77 mg/L
Cadmium, Total .....	0.95 mg/L
Chromium, Total .....	4.20 mg/L
Chromium+6, Total .....	1.0 mg/L
Copper, Total .....	1.0 mg/L
Iron, Total.....	20 mg/L
Lead, Total .....	1.0 mg/L
Manganese, Total .....	1.0 mg/L
Mercury, Total.....	0.0005 mg/L
Molybdenum, Total .....	1.0 mg/L
Nickel, Total .....	1.0 mg/L
Selenium, Total.....	1.5 mg/L
Silver, Total.....	0.5 mg/L
TTO.....	2.13 mg/L
Zinc, Total .....	1.5 mg/L
Boron, Total .....	1.5 mg/L

New Century Town POTW  
 Table 2  
 Pollutant Parameters

Pollutant	Daily Maximum
Arsenic, Total .....	0.1 mg/L
Barium, Total .....	3.77 mg/L
Cadmium, Total .....	0.95 mg/L
Chromium, Total .....	4.20 mg/L
Chromium+6, Total .....	1.0 mg/L
Copper, Total .....	1.0 mg/L
Lead, Total .....	1.0 mg/L
Manganese, Total .....	1.00 mg/L
Mercury, Total .....	0.0005 mg/L
Nickel, Total .....	1.0 mg/L
Selenium, Total .....	1.5 mg/L
Silver, Total .....	0.5 mg/L
TTO .....	2.13 mg/L
Zinc, Total .....	1.5 mg/L
Boron, Total .....	1.5 mg/L

Table 3  
Mill Creek POTW  
Pollutant Parameters

Pollutant	Daily Maximum
Arsenic, Total .....	0.1 mg/L
Barium, Total .....	3.77 mg/L
Cadmium, Total .....	0.95 mg/L
Chromium, Total .....	4.20 mg/L
Chromium+6, Total .....	1.0 mg/L
Copper, Total .....	1.0 mg/L
Lead, Total .....	1.0 mg/L
Manganese, Total .....	1.00 mg/L
Mercury, Total .....	0.0005 mg/L
Nickel, Total .....	1.00 mg/L
Silver, Total .....	0.5 mg/L
TTO .....	2.13 mg/L
Zinc, Total .....	1.5 mg/L
Boron, Total .....	1.5 mg/L
Selenium, Total .....	1.5 mg/L

**(Foot notes apply to all three tables)**

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

However, in no case shall any discharge of mercury, alone or in combination with other sources, cause Pass Through or Interference at the POTW as prohibited by 40-CFR-403.5(a)(1).

2. Discharges exceeding the numeric standard for Total Silver shall be allowed if all of the following conditions are met:

- a. The discharger does not use silver; or, the discharger uses silver and this use cannot be eliminated; or, the discharger uses silver only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,
- b. The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment as indicated in the most current version of the “Code of Management Practice for Silver Dischargers”, as published by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council; and,
- c. The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of silver discharges.

However, in no case shall any discharge of silver, alone or in combination with other sources, cause pass through or interference at the POTW as prohibited by 40-CFR-403.5(a)(1).

**2.5.6** Each discharge from an Industrial User, as measured under the provisions of this Ordinance and 40 CFR 136, shall not exceed the maximum concentration for each pollutant listed below:

<u>Pollutant</u>	<u>Maximum Concentration</u>
Cyanide, Total.....	0.15 mg/L
Hexane Extractable Materials (HEM) .....	100.00 mg/L
Silica Gel Treated Hexane Extractable Materials (SGT-HEM).....	50 mg/L
Phenol, Total.....	15.00 mg/L

**2.5.7** Each discharge from an Industrial User, as measured under the provisions of this Ordinance and 40 CFR 136, shall not exceed the maximum concentration level for each pollutant listed below:

<u>Pollutant</u>	<u>Maximum Concentration</u>
Biochemical Oxygen Demand .....	300 mg/L
Chemical Oxygen Demand.....	550 mg/L
Total Organic Carbon .....	120 mg/L
Total Phosphorus.....	24 mg/L
Total Suspended Solids .....	350 mg/L
Ammonia, Nitrogen .....	25 mg/L
Chloride .....	500 mg/L

**Sec. 2.6 TENORM Dischargers**

If a User as defined herein is required by Federal or State Drinking Water Regulations to remove NORM, and the process chosen by the municipality requires periodic discharge of TENORM to the sanitary sewer, the User must petition Lake County to accept the waste under Article 3.

The accumulation of TENORM in the bio-solids is a major concern. The discharge of combined radium (Ra 226/Ra 228) to the sanitary sewer in excess of 5.0 pCi/L shall not be acceptable and is a violation of this Ordinance.

Current Users shall have a mutually agreed upon action plan within two years after the effective date of this permit. The action plan should address the steps that will be taken to discontinue the discharge of TENORM to the County's treatment facility.

**Sec. 2.7 Notice of Violation/Resampling Requirement**

The User shall notify Lake County within 24 hours of becoming aware of any violation of the wastewater discharge limits noted in Sections 2.3, 2.4, or 2.5 of this Ordinance if such violation was discovered through sampling performed by the User. The User shall also conduct an additional sampling and analysis and submit the results of the additional analysis to Lake County within 30 (thirty) days after becoming aware of the violation, except if:

- a. Lake County performs sampling of the Industrial User at least once per month; or
- b. Lake County performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this initial sampling.

