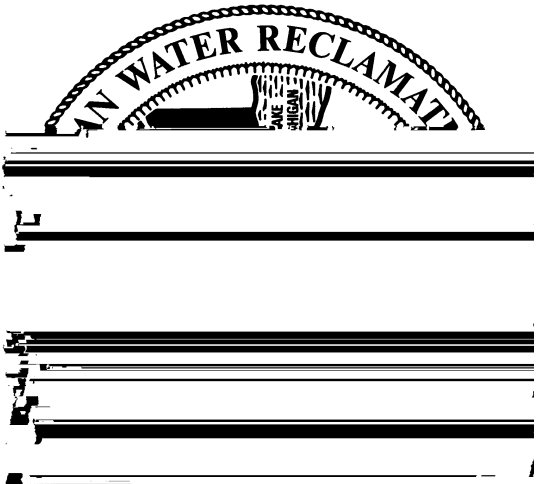


**METROPOLITAN WATER RECLAMATION DISTRICT
OF
GREATER CHICAGO**



**METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
100 East Erie Street
Chicago, Illinois 60611
(312) 751-5600**

BOARD OF COMMISSIONERS

Hon. Terrence J. O'Brien, President (312) 751-5600
Hon. Kathleen Therese Meany, Vice President (312) 751-5600
Hon. Gloria Alitto Majewski, Chairman of Finance (312) 751-5600

Hon. Frank Avila **Hon. Patricia Horton**
Hon. Barbara J. McGowan

AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ABATEMENT AND PREVENTION OF POLLUTION BY REGULATING AND CONTROLLING THE QUANTITY AND QUALITY OF SEWAGE AND INDUSTRIAL WASTE ADMITTED TO OR DISCHARGED INTO THE SEWERAGE SYSTEMS AND WATERS UNDER THE JURISDICTION OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, HEREINAFTER TO BE KNOWN AS "THE SEWAGE AND WASTE CONTROL ORDINANCE" ADOPTED BY THE BOARD OF TRUSTEES OF THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO ON SEPTEMBER 18, 1969; AND AS AMENDED TO AND INCLUDING FEBRUARY 24, 1972; OCTOBER 2, 1975; JANUARY 19, 1978; OCTOBER 12, 1978; NOVEMBER 6, 1980; APRIL 21, 1983; SEPTEMBER 6, 1984; SEPTEMBER 5, 1985; JULY 30, 1987; JANUARY 21, 1988; MARCH 10, 1988; JULY 7, 1988; SEPTEMBER 7, 1989; DECEMBER 6, 1990; SEPTEMBER 5, 1991; SEPTEMBER 24, 1992; JANUARY 28, 1993; MARCH 24, 1994; DECEMBER 22, 1994; NOVEMBER 21, 1996; JULY 9, 1998; JULY 13, 2000; JUNE 21, 2001; SEPTEMBER 20, 2001; NOVEMBER 1, 2001; OCTOBER 3, 2002; NOVEMBER 4, 2004; NOVEMBER 3, 2005; MAY 4, 2006; AND NOVEMBER 16, 2006.

BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago: That the Sewage and Waste Control Ordinance, originally passed by the Board of Trustees of The Metropolitan Sanitary District of Greater Chicago on September 18, 1969, and as amended, is herewith and now comprehensively amended to read as follows:

ARTICLE I

Purpose

This Ordinance, promulgated by the Metropolitan Water Reclamation District of Greater Chicago, hereinafter called the "District," pursuant to the authority vested in it by the Illinois legislature, has as its purpose the protection of the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or discharged into the sewerage systems, sewage treatment facilities, and waters under the jurisdiction of the District.

ARTICLE II

Definitions and Abbreviations

The meaning of the terms used in this Ordinance shall be as follows:

"Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

"Applicable pretreatment standard" means any criteria, limitation or prohibition upon the discharge of any pollutant into a publicly owned treatment works.

"Approval Authority" shall mean the Regional Administrator of the United States Environmental Protection Agency or the Illinois Environmental Protection Agency, if so designated by the Regional Administrator.

"Authorized representative" means an owner or corporate officer of the industrial user authorized to legally bind the user in any and all negotiations and agreements.

"Baseline monitoring report" or "BMR" shall mean a form supplied by the District for reporting by an industrial user on the nature of the industrial user's operations and discharge of pollutants to the water reclamation facilities of the District.

"Board of Commissioners" or "Board" means the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.

"Categorical pretreatment standards" or "CPS" means any effluent limitation or standard applicable

to an industrial category promulgated by the USEPA.

"Code of Federal Regulations" or "CFR" shall mean the codification of the general and permanent rules published in the **Federal Register** by the executive departments and agencies of the United States Government.

"Combined waste stream formula" shall mean the formulae contained in 40 CFR 403.6(e) for calculating alternative concentration limits or alternative mass limits for determining compliance with categorical pretreatment standards.

"Composite sample" means a representative mixture of a minimum three grab sample aliquots obtained over a period of time.

"Control authority" shall mean the Metropolitan Water Reclamation District of Greater Chicago upon said designation by the Regional Administrator.

"Control manhole" or "sampling chamber" means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this Ordinance.

"Deficient" means materially lacking information sufficient to determine compliance with applicable standards or requirements, or lacking required authorized representative, Registered

“Garbage” means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, or vegetables and condemned food.

“General pretreatment standards” or “GPS” means the standards contained in Appendix B of this Ordinance which are applicable to all

Section 2. Waterway Discharge Standards

Effluent quality standards and criteria for discharges into and pollution of waters of the state of Illinois in the absence of a current and valid National Pollutant Discharge Elimination System Permit issued by the Illinois Environmental Protection Agency, enacted by the Illinois Pollution Control Board and adopted by the Board of Commissioners of the District, are contained in Appendix A of this Ordinance.

Section 3. General Pretreatment Standards (“GPS”)

General pretreatment standards and criteria for discharges into and pollution of sewerage systems tributary to water reclamation facilities of the District, enacted by the Board of Commissioners of the District, are contained in Appendix B of this Ordinance.

Section 4. Categorical Pretreatment Standards (“CPS”)

Categorical pretreatment standards for discharges into and pollution of sewerage systems tributary to publicly owned treatment works, promulgated by the United States Environmental Protection Agency, are adopted by the Board of Commissioners for discharges to sewers under the jurisdiction of the District. Where there is a conflict in the application of general pretreatment standards contained in Appendix B and categorical pretreatment standards listed in Appendix C, the more stringent standard shall apply.

Section 5. New or Increased Pollutant or Flow

Any person wishing to introduce new or increased flow volume, new or increased concentrations or mass loadings of pollutants, or change the point of entry of a discharge into the sewerage system, any of which does not conform to the provisions of this Ordinance or a Discharge Authorization issued to said person by the District, shall submit

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General Tisit, shall ubmit respogorwidinn 30 days iDi

of Cook County for injunctive relief to cease and desist the dangerous or threatening discharge.

Section 8. Uncontrolled or Unregulated Wastes

Each person subject to the terms and conditions of this Ordinance must install and maintain, at its own expense, pretreatment facilities adequate to prevent a violation of the pollutant concentration limits, discharge prohibitions or performance criteria of this Ordinance.

No person shall reintroduce into the sewer system of the District materials which have been removed from the sewer system by catch basins, grease traps, and other pretreatment devices. Physical, chemical or biological agents shall not be introduced into catch basins, grease traps or other pretreatment devices for the purposes of resuspending, dissolving, emulsifying or rendering soluble any pollutants or other materials removed from a wastewater stream by such pretreatment devices and reintroducing these materials into the sewer system.

All new industrial users and existing industrial users wishing to introduce new or increased pollutant flows or changes in the nature or concentration of pollutants discharged to the sewerage system must provide all pretreatment facilities required pursuant to this Ordinance prior to the commencement of discharge.

Section 9. Certification of Wastewater Pretreatment System Operator

No person shall cause or allow the operation of any pretreatment facilities discharging process wastewater into the sewerage system of the District unless the operation of such pretreatment facilities is under the direct and active field supervision of a person who has been certified by the IEPA as being competent to operate the particular type or size of pretreatment facilities being used or operated.

ARTICLE IV

Monitoring Methods and Facilities

Section 1. Compliance Determination

In order to determine whether or not the sewage, industrial waste or other wastes discharged by any person into any waters or sewerage system conforms to the criteria or water quality standards of the District, the District may use any accepted engineering or scientific practice, method or device which will lead to such a determination. When practicable, all measurements, tests, and analyses of the waters, sewage, and wastes of any kind shall be conducted in accordance with USEPA approved methods or, in the absence thereof, the latest edition of Standard Methods.

Section 2. Control Manhole/Sampling Chamber – Installation and Access Requirements

Each person subject to the terms of this Ordinance who is a significant industrial user shall install and maintain, at its own expense, a control manhole or sampling chamber for each separate discharge conveying process wastewater from its facility to the sewerage system. Each such control manhole or sampling chamber shall have ample room to allow the District to perform inspections, sampling, and flow measurement operations.

Each such control manhole shall be located outside of any buildings or enclosed spaces and as near to the facility site boundary as practical; shall not be obstructed by temporary or permanent construction, manufacturing operations or activities, landscaping, parked vehicles or any other activities of the person; and shall be safely and directly accessible to representatives of the District at all times, without restriction of any kind.

Persons subject to this Ordinance who are not significant industrial users, as defined herein, may also be required to install control manholes or sampling chambers in conformance with the provisions of this section, upon the direction of the District's General Superintendent.

Persons subject to this requirement of the Ordinance, who represent that this requirement cannot be reasonably complied with, may set forth said representations in writing to the General Superintendent and be given an opportunity to be heard regarding said representations. The General Superintendent shall make a determination, in writing to the person, granting leave from this requirement upon proof that compliance cannot be reasonably obtained, or dismissing said representations as unfounded.

Any person whose request for exemption from the requirements of this section has been denied by the District, may request a review of the District's determination by the Board. Such request must be made in writing, to the Director of Research and Development and must be received by the District within 30 days of the date of notification that the request for exemption has been denied. The request for review must clearly state the reason(s) why such person believes that the District's denial of the requested exemption should be reviewed.