**Sec. 2.8 Surcharge Program**

Lake County has determined that certain pollutants are compatible with the Water Reclamation Facilities. Lake County reserves the right to recover the treatment costs for those compatible pollutants that exceed the surcharge levels listed in this Section.

<u>Compatible Pollutant</u>	<u>Surcharge Level</u>
Biochemical Oxygen Demand (CBOD5) .....	500 mg/L
Chemical Oxygen Demand (COD) .....	1000 mg/L
Total Suspended Solids (TSS) .....	550 mg/L
Ammonia Nitrogen (NH3-N) .....	35 mg/L





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

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

where:

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

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

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

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

8.34 = a factor which converts the product of concentration (mg/L) and flow (MGD) into pounds of compatible pollutant.

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

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

## **Sec. 2.9 Right of Revision**

Lake County reserves the right to establish, by ordinance or in Wastewater Discharge License, more stringent standards or requirements on discharges into the Lake County Water Reclamation Facilities.

## **Sec. 2.10 Inspection, Sampling and Records Keeping**

**2.10.1** The County will coordinate with owners/directors or their designee to conduct inspection of Industrial Facilities to ascertain whether the purposes of this Ordinance are being met and if all requirements of the Ordinance are being complied with pursuant to 40 CFR 403.8(f)(1)(v). Persons or occupants of premises where wastewater is discharged, or a treatment system is located, or where records required by this Ordinance are kept, shall cooperate with Lake County or its representatives to allow access upon presentation of credentials, at reasonable times to all parts of said premises where wastewater is generated, treated, or discharged, or chemicals are stored, or records are kept, for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of their duties.

**2.10.2** Lake County shall have the right to set up on the User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where a User has security measures in force which would require suitable identification, necessary arrangements must be made with their security guards so that upon presentation of suitable identification, personnel from Lake County shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Unreasonable delays in allowing access to the commercial and industrial User's premises shall be a violation of this Ordinance.

- 2.10.3** The Director or his representative shall not turn over or release property such as cell phones, cameras or other electronic devices to the User and shall be allowed access to inspect the facilities. These are inspection tools, used to document waste streams, pretreatment units or processes that are difficult to describe or explain. The Director or his representative shall be allowed to take pictures and photographs of waste stream(s) and pretreatment units to document processes or violation(s).

The Director or his designee will work with the IU during the inspection to ensure that confidentially is protected and the information needed for the investigation is obtained. Confiscation of the Director's or his designated representative's property, shall be classified as theft and tampering with said property shall be considered vandalism.

- 2.10.4** Users and Lake County shall maintain records of all information resulting from any monitoring activities required by this Ordinance or, in the case of Industrial Users, by 40 CFR 403.12(n). Lake County and Industrial Users shall maintain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or operation of Lake County's Pretreatment Program or when requested by the Regional Administrator or the Director of the Illinois Environmental Protection Agency (IEPA).

#### **Sec. 2.11 Monitoring Facilities**

Lake County shall require monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems be provided and operated at the User's own expense.

- 2.11.1** Whenever required by Lake County, an Industrial User shall install a large manhole or sampling chamber for each separate discharge in the building's sewer in accordance with plans and specifications approved by Lake County. Each manhole or sampling chamber shall be installed and maintained at all times at the User's expense and shall have ample room to permit Lake County to take accurate composite samples for analysis.

**2.11.1.1** The monitoring facilities shall be situated on the User's premises. However, when such a location is impractical or causes undue hardship to the User, Lake County may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User.

**2.11.1.2** The monitoring facility shall be safely, easily and independently accessible to authorized representatives of Lake County any time or day of the week.

- 2.11.2** Where required by Lake County, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with "End of Process" Pretreatment Standards.

#### **Sec. 2.12 Dilution**

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

### **Sec. 2.13 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Standards, local limits and the prohibitions set out in Section 2.1 and 2.5 of this Ordinance within the time limitations specified by the USEPA or Lake County, whichever is more stringent. An Industrial User with a pretreatment process shall keep that process operated and maintained at the User's expense. An Industrial user may need to upgrade their facility to be in compliance with this ordinance. Detailed plans, describing such facilities and operating procedures shall be submitted to Lake County for review before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Lake County under the provisions of this Ordinance.

### **Sec. 2.14 Slug/Spill Prevention Control and Countermeasure Plans (SSPCC)**

- 2.14.1** Each Industrial User having the ability to cause Interference with the Lake County Water Reclamation Facilities or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge into the Lake County Water Reclamation Facilities of prohibited materials. Such protection shall be provided and maintained at the Owner's or User's own cost and expense.
- 2.14.2** The Industrial User shall control either its production or its discharges to the extent necessary to maintain compliance with all applicable regulations in the event of 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.
- 2.14.3** The County shall evaluate each Significant Industrial User (SIU) at least once every two years, and other Industrial Users as necessary, to determine whether such Users need an SSPCC Plan. If Lake County determines an SSPCC Plan is required, the plan shall contain at a minimum the following elements:
- a. A description of discharge practices including periodic or non-routine discharges;
  - b. A description of stored chemicals;
  - c. The procedures for immediately notifying Lake County Public Works of a slug/spill in accordance with the procedures outlined in Section 2.15 of this Ordinance; and
  - d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.
- 2.14.4** Industrial Users that store hazardous materials shall not discharge into the Lake County Water Reclamation Facilities after the effective date of this Ordinance unless an SSPCC Plan has been approved by Lake County. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous materials.