The Director of Research and Development will inform the General Superintendent of all requests for review. The General Superintendent shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VI, Section 3 of this Ordinance and

tion. The final administrative decision on each review will be made by the Board after it receives a report with recommendations from the Review Hearing Officer.

If a building or enclosed space contains more than one industrial user, then each significant industrial user therein, shall install and maintain, at its own expense, a control manhole or sampling chamber for each discharge from its facility, which shall comply with all of the requirements set forth herein. All process wastewater flows from the facility shall, at all times, pass through a control manhole installed in conformance with this Ordinance and no process wastewater flows shall be discharged without passing through a control manhole or sampling chamber acceptable to the District. Each such control manhole or sampling chamber shall be accessible to representatives of the District at all times, without restrictions of any kind.

Persons who are required to construct a control manhole or sampling chamber to comply with this section shall submit a proposal to, and receive approval from, the District prior to undertaking construction of said control manhole or sampling chamber. The proposal submitted shall be certified by a Registered Professional Engineer licensed by the state of Illinois.

Section 3. Right of Access

Representatives of the District may, during rea-

Right of Access through a control manhole or sampling chamber

Section 7. Interfering with District Monitoring Activities

It shall be illegal for any person to tamper with, adjust, relocate, remove or damage any monitoring devices installed by the District. Any such activity will be considered a knowing and

Illinois Environmental Protection Agency, pursuant

The filing of a claim for lien by the District does not prevent the District from pursuing other means for collecting a late filing fee. If a claim for lien is filed, the District shall notify the person whose property is subject to the lien.

Section 11. Failure to Report is a Violation

Whenever a person subject to this Ordinance fails to comply with any of the reporting requirements of this Ordinance or with details regarding reporting

approved analytical method does not allow analysis of composite samples, and (ii) with respect to categorical pretreatment standards contained in Appendix C of this Ordinance, place preponderant weight on monitoring data based on sampling which conforms to sampling requirements specified in the applicable categorical pretreatment standards. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Board of Commissioners regarding their failure to achieve compliance, and directing the offending party to show cause before the Board why an order should not be entered directing the offending party to come into compliance. The notice of the hearing shall be served personally or by Registered or Certified Mail at least ten (10) days before the hearing; service may be had on any agent or officer of a corporation or municipality.

After the Board of Commissioners has reviewed the evidence, it may issue an order to the party responsible for the violation, directing that within a specified time period, the violation be discontinued, and any other such orders as the Board may deem necessary.

The Board shall establish procedures for assessing fines and issuing orders as follows:

- a. In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing on the activities involved and the assessment of civil penalties as shown by the record produced at the hearing.
- b. The Board shall establish a panel of independent hearing officers to conduct all hearings on the issuance of orders and the assessment of civil penalties under this Section. The hearing officers shall be attorneys licensed to practice law in the State of Illinois.
- c. The Board shall promulgate procedural rules governing the proceedings, the issuance of orders and the assessment of civil penalties.
- d. All hearings shall be on the record; and testimony taken must be under oath and recorded stenographically. Transcripts so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue, in the name of the Board, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing, and may examine witnesses.
- e. The hearing officer shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses. The hearing officer may also recommend, as part of the order of the Board, that the discharge of industrial waste or other waste be discontinued within a specified period of time. After all evidence has been presented, the hearing officer shall issue a Report based upon the preponderance of evidence in the record, which includes finding of fact, conclusions of law, order, and, if violations are proven, recommended civil penalties. Civil penalties shall be assessed at the level of \$100.00 to \$2,000.00 per day of violation. Each day's continuation of such violation or failure to abide by the terms of this Ordinance is a separate offense. A regulatory multiple day average that exceeds acceptable limits constitutes a separate violation.

- f. The Report shall be transmitted to the Board, along with a complete record of the hearing.
- g. The Board shall either approve or disapprove the Report. If the Report is rejected, the

tion or recovery of penalties and charges imposed by the District. Judgment in a civil action brought by the District to recover or collect the charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.

findings and recommendations and transmit it to the Board. If the Board, after reviewing the findings and recommendations, and the record produced at the hearings, determines that the person has violated the Board's final order, the Board may authorize the

Section 4. Failure to Report is a Violation

Whenever a person subject to this Ordinance fails to comply with any of the reporting requirements of this Ordinance or with details regarding reporting requirements as directed by the General Superintendent, such failure shall be a violation of the Ordinance. If it is necessary for the District to perform inspections and/or sampling of the person's facility, the District may recover the costs of such activity from the person in the same manner as debts are recoverable at law.

Section 5. Penalties

The Board may also order the party responsible for the violation, to pay a civil penalty in an amount specified by the Board which is not less than \$100.00 nor more than \$2,000.00 per day for each day on which such person was found in violation. The Board may also order the party responsible for the violation to pay court reporter costs and hearing officer fees in a total amount not exceeding \$3,000.00. Each day's continuance of such violation or failure is a separate offense. Regulatory multiple day averages which exceed acceptable limits shall constitute separate violations.

Section 6. Order to Cease Discharge Upon Violation of Board Order

The General Superintendent may order a person to cease the discharge of industrial waste upon a finding by the General Superintendent that the final order of the Board, entered after a hearing to Show Cause, has been violated. The General Superintendent shall serve the person with a copy of the order either by Certified Mail or personally by serving the owner, officer, registered agent or individual designated in said person's Discharge Authorization. The order of the General Superintendent shall also schedule an expedited hearing before a hearing officer designated by the Board for the purpose of determining whether the company has violated the final order of the Board. The Board shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than seven days after receipt by the person of the General Superintendent's order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her

tion, sampling, analysis, and administration related to the enforcement action against the person, are recoverable by the District in a civil action.

Section 3. Injunctive Relief

In addition to the penalties provided in the foregoing Section, whenever a person violates any provision of this Ordinance or fails to comply with any Order of the Board of Commissioners, the District, acting through the General Superintendent, may apply to the Circuit Court of Cook County for the issuance of an injunction restraining the person violating the Ordinance or failing to comply with the Board Order from making any further discharges into the waterways or sewerage system of the District.

Notwithstanding any other remedies which the District may have by statute, common law or this Ordinance, when, in the determination of the General Superintendent, any person's discharge presents an imminent danger to the public health, welfare or safety, presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the sewerage system or a water reclamation facility under the jurisdiction of the District, the District, acting through the General Superintendent, may apply to the Circuit Court of Cook County for injunctive relief to cease and desist such discharge, without first exhausting administrative procedures.

ARTICLE VIII

Savings Clause

Section 1. Sttengrty uo

APPENDIX A
to the
SEWAGE AND WASTE CONTROL
ORDINANCE
DISCHARGES TO AND POLLUTION OF
WATERS

Compliance with the numerical effluent standards is therefore not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced by the facility at the point immediately in

Section 1. General Provisions

a. Dilution

Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes in order to meet the standards set forth in this Appendix A. Rather, it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility, economic reasonableness, and sound engineering judgment. In making determinations as to what kind of treatment is the "best degree of treatment" within the meaning of this paragraph, any person shall consider the following:

- (1) What degree of waste reduction can be achieved by process change, improved housekeeping, and recovery of individual waste components for reuse; and
- (2) Whether individual process wastewater streams should be segregated or combined.

In any case, measurement of contaminant concentrations to determine compliance with the effluent standards shall be made at the point immediately following the final treatment process and before mixture with other waters, unless another point is designated by the District. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper under this Appendix A.

b. Background Concentrations

Because the effluent standards in this Appendix A are based upon concentrations achievable with conventional treatment technology that is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting background concentrations. However, it is not the intent of these regulations to require users to clean up contamination caused essentially by upstream sources or to require treatment when only traces of contaminants are added to the background.

3. The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness, and sound engineering judgment. This may include no treatment for mercury; and
4. The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of mercury discharges.

Section 9. Discharges Made Under Current and Valid National Pollutant Discharge Elimination System Permit

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waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances.

- g. Waters or waste containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the water reclamation facilities' effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- h. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions) which threatens the District's operations.
- i. Mercury in excess of 0.0005 mg/L on a monthly average, 0.001 mg/L in a daily composite, and 0.0025 mg/L in any grab sample; except when all of the following conditions are met:
 - (1) The discharger does not use mercury; or the discharger uses mercury and this use cannot be eliminated; or the discharger uses mercury only in chemical analyses or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and
 - (2) The discharge mercury concentration is less than ~~sample of 100 mg monthly average, 0.006 mg/L in a daily composite, and 0.015 mg/L in any grab sample;~~ and
 - (3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness, and sound engineering judgment.

APPENDIX C
to the
SEWAGE AND WASTE CONTROL
ORDINANCE
REGULATIONS APPLICABLE TO SIGNIFICANT
INDUSTRIAL USERS
ARTICLE I

pliance immediately upon commencement of discharge.

Each significant industrial user shall take representative samples for a minimum of three days within a two-week period for the monitoring of a wastestream with a flow less than or equal to 200,000 gallons per day. Where the flow of a wastestream exceeds 200,000 gallons per day, the user shall take samples for six days within a two-week period. Sample collection shall conform to the requirements of 40 CFR 403.12(g). Sample analysis shall include all parameters listed in Appendix B, Sections 1 and 2(i) of this Ordinance and any parameters listed in the categorical pretreatment standards applicable to the significant industrial user.

Section 4. Reporting Continued Compliance

ARTICLE II

Additional Requirements Relating to Compliance With Appendix C

Section 1. Dilution Prohibition

No person shall augment the use of process water or, in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in this Ordinance.

Section 2. Intake Water Adjustment

Persons seeking adjustment of categorical pretreatment standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 CFR 403.15.

Section 3. Fundamentally Different Factors Variance

Persons seeking variances for reasons of fundamentally different factors must comply with the requirements of 40 CFR 403.13. The General Superintendent may, upon notification of approval by the USEPA of the variance request, apply limitations to the industrial user.