## **Sec. 2.15 Notification**

### **2.15.1 Slug/Spill Incidents**

- 2.15.1.1** In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause Interference or Pass Through at the Lake County Water Reclamation Facilities or violate any requirements of this Ordinance, it shall be the responsibility of the Industrial User to immediately telephone and notify Lake County Public Works of the incident. The notification shall include the name of the caller, the location and time of the discharge, the type of wastewater, the concentration and volume discharged, and any corrective actions taken by the User.
- 2.15.1.2** Within five (5) days following such an accidental or deliberate discharge, the Industrial User shall submit to Lake County a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by Lake County as needed.
- 2.15.1.3** Such report(s) shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the Lake County Water Reclamation Facilities, fish kills, or any damage to person or property; nor shall such report(s) relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to Lake County, result in the revocation of the discharger's Wastewater Discharge Permit.
- 2.15.2** All Industrial Users shall give a thirty (30) day notice in writing to Lake County in the event that the type, quality, or volume of wastewater, including hazardous waste notification, from the property is expected to materially and substantially change.
- 2.15.3** SIUs are required to notify the Director or his representative immediately of any changes at its facility creating the potential for a Slug Discharge.

## **Sec. 2.16 Notification of Hazardous Waste Discharge**

- 2.16.1** Any Industrial User who commences the discharge of hazardous waste shall notify Lake County, the IEPA, and the (United States Environmental Protection Agency (USEPA) Region 5 authorities in writing of any discharge into the sanitary sewer of a substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261.
- 2.16.1.1** Such notification shall include:
- a. The name of the hazardous waste as set forth in 40 CFR 261;
  - b. The EPA hazardous waste number; and
  - c. The type of discharge (continuous, batch, or other).
- 2.16.1.2** All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted in accordance with Section 2.15 of this Ordinance.

- 2.16.1.3** In addition, if the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month into the Lake County Water Reclamation Facilities, the notification shall also contain the following information to the extent such information is readily available to the Industrial User:
- a. An identification of the hazardous constituents contained in the wastes;
  - b. An estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month; and
  - c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.
- 2.16.2** Industrial Users are exempt from the requirements of Section 2.16.1 of this Ordinance during the calendar months in which they discharge no more than fifteen (15) kilograms of hazardous wastes as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste, requires a one-time notification.
- 2.16.3** In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the Industrial User must notify Lake County, IEPA, and USEPA Region 5 authorities of such substance within ninety (90) days of the effective date of such regulations.
- 2.16.4** In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

## **Sec. 2.17 Confidential Information**

- 2.17.1** Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public without restriction unless otherwise restricted in Section 2.17.4 below, or the User specifically requests, and is able to demonstrate to the satisfaction of Lake County, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such request must be asserted at the time of submission of the information or data. All information and data, confidential or otherwise, shall be made available to the IEPA and the USEPA for use in judicial review and enforcement proceedings involving the person furnishing the report.
- 2.17.2** Effluent data provided to Lake County shall not be recognized as confidential and shall be made available to the public, IEPA, and USEPA without restriction unless otherwise restricted in Section 2.17.4 below.
- 2.17.3** Investigatory records or compliance information gathered for Federal, State, or Lake County enforcement purposes shall be allowed to be inspected and copied upon request of the governmental agency, to be used in enforcement proceedings related to the NPDES program or pretreatment program.
- 2.17.4** Information accepted by Lake County as confidential shall not be transmitted to the general public by Lake County unless agreed to by the Industrial User.
- 2.17.5** The Director or his representative shall implement measures to prevent the negligent release of confidential information. However, Lake County and the Director or his representative shall not be held legally responsible for release of information if they acted in good faith.

### **Sec. 2.18 Tenant Responsibility**

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or tenant is an Industrial User, either or both shall be held responsible for compliance with this Ordinance.

### **Sec. 2.19 Hauled Wastewater**

**2.19.1** Domestic septage tank wastes may be accepted into the Lake County Water Reclamation Facilities at a designated receiving structure within the Water Reclamation Facility area, and at such times as are established by the Director or his representative, provided such wastes do not violate Article 2 of this Ordinance or any other requirements established or adopted by Lake County. Wastewater Hauler Discharge Permits for individual vehicles to use such facilities shall be issued in accordance with the Lake County Sewer Use Ordinance or its successors, and any amendments made thereto.

**2.19.2** The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a Wastewater Discharge Permit in accordance with Article 3 of this Ordinance. The Director or his representative shall have the authority to prohibit the disposal of such wastes in accordance with Section 3.3 of this Ordinance. Waste haulers shall be subject to all other Sections of this Ordinance.

### **Sec. 2.20 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 Lake County Water Reclamation Facilities or wastewater collection system. Any person found in violation of this requirement shall be subject to the sanctions (enforcement remedies) set forth in Article 4 of this Ordinance.

### **Sec. 2.21 Batch Discharge**

A user is allowed to discharge non-domestic wastewater as a batch. However, that batch shall meet all local limits as specified within the ordinance prior to discharge. Lake County Public Works reserves the right to sample batch discharge.