Section 4. Adjustment for Combined Waste Streams

Persons seeking adjustments in the categorical pretreatment standards may petition the District for approval of adjustments to account for the combining or mixing of industrial process waste discharges with other flows or industrial process waste discharges prior to pretreatment or to discharge to the sewerage system under the jurisdiction of the District. The petition to the District must follow requirements and formulae established in 40 CFR 403.6(e) and be certified by an authorized representative and certified by a Registered Professional Engineer licensed by the state of Illinois.

Section 5. End-of-Process Monitoring

Where required to comply with the categorical pretreatment standards of Appendix C, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility.

ARTICLE III
Categorical Pretreatment Standards

Section 1. Categorical Standards

Industrial categories for which pretreatment standards have been promulgated and as amended by the

Section 2. Compliance Determination

Industrial user self-monitoring for determining compliance with categorical pretreatment standards shall conform to the provisions contained in Appendix C, Article I of this Ordinance.

District monitoring of industrial users for determining compliance with categorical pretreatment standards shall conform to the provisions of 40 CFR 403.8(f)(2)(vii), and shall be performed with sufficient care to produce evidence admissible in enforcement proceedings.

APPENDIX D
to the
SEWAGE AND WASTE CONTROL
ORDINANCE
Discharge Authorizations

Section 1. Applicability

As provided under Article III, Section 1 of this Ordinance, and except as provided elsewhere in this Appendix, it shall be unlawful for any significant industrial user, as defined herein, to cause or allow the discharge of process wastewater into the sewerage system under the jurisdiction of the District unless such significant industrial user is in conformance with all terms and conditions of a current valid Discharge Authorization issued to said significant industrial user by the District.

Section 2. Discharge Authorization Document

The Discharge Authorization document issued by the District shall contain, at a minimum, the following conditions:

- a. Statement of limited duration not to exceed five years, as provided for in Appendix D, Section 6 of this Ordinance;
- b. Transferability provision, as provided for in Appendix D, Section 7 of this Ordinance;
- c. Effluent discharge limitations applicable to all effluent discharge monitoring points of the industrial user, as provided for in Appendix B and Appendix C of this Ordinance;
- d. Self-monitoring, sampling, reporting, notification and record-keeping requirements, including identification of the pollutants to be monitored, sampling points, sampling frequency, and sample type, as provided for in Article V, Article VI, Appendix C and Appendix D of this Ordinance;
- e. Statement of applicable penalties for violation of standards and requirements, as provided for in Article VI and Article VII of this Ordinance; and

- f. Compliance milestone requirements and dates of any compliance schedule entered into by the significant industrial user to remedy a condition of noncompliance with the terms and conditions of this Ordinance or a DA issued to the significant industrial user pursuant hereto.

Section 3. Discharge Authorization Request

Within 90 days of the date of notification from the District that a person has been determined to be a significant industrial user, such person shall complete and submit to the District, on forms supplied by the District, a Discharge Authorization Request (DAR). Sampling requirements for the completion of the DAR shall be specified on the DAR form supplied by the District. Sample collection and analysis shall conform to the requirements of 40 CFR 403.12(g).

Any person who submits a completed and certified DAR to the District, in a timely manner as provided herein, may continue to cause or allow the discharge of process wastewater into the sewerage system under the jurisdiction of the District, in the absence of a DA, only in conformance with all other terms and conditions of this Ordinance.

For the purposes of this provision, any person who has on file with the District, a current and approved BMR shall be deemed to have been issued an interim DA, and shall not be

proved BMR shall be deemed to have been issued an interim DA.

Section 5. Review of Denial of Discharge Authorization or Special Condition in Discharge Authorization

Any person whose DAR has been denied by the District, or who wishes to have reviewed any special condition of a Discharge Authorization issued to such person, may request a review of the District's determination. Such request must be made in writing, to the Director of Research and Development, and must be received by the District within 30 days of the date of notification that the DAR has been denied or of notification of the special condition. The request for review must clearly state the reason(s) why such person believes that the District's denial of the DAR or the special condition should be reviewed.

- a. Any person whose DAR for a new discharge has been denied by the District is prohibited from commencing the discharge of process wastewater into the sewerage system of the District until such time as a Discharge Authorization is issued to said person.
- b. Any person whose DAR for an existing discharge has been denied may continue to discharge process wastewater into the sewerage system of the District, only in accordance with all conditions reported in the DAR and not otherwise in violation of this Ordinance, during the review and until a final administrative decision by the District.
- c. Any person who requests a review of a special condition contained in a Discharge Authorization issued to said person, for an existing discharge of process wastewater, may continue to discharge process wastewater into the sewerage system of the District, only in accordance with all conditions of the Discharge Authorization issued to said person, except the special condition under review, and not otherwise in violation of this Ordinance, during the review and until a final administrative decision by the District.

The Director of Research and Development will inform the General Superintendent of all requests for review. The General Superintendent shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VI, Section 3 of this Ordinance. The final administrative decision on each review will be made by the Board of Commissioners after it receives a report with recommendations from the Review Hearing Officer.

Section 6. Request For Renewal of Discharge Authorization

Discharge Authorizations issued pursuant to this Ordinance shall be valid for a period not exceeding five years. Not less than 90 days prior to the expiration date of a discharge authorization issued by the District, the person to whom said discharge authorization was issued shall submit to the District, on a DAR form supplied by the District, a request for renewal of the discharge authorization. Any person who submits a completed and certified request for renewal, in a timely manner as provided herein, shall be granted an extension of the termination date of their DA, until such time as the District issues a determination with regard to such person's request for renewal of the DA. Any person whose request for renewal of a DA has been denied may seek review of such denial, as provided in Appendix D, Section 5 of this Ordinance.

In addition to the provisions for administrative and legal proceedings contained in Article VI and Article VII of this Ordinance, whenever the General Superintendent determines that a person to whom a Discharge Authorization has been issued has failed to comply with an Order of the Board issued pursuant to this Ordinance; has failed to comply with a substantive Order of the Court issued in litigation initiated by the District, the Office of the State's Attorney or the United States Attorney, against such person for noncompliance with this Ordinance; has failed to promptly pay all civil penalties, late filing fees or other costs assessed against such person in any action taken by the District; or has failed to pay all User Charges owed to the District by such person, the Director of Research and Development may deny renewal of such person's Discharge Authorization, except that actions subject to a pending and properly filed appeal taken pursuant to the provisions set forth in this Ordinance, the Rules Governing the Proceedings, Assessment of Civil Penalties, and Issuance of Orders Under the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, or the User Charge Ordinance, shall not be considered sufficient cause for the District to deny renewal of such person's Discharge Authorization until said appeal has been finally resolved by the District.

During the period of review of any denial of a request for renewal of an existing DA, the person may continue to cause or allow the discharge of process wastewater into the sewerage system under the jurisdiction of the District only in conformance with all terms and conditions of this Ordinance and the DA previously issued to said person.

to comply with a substantive Order of the Court issued in litigation initiated by the District, the Office of the State's Attorney or the United States Attorney, against such person for noncompliance with this Ordinance; has failed to promptly pay all civil penalties, late filing fees or other costs assessed against such person in any action taken by the District; or has failed to pay all User Charges owed to the District by such person, the General Superintendent may order such person to show cause before the Board why the Discharge Authorization should not be revoked, except that actions subject to a pending and properly filed appeal taken pursuant to the provisions set forth in this Ordinance, the Rules Governing the Proceedings, Assessment of Civil Penalties, and Issuance of Orders Under the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, or the User Charge Ordinance, shall not be considered sufficient cause for the District to revoke such person's Discharge Authorization until said appeal has been finally resolved by the District. The show cause proceeding so ordered shall comply with the provisions of Article VI, Section 3 and Appendix D, Section 5 of this Ordinance.

Section 9.

- a. chronic violation of effluent discharge limits, defined as 66 percent or more of all effluent discharge analyses for samples taken during a six month period exceeding the daily maximum limit or the average limit for any pollutant;
- b. acute violation of effluent discharge limits, defined as 33 percent or more of all effluent discharge analyses for samples exceeding the daily maximum limit or the average limit for any pollutant multiplied by the following technical review criteria (TRC):
 - i. for biochemical oxygen demand, total suspended solids, and fats, oils, and greases, the TRC shall be 1.4;
 - ii. for all other pollutants except pH, the TRC shall be 1.2.
- c. any violation of an effluent discharge standard or prohibition which causes or contributes to pass-through or interference, the imminent threat of fire, explosion or other damage to the sewerage system, imminent endangerment to human health or the environment or which results in the District exercising its emergency authority to halt such violation;
- d. failure to submit a completed and certified report within 45 calendar days of a report due date;
- e. failure to meet, within 90 calendar days after the schedule date, a compliance milestone date or final compliance date contained in a compliance schedule or Discharge Authorization;
- f. failure to provide access to the industrial user's premises to representatives of the District for the purposes of inspection and sampling;
- g. failure to comply with the spill containment and notification requirements regarding spills, malfunctions, bypasses, and slug loadings contained in Article V, Sections 4 and 15 of this Ordinance;
- h. failure to report any instance of noncompliance of which the person becomes aware by self-monitoring, as required under Article V, Section 8 of this Ordinance; or
- i. noncompliance with any of the terms or conditions of the Ordinance, upon the determination of the General Superintendent.

APPENDIX F
to the
SEWAGE AND WASTE CONTROL
ORDINANCE

ENFORCEMENT RESPONSE PROCEDURE

This appendix represents the Enforcement Response Procedure (ERP) of the Metropolitan Water Reclamation District of Greater Chicago (District) for the enforcement of the terms and conditions of the District's Sewage and Waste Control Ordinance (Ordinance).

As recommended by the United States Environmental Protection Agency in "Pretreatment Compliance Monitoring And Enforcement Guidance", published July 25, 1986, the ERP has been developed to include a range of enforcement responses available to the District to effectively enforce the terms and conditions of its Ordinance. The ERP establishes a framework, the Response Option Matrix (ROM), in which the District will assess the degree of noncompliance by an Industrial User (IU) and in which the District may consider both mitigating and aggravating circumstances in determining the appropriate enforcement response. The ERP also establishes minimum response levels for incidents of noncompliance which are deemed critical in nature, including interference and pass-through.