## Article 3 – Wastewater Discharge Permit

### Sec. 3.1 Prohibition of Discharge without a Permit

It shall be unlawful for any Industrial User to discharge wastewater into the Lake County Water Reclamation Facilities without a Wastewater Discharge Permit issued by Lake County or be in violation of the conditions of their permit in accordance with the provisions of this Ordinance.

In areas where the County provides sewer and treatment service and communities in those areas have an existing pretreatment program, they shall continue to issue permits to Industrial Users until the County has an approved pretreatment program.

### Sec. 3.2 Wastewater Discharge Permit

All Industrial Users proposing to connect to sewers that discharge into the Lake County WRFs shall obtain a Wastewater Discharge Permit at least ninety (90) days prior to such connection or discharge. All existing Industrial Users shall obtain a Wastewater Discharge Permit within thirty (30) days after notification by Lake County.

#### 3.2.1 Wastewater Discharge Permit Application

**3.2.1.1** Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with Lake County, an application form, prescribed by Lake County, and accompanied by a fee as outlined in the rate ordinance. The application form shall be duly signed and certified by an authorized representative of the Industrial User.

**3.2.1.2** If additional User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the Industrial User shall submit to Lake County the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the pretreatment standards.

- a. The schedule for compliance shall, at a minimum, contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for the purchase of major components, commencing construction, completing construction, etc.).
- b. No increment of progress referred to herein shall exceed nine (9) months.
- c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to Lake County including, as a minimum, whether or not it complied with the increment of progress to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to Lake County.

**3.2.1.3** The applicant shall provide any other information as deemed by Lake County to be necessary to evaluate the Wastewater Discharge Permit application. After evaluation and acceptance of the data furnished, Lake County may issue a Wastewater Discharge Permit subject to the terms and conditions provided herein.

- 3.2.1.4** All Wastewater Discharge Permit applications and Industrial User Reports must be signed by an authorized representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure 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."

### **3.2.2 Wastewater Discharge Permit Conditions**

Wastewater Discharge Permit shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User Charges, and fees established by Lake County. A Wastewater Discharge Permit shall contain the following terms and conditions:

- 3.2.2.1** A statement of duration. A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its license at least ninety (90) days prior to expiration of the existing permit. The User shall apply on a form provided by Lake County for the reissuance of the permit. Upon reissuance, any applicable provisions of the Permit issued during the term of the expiring Permit shall be incorporated as conditions of the reissued Permit.
- 3.2.2.2** A statement of non-transferability. A Wastewater Discharge Permit is issued to a specific User for the process activity specified in the Permit. A Permit shall not be assigned, transferred, or sold to a new owner or new User in different premises or to a new or changed operation in the same or different premises without the prior approval of Lake County. If the premises are sold or otherwise transferred by the Permittee to a new owner who will maintain the operation in the same premises, then the Permit held by the seller shall be reissued by Lake County to the new owner as a temporary Permit, provided that the new owner shall immediately apply for a new Permit in accordance with this Ordinance and further provided that the temporary Permit shall only be effective for ninety (90) days after the date of sale or transfer. Lake County shall have the same remedies for violation of temporary Permit as it has for violation of other Permit.
- 3.2.2.3** Effluent limitations, including Best Management Practices, on average and maximum wastewater constituents and characteristics based upon the more stringent of Federal, State, or Local Discharge Limits as established by Lake County ordinances, which may include requirements for time, flow regulation or equalization prior to discharge for each separate discharge of the User.
- 3.2.2.4** Specifications and requirements for the establishment of compliance monitoring programs which may include sampling locations, frequency of sampling, number and type of standard testing, submission of technical or discharge reports, or the installation and operation of monitoring facilities for each separate discharge of the User.
- 3.2.2.5** Requirements to retain for a minimum of three (3) years any records of monitoring activities and results relating to wastewater discharge and for affording Lake County access to said records in accordance with Section 2.10 of this Ordinance.



- 3.2.2.6** A statement that any User found to have violated any provision of this Ordinance is subject to the enforcement remedies found at Article 4 of this Ordinance. Such enforcement shall include, but shall not be limited to, the fines and Civil penalties found at Sections 4.7 and 4.10 of this Ordinance.
- 3.2.2.7** A compliance schedule(s), if necessary.
- 3.2.2.8** Requirements for notification of accidental or deliberate discharge of pollutants which may cause problems in the Lake County Water Reclamation Facilities, including, but not limited to slug loadings, bypasses, upsets, or any violations in accordance with Section 2.15 of this Ordinance.
- 3.2.2.9** Requirements for Industrial Users to give a thirty (30) day notice in writing to Lake County in the event that the type, quality, or volume of wastewater, including hazardous waste notification, from the property is expected to materially and substantially change in accordance with Section 2.15.2 of this Ordinance.
- 3.2.2.10** Requirements for the Industrial Users to allow the Director or his representative ready access, upon presentation of credentials, at reasonable times to all parts of its premises in which a discharge source or treatment system is located or in which records required by this Ordinance are kept for the purpose of inspection, sampling, examination, and photocopying of said records and for the performance of any other duties in accordance with Section 2.10 of this Ordinance.
- 3.2.2.11** Other conditions as deemed appropriate by Lake County to ensure compliance with this Ordinance, State, and Federal Pretreatment Standards and Requirements.
- 3.2.2.12** The terms and conditions of the Wastewater Discharge Permit may be subject to modification by Lake County during the term of the Permit as limitations or requirements of Lake County's Pretreatment Program are modified or other just cause exists. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR 407.7) or the Combined Waste Stream Formula (40 CFR 403.6(e)) or net/gross calculations (40 CFR 403.15) or Fundamentally Different Factor variance for non-toxics (40 CFR 403.15) of the General Pretreatment Regulations, the limits as modified shall be made a part of the Permit and shall be adjusted consistent with USEPA guidelines and regulations.

### **3.2.3 Changes in Conditions**

In the event that the type, quality, or volume of wastewater from the property or which a Wastewater Discharge Permit was previously granted is expected to materially and substantially change as reasonably determined by the User or Lake County, the User shall give a written thirty (30) day notice to Lake County and shall submit a new application to Lake County prior to said change. Information previously submitted that has not changed does not need to be resubmitted by the User. No User shall materially and substantially change the type, quality, or volume of the wastewater beyond that allowed by its Permit without the prior approval of Lake County.

### **3.2.4 Plans and Specifications**

Detailed plans and specifications, prepared by an Illinois registered professional engineer, of the pretreatment facilities proposed to be constructed shall be submitted to Lake County for review and must be acceptable to Lake County before construction of the facility is commenced. The review of such plans shall in no way relieve the User from the responsibility of modifying the pretreatment facility as necessary to comply with this Ordinance. The User shall submit, within a reasonable time after the completion of the pretreatment facility, a copy of the facility's operations and maintenance procedures to Lake County.

### **Sec. 3.3 Denial of Wastewater Discharge Permit Application**

- 3.3.1** No Wastewater Discharge Permit shall be issued by Lake County to any person whose discharge of material to the sanitary sewers, whether shown upon his application or determined after an inspection and testing conducted by Lake County, is not in conformity with Lake County ordinances and regulations, or whose application for a Wastewater Discharge Permit is incomplete or does not comply with the requirements of Section 3.2 of this Ordinance. Lake County shall state the reason(s) for denial in writing, which shall be mailed or personally delivered to the applicant within five (5) days after denial.
- 3.3.2** If the application is denied, the User may submit within thirty (30) days after receipt of the denial a written request for a just cause process to determine why the Wastewater Discharge Permit should be granted pursuant to Section 4.4 of this Ordinance.

### **Sec. 3.4 Reporting Requirements for Permittee**

#### **3.4.1 Compliance Date Report**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a New Source, within forty-five (45) days following commencement of the introduction of wastewater into the Lake County Water Reclamation Facilities, any User subject to pretreatment standards shall submit to Lake County a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process units in the User's facility which are limited by such pretreatment standards. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional User operation and maintenance, pretreatment techniques or installations are necessary to bring the User into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the Industrial User and shall be certified by an Illinois registered professional engineer.

#### **3.4.2 Self-Monitoring Report**

- 3.4.2.1** Any User subject to an applicable pretreatment standard, after the compliance date of such applicable pretreatment standard (or, in the case of a New Source, after discharge of wastewater into the Lake County Water Reclamation Facilities begins) shall submit to Lake County, on or before the 15th day of January and July each year and for the prior two calendar quarters, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable pretreatment standards. In addition, this report shall include a record of measured or estimated average and daily wastewater flows for the reporting period. In cases where the pretreatment standard requires compliance with Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Director or his representative or the Pretreatment Standard necessary to determine the compliance status of the User.
- 3.4.2.2** 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 of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its discharge.
- 3.4.2.3** 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 Director or his representative, using the procedures prescribed in Section 2.2 of this Ordinance, the results of this monitoring shall be included in the report in accordance with 40 CFR 403.12(g)(6).

**3.4.2.4** At the discretion of Lake County, and in consideration of such factors as a local high or low flow rate, holidays, budget cycles, Lake County may agree to alter the months during which Self-Monitoring Reports are submitted.

**3.4.2.5** All measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this Section shall be determined in accordance with 40 CFR 403.12(g), as amended from time to time.

### **3.4.3 Industrial Wastewater Survey**

Dischargers to any of the Lake County Public Works Wastewater Reclamation Facilities shall periodically be requested to complete and file a wastewater survey report. At a minimum, a description of processes and wastewater characteristics for the facility will be required to be submitted or updated. The survey may serve as the wastewater discharge permit application or permit renewal documentation.

The completed survey shall include information necessary for Lake County to make decisions on the applicability of any regulations and requirements of Lake County Public Works, State of Illinois and the Federal Government.

Non-Residential Dischargers may be required to file the wastewater survey report upon request by the Director.