TYPES OF ENFORCEMENT RESPONSES

Industrial Users (IU) found in noncompliance with any of the terms or conditions of the Ordinance are subject to enforcement action under the ERP. Enforcement actions such as Notices of Noncompliance and Cease and Desist Orders are determined by the District's General Superintendent and are administered through the office of the Director of Research and Development (Director). Show Cause proceedings and legal actions are administered by the District's Attorney upon recommendation from the Director.

Incidents of noncompliance with the Ordinance will be evaluated in accordance with the ROM as to the type of enforcement response necessary to attain prompt compliance with the Ordinance.

The following types of enforcement responses are available to the District in response to incidents of noncompliance with its Ordinance.

A. Notice of Noncompliance – Appendix B (NONB)

A NONB is a written notification, sent via Certified Mail, Return Receipt Requested, which is directed to an authorized agent of an IU found to be in minor noncompliance (not in Significant Noncompliance as herein defined) with an applicable effluent discharge

standard of Appendix B (local limits) of the Ordinance. The NONB advises the IU of the nature of the noncompliance, requires the IU to investigate the incident and take measures to remediate the condition of noncompliance, and to execute, within ten days of receipt of the NONB, a Declaration of Corrective Action, indicating that compliance has been achieved.

The Declaration of Corrective Action and statement of compliance will be subject to verification by District inspection and sampling within 90 days. Failure to achieve compliance will result in the issuance of a Cease and Desist Order.

B. Notice of Noncompliance – Appendix C (NONC)

A NONC is a written notification, sent via Certified Mail, Return Receipt Requested, which is directed to an authorized agent of an IU found to be in minor noncompliance (not in Significant Noncompliance as herein defined) with an applicable effluent discharge standard of Appendix C (categorical pretreatment standards) of the Ordinance. The NONC advises the IU of the nature of the noncompliance, requires the IU to investigate the incident and take measures to remediate the condition of noncompliance, and to execute, within 45 days of receipt of the NONC, a Declaration of Corrective Action, indicating that compliance has been achieved. The IU is also required to conduct a minimum of three days of sampling to verify that compliance has been achieved and to submit all supporting analytical data with the Declaration of Corrective Action.

The Declaration of Corrective Action and statement of compliance will be subject to verification by District inspection and sampling within 90 days. Failure to achieve compliance will result in the issuance of a Cease and Desist Order.

C. Notice of Noncompliance – Baseline Monitoring Report Verification (NONBMR)

A NONBMR is a written notification, sent via Certified Mail, Return Receipt Requested, which is directed to an authorized agent of an IU found to be in noncompliance with an applicable effluent discharge standard of Appendix C (categorical pretreatment standards) of the Ordinance, during the initial Baseline Monitoring Report verification inspection and sampling. The NONBMR advises the IU of the nature of the noncompliance and requires the IU to achieve compliance within 90 days of the date of the NONBMR. The IU is also advised that the District will inspect and sample the IU within 90 days of the date of the NONBMR and that the IU will be recommended for Show Cause action if the IU is again found in noncompliance. These NONBMRs are not issued to those companies who exceed a return-to-compliance period of 90 days. Companies who ex-

ceed the 90 day period are recommended for Show Cause action.

D. Cease and Desist Order – Reporting Requirements (C&DR)

A C&DR is written notification, sent via Certified Mail, Return Receipt Requested, directed to an authorized agent of an IU which failed to submit a report within 45 days of the report due date. The C&DR advises the IU of the nature of the noncompliance and requires the IU to comply with the applicable reporting requirement within 30 days of the date of the C&DR.

In the event of failure to comply with pretreatment system malfunction, bypass or accidental spill notification requirements, the IU will be required to submit, within 30 days of the date of the C&DR, a fully implemented Spill Prevention, Control and Countermeasure Plan, including specific provisions for proper notification to the District of any pretreatment system malfunction, bypass or accidental spill incident.

Failure of an IU to supply any report or other information required by the District, as required under a C&DR, will result in Show Cause action being recommended.

E. Cease and Desist Order (C&D)

A C&D is written notification, sent via Certified Mail, Return Receipt Requested, directed to an authorized agent of an IU found to be in noncompliance with an applicable effluent discharge standard of the Ordinance or with any terms or conditions of the Ordinance, with the exception of reporting requirements. The C&D advises the IU of the nature of the noncompliance and requires the IU to attain compliance with the Ordinance within 90 days of the date of the Order and to submit to the District a report regarding its investigation into the incident of noncompliance and a Compliance Schedule. The Compliance Schedule must be certified by an authorized agent of the IU, notarized, and must contain major milestone dates for implementation of remediation measures as well as a compliance date. The compliance date indicated in the Compliance Schedule cannot extend greater than 90 days beyond the date of the C&D.

The IU will be required to submit to the District, not more than 15 days after the compliance date specified in the Compliance Schedule, a Final Compliance Report, certified by an authorized agent of the IU, and notarized, indicating that compliance has been achieved.