Prior to issuing a Wastewater Discharge License, Lake County Public Works shall classify Non-Residential discharges into one of the following categories based on the response from the survey, and/or physical site inspection:

- a. Industrial User (IU): A facility that has waste other than domestic waste with flow less than 25,000 gpd average daily flow when in operation;
- b. Categorical Industrial User (CIU): These are Industries that are defined by the Federal Code as being subject to National Categorical Pretreatment Standards. They operate a regulated process that utilizes water that if discharged to the sanitary sewer are known to cause pass through or interfere with the treatment process. Since this is a regulated waste, they are required to meet the discharge limits set forth in the regulation. The intent is to insure such discharge meets Lake County Public Works local limits as well as the federal limits.
- c. Significant Industrial User (SIU): A Significant Industrial User discharges process wastewater to the sanitary sewer where the flow (volume of wastewater) is greater than or equal to 25,000 gpd average daily flow when in operation, or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving treatment plant, or is designated Significant by Lake County Public Works on the basis that the Industrial User has a reasonable potential for adversely affecting the treatment operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- d. Categorical Industrial User with Zero Discharge (CIU-0): These are Industries that:
  - (i) operate a regulated process that generates categorical wastewaters on site as defined by the Federal Code for National Categorical Pretreatment Standards. And has opted not to discharge the waste stream to the sanitary sewer. The spent waste stream may be hauled off site for treatment or the process wastewater is treated and re-used; or
  - (ii) do not utilize water and it does not have the potential to discharge regulated categorical process wastewater.

#### **3.4.4 Baseline Monitoring Reports**

Industrial Users subject to National Categorical Pretreatment Standards shall submit to Lake County a complete Baseline Monitoring Report meeting the requirements set forth in 40 CFR 403.12(b).

- 3.4.4.1** Existing Industrial Users currently discharging to or scheduled to discharge into the Lake County Water Reclamation Facilities shall submit a Baseline Monitoring Report within 180 days after the effective date of a National Categorical Pretreatment Standard or 180 days after the final administrative decision made upon a categorical determination submission, whichever is later.
- 3.4.4.2** New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard shall submit a Baseline Monitoring Report at least 90 days prior to the commencement of discharge.

### **Sec. 3.5 Bypass**

**3.5.1** An Industrial User may allow any bypass to occur which does not violate any pretreatment standards or requirements, but only if such bypass is for essential maintenance to ensure efficient operation. Such bypasses are not subject to Sections 3.5.2 and 3.5.3 of this Ordinance.

#### **3.5.2 Notice**

- 3.5.2.1** If an Industrial User knows in advance of the need for a bypass, it shall submit prior written notice to Lake County, if possible, at least ten (10) days prior to the date of the bypass.
- 3.5.2.2** An Industrial User shall verbally notify Lake County of an unanticipated bypass that exceeds applicable pretreatment standards or requirements. Such notice shall be given within 24 hours of the Industrial User becoming aware of such a bypass. The Industrial User shall, within five (5) days of becoming aware of such a bypass, submit a written report to Lake County containing: a description of the bypass and its cause; the duration of the bypass, including exact times and dates; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a recurrence of the bypass.

#### **3.5.3 Prohibition of Bypass**

- 3.5.3.1** Bypass is prohibited, and Lake County may take enforcement against a User for a bypass unless:
  - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  - b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of wastewater, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment down time or preventative maintenance; and
  - c. The User submitted notices as required by Section 3.5.2 of this Ordinance.
- 3.5.3.2** Lake County may approve an anticipated bypass, after considering its adverse effects, if Lake County determines that the bypass will meet the three conditions required by Section 3.5.3.1 of this Ordinance.

### **Sec. 3.6 Upsets**

- 3.6.1** An upset shall constitute an affirmative action defense to an action brought for noncompliance with the National Categorical Pretreatment Standards if the requirements contained within this Section are met.
- 3.6.2** An Industrial User who wishes to establish the affirmative action defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An upset occurred, and the Industrial User can identify the specific cause(s) of the upset;
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
  - c. The Industrial User has submitted the following information to Lake County verbally, within 24 hours of becoming aware of the upset, and in writing, within five (5) days of becoming aware of the upset:
    - (i) A description of the upset and the cause(s) of non-compliance; and
    - (ii) The period of non-compliance, including exact dates and times; and, if not already corrected, the anticipated time the non-compliance is expected to continue; and
    - (iii) The steps being taken and/or planned to reduce, eliminate, and prevent the recurrence of the non-compliance.

### **3.6.3 Burden of Proof**

In any enforcement proceeding, the Industrial User seeking to establish the occurrence of upset shall have the burden of proof.

### **3.6.4 User Responsibility in Case of Upset**

The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations in the event of 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.

### **Sec. 3.7 Wastewater Discharge Permit Revocation**

Any Industrial User who is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued under Article 4 of this Ordinance, or any other pretreatment standard(s) or requirement(s), is subject to having its Wastewater Discharge Permit revoked.

- 3.7.1** Wastewater Discharge Permit shall be voidable upon non-use, cessation of operations, or transfer of business ownership. All Wastewater Discharge Permit are void upon the issuance of a new Wastewater Discharge Permit.
- 3.7.2** Following an Order of Revocation, the Industrial User shall immediately cease discharging into the Lake County Water Reclamation Facilities. Failure of the Industrial User to comply voluntarily with the order shall be evidence of continuing harm to the Lake County Water Reclamation Facilities and provide grounds for escalated enforcement actions to be taken by Lake County in accordance with Article 4 of this Ordinance, or any such steps as deemed necessary by Lake

County, including immediate severance of the sewer connection, to prevent or minimize damage to the Lake County Water Reclamation Facilities or danger to any individuals or to the environment.

- 3.7.3** The Director or his representative shall reinstate the Wastewater Discharge Permit and/or allow the Industrial User to resume its discharge following a show cause hearing held in accordance with Section 4.4 of this Ordinance.

## Article 4 – Pretreatment Program Enforcement Remedies

### Sec. 4.1 Public Notification of Industrial Users in Significant Non-Compliance

Lake County shall annually publish in the largest local newspaper within Lake County, a list of Industrial Users who were in Significant Non-Compliance of any applicable pretreatment requirement or standard during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same twelve (12) months.

### Sec. 4.2 Notices of Ordinance Violation

Whenever Lake County finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, or any other pretreatment standard(s) or requirement(s), the Director or his representative may serve upon said User a written Notice of Ordinance Violation.

- 4.2.1 The Notice of Ordinance Violation shall contain the particulars of such violation(s) and order the offending User to at a minimum: explain the cause(s) of the violation(s); submit a plan or schedule for the satisfactory correction of the violation(s) and the prevention of similar violation(s) in the future; pay an administrative fine; or any additional remedies deemed necessary by Lake County to bring the User into compliance within the shortest time frame feasible.
- 4.2.2 Submission of any information, plan, or schedule for corrective action, or fine payments in no way shall relieve the User of liability for any violation(s) occurring before or after receipt of the Notice of Ordinance Violation. Nothing in this Section shall limit the authority of Lake County to take any action, including emergency actions or any other enforcement remedies, without first issuing a Notice of Ordinance Violation.
- 4.2.3 If Administrative Adjudication is found to be the appropriate remedy to resolve the violation(s), the Notice must be served in accordance with and shall contain all information specified and required in the Lake County Administrative Adjudication Ordinance. Prior to the hearing date documented on the Notice of Ordinance Violation, the Respondent may elect to abate or cease the violation for which the Notice of Ordinance Violation was issued, pay the fine listed on the Notice of Ordinance Violation, and not participate in the hearing.

### Sec. 4.3 Consent Orders

The Director or his representative is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for non-compliance.

- 4.3.1 Such orders shall include a schedule containing specific increments of progress or remedial actions to be completed for compliance by the User within the time period(s) also specified by the order, any stipulated fines, and signatures of authorized Lake County and Industrial User representatives.
- 4.3.2 Consent Orders shall have the same force and effect as Compliance Directives issued pursuant to Section 4.5 of this Ordinance and shall be judicially enforceable.

### Sec. 4.4 Show Cause Orders

The Director or his representative may request any User, which has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirements, to meet and show cause why a proposed enforcement action should not be taken.

- 4.4.1 A written notice shall be delivered on the User specifying the time and place of the meeting, the proposed enforcement action(s), the reason(s) for such action(s), and a request that the User show cause why the proposed enforcement action(s) should not be taken. The notice shall be served personally or by registered or certified mail (return receipt requested) at least 5 (five) days prior to the meeting. Such notice may be served upon any authorized representative of the Facility.
- 4.4.2 A Show Cause Order shall not be a prerequisite for taking any other action(s) or enforcement remedies against the User.

#### **Sec. 4.5 Compliance Directives**

Whenever Lake County finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), the Director or his representative may issue a directive to the User responsible for the discharge, ordering the User to come into compliance within a time period stated in the Compliance Directive. If the User does not come into compliance within the stated time period, sanitary sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances are installed and properly operated.

- 4.5.1 The Compliance Directive may also contain other requirements to address the noncompliance, including, but not limited to: additional Self-Monitoring, management practices designed to minimize the amount of pollutants discharged, payment of any stipulated fines, or any other additional remedies deemed necessary by Lake County to bring the User into compliance within the shortest time frame feasible.
- 4.5.2 A Compliance Directive shall not exceed the deadline for compliance established for a Federal pretreatment standard or requirement.
- 4.5.3 A Compliance Directive shall not release the User of liability for any violation(s), including continuing violation(s), nor shall the issuance of a Compliance Directive be a prerequisite for taking any other enforcement action or enforcement remedies against the User.

#### **Sec. 4.6 Cease and Desist Orders**

Whenever Lake County finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), or that the User's past violations are likely to recur, the Director or his representative may issue an order directing the User responsible for the discharge to cease and desist all illegal or authorized discharges immediately.

- 4.6.1 In emergency situations, a Cease and Desist Order may be given by telephone.
- 4.6.2 In non-emergency situations, a Cease and Desist Order may be used to suspend or permanently revoke an Industrial User's Wastewater Discharge Permit.
- 4.6.3 The Cease and Desist Order may require the User to take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- 4.6.4 The issuance of a Cease and Desist Order shall not be a prerequisite for taking other action or enforcement remedies against the User.



#### **Sec. 4.7 Administrative Fines**

- 4.7.1** Notwithstanding any other Section of this Ordinance, any User that is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or other pretreatment standard(s) or requirement(s), shall be fined each day the violation occurs.
- 4.7.1.1** Fines shall be issued that, at a minimum, remove the economic benefit to a User by its non-compliance, include an additional monetary amount reflecting the seriousness or gravity of the violation(s), and ensures the User has a strong economic incentive to fully comply in a timely manner. Lake County shall consider any corrective actions taken by the User and the compliance history of the User prior to the issuance of the fine.
- 4.7.1.2** For the purposes of this Section, each day in which any such violation shall occur shall be deemed a separate violation.
- 4.7.1.3** Administrative fines and penalties may be added to the User's next scheduled wastewater billing and Lake County shall have such collection remedies as may be available for other service charges and fees.
- 4.7.2** Unpaid charges, fines, and penalties shall be assessed an additional penalty of the unpaid balance and interest shall accrue thereafter in accordance with Lake County's Retail Water/Sewer Rate Ordinance. A lien against the individual User's property will be sought for unpaid charges, fines, and penalties and/or violation of this Ordinance. In addition, Lake County Public Works may shut off water and/or disconnect the individual User's property.
- 4.7.3** Each User will have an opportunity to dispute the fines during the adjudication procedure.
- 4.7.4** Lake County may recover reasonable attorney's fees, court costs, court reporter fees, and any other expenses associated with enforcement activities, including but not limited to sampling and monitoring expenses, and the costs of any actual damages incurred by Lake County.

#### **Sec. 4.8 Emergency Suspensions**

The Director or his representative may immediately suspend a User's wastewater discharge treatment service and/or Wastewater Discharge Permit whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of persons, the Lake County Water Reclamation Facilities, or the environment.

- 4.8.1** Any User notified of a suspension of the wastewater discharge treatment service and/or Wastewater Discharge Permit shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply with the Cease and Desist Order, the Director or his representative shall take such steps as deemed necessary, including immediate severance of the sewer service connection, to prevent or minimize damage to the Lake County Water Reclamation Facilities, its receiving stream, or endangerment to any individuals or the environment.
- 4.8.2** The Director or his representative shall allow the User to recommence its discharge when the endangerment has passed following a hearing held in accordance with Section 4.4 of this Ordinance, unless the revocation proceedings set forth in Section 3.7 of this Ordinance are initiated against the User.
- 4.8.3** Any User notified pursuant to this Section shall submit to Lake County, prior to the date of the hearing described above, a detailed written statement describing the cause(s) of the harmful conditions and the measures taken to prevent their future recurrence.

#### **Sec. 4.9 Injunctive Relief**

- 4.9.1** Whenever Lake County finds that any User has violated or continues to violate any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), or that the User's past violations are likely to recur, the Director or his representative may petition the Circuit Court of Lake County, for the issuance of a temporary restraining order or preliminary injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User.
- 4.9.2** Such other action as appropriate for legal and/or equitable relief may also be sought by Lake County. A petition asking for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

#### **Sec. 4.10 Civil Penalties**

Any User that is found to have violated any provision of this Ordinance, Wastewater Discharge Permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), shall be liable to Lake County for a civil penalty per violation per day, plus any actual damages incurred by Lake County for as long as the non-compliance continues. For purposes of this Section, each day in which any such violation shall occur shall be deemed a separate violation.

- 4.10.1** Lake County may recover reasonable attorney's fees, court costs, court reporter fees, and any other expenses associated with enforcement activities, including but not limited to sampling and monitoring expenses, and the cost of any actual damages incurred by Lake County.
- 4.10.2** Lake County shall petition the Court to impose, assess, and recover such sums. In determining the extent of the liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation(s), the magnitude and duration, any economic benefit gain through the User's violation(s), corrective actions by the User, the compliance history of the User, and any other factors as justice requires.

#### **Sec. 4.11 Additional Remedies**

- 4.11.1** In addition to the remedies available to Lake County set forth elsewhere in this Ordinance, if Lake County is fined by the State of Illinois or USEPA for violation of Lake County's NPDES Permit or violation of water quality standards as a result of a discharge of pollutants, then the fine, including all of Lake County's legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible User(s). Such charge shall be in addition to, and not in lieu of, any other remedies Lake County may have under this Ordinance, statutes, regulations, at law or in equity.
- 4.11.2** If the discharge from any Users causes a deposit, obstruction, or damage to any portion of the Lake County wastewater collection system or Water Reclamation Facilities, the Director or his representative shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person(s) causing such deposit, obstruction, or damage.
- 4.11.3** The remedies provided in this Ordinance shall not be exclusive and Lake County may seek whatever other remedies are authorized by statute, at law or in equity against any person violating the provisions of this Ordinance. Lake County is hereby empowered to take more than one enforcement action (remedy) against any non-compliant User. These actions may be taken concurrently.

## Article 5 – Validity/Severability

### Sec. 5.1

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### Sec. 5.2

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

## Article 6 – Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

## Article 7 – Variance

### 10.1 Variances

Variances from the regulatory standards of this Ordinance may be granted in accordance with the requirements provided below. Any application for a variance shall be made to, and decided by, the Engineering Supervisor.

Individuals seeking a variance must submit a letter addressed to the Engineering Supervisor. The letter must contain:

- a request for a variance
- Citation to the relevant section of this Ordinance
- A narrative describing the reason for the variance request

The Public Works Department shall grant or deny the variance request if the Engineering Supervisor finds that all of the following criteria are met:

1. There are exceptional or extraordinary circumstances that apply to the subject of the request that do not apply to similar properties, projects or requests.
2. The variance will not threaten public health, safety, or welfare, or create a nuisance
3. No additional public expense will result
4. Cost to the applicant of strictly complying with the ordinance is not the primary reason for granting the variance