The IU's Final Compliance Report will be subject to verification by District inspection and sampling within 90 days of the District's receipt of the Final Compliance Report.

Failure to achieve compliance within 90 days from the date of the C&D or failure to submit a properly executed Final Compliance Report, indicating that compliance has been achieved, will result in Show Cause action being recommended.

F. Show Cause Proceedings (SC)

When it has been determined that any person has failed to comply with a Cease and Desist Order, the General Superintendent of the District may order an IU who engages in activity or conduct prohibited by the Ordinance to Show Cause before the District's Board of Commissioners (Board), or its hearing officer designee, why such prohibited activity or conduct should not be discontinued.

A Notice of Show Cause, directed to an authorized agent of the IU, is served personally or by Registered or Certified Mail, specifying the time and place of a hearing to be held by the Board, and directing the IU to Show Cause before the Board why an order should not be entered directing discontinuance of such prohibited activity or conduct.

The Board may, itself, conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person to issue, in the name of the Board, notices of hearings requesting attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, to take evidence, and to transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon. At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically.

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shall be recovered through charges based on en-

1. For biochemical oxygen demand, total suspended solids, and fats, oils, and greases excursions of Appendix B (local limits) the TRC will be 1.4.
2. For all other pollutants (heavy metals, cyanide, phenols, toxic organic compounds or fats, oils, and greases utilized as a surrogate parameter), the TRC will be 1.2.
3. For pH, the TRC will be less than 3.5 pH units or greater than 11.5 pH units.

An IU may also be deemed in Significant Non-compliance if any single effluent discharge analysis exceeds the product of the maximum daily limit multiplied by 5.0 or if pH falls below 3.0 or above 12.0.

An IU discharging an effluent in noncompliance with any applicable effluent discharge limit will be deemed in Significant Noncompliance whenever the Director determines that the IU, either alone or in combination with any other IU, has caused or contributed to any incident of pass-through or interference. An IU contributing to the threat of fire, explosion or other damage to the sewerage system, or causing a hazard to life or the environment, or contributing to any other incident in response to which the District must exercise its emergency authority to halt such activity shall also be deemed in Significant Noncompliance.

B. Reporting Requirements

An IU in noncompliance with any applicable reporting requirement, more than 45 days after the report due date, will be deemed in Significant Non-compliance.

C. Compliance Schedule

An IU subject to a compliance schedule executed in response to any enforcement action taken by the District, or to a compliance schedule executed pursuant to any applicable categorical pretreatment standard, which fails to meet, within 90 days after the schedule date, a compliance milestone or final compliance date contained in its compliance schedule, will be deemed in Significant Noncompliance.

D. Failure to Report Noncompliance

RESPONSE OPTION MATRIX

A. IU Reporting and Self-monitoring

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Failure to submit Facility Classification Questionnaire (FCQ)	Initial occurrence	C&DR
Failure to submit FCQ	Repeated occurrence; failure to comply with C&DR	C&DR or SC*
Failure to submit initial Baseline Monitoring Report (BMR) or Discharge Authorization Request (DAR), or to submit amended BMR or DAR upon significant change in operation	Initial occurrence	C&DR
Failure to submit initial BMR or DAR or to submit amended BMR or DAR upon significant change in operation	Repeated occurrence	SC or CT
Failure to conduct self-monitoring and to submit periodic reports	Isolated occurrence	C&DR
Failure to conduct self-monitoring and to submit periodic reports	Repeated occurrence; failure to comply with C&DR	SC or CT
Minor deficiencies in periodic reports	Isolated occurrence	C&DR
Minor deficiencies in periodic reports	Repeated occurrence; failure to comply with C&DR	C&DR or SC
Major deficiencies in periodic reports, late reports	Isolated occurrence	C&DR
Major deficiencies in periodic reports, late reports	Repeated occurrence; failure to comply with C&DR	SC or CT
Failure to report effluent limit violation, pretreatment system malfunction,	Isolated occurrence; no interference of pass	C&DR

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Failure to submit schedule of batch or infrequent discharges	Isolated occurrence	C&DR
Failure to submit schedule of batch or infrequent discharges	Repeated occurrence; failure to comply with C&DR	C&DR or SC
Failure to report batch or infrequent discharge	Isolated occurrence	C&DR
Failure to report batch or infrequent discharge	Repeated occurrence	C&DR or SC or CT
Willful submission of false information	Any incident	CR

B. Compliance Schedules

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Willful submission of false information	Any incident	CR
Missed interim date	No impact on final date For C&D For SC For CT	C&D SC CT
Missed interim date	Delay of final date less than 90 days, good cause For C&D For SC For CT	C&D SC CT
Missed interim date	Delay of final date greater than 90 days, good cause For C&D For SC For CT	SC SC CT
Missed interim date	Delay of final date, Lacking good cause For C&D For SC For CT	SC or CT SC or CT CT
Missed final date	Good cause, non-SNC For C&D For SC For CT	C&D or SC SC or CT CT
Missed final date	Good cause, SNC For C&D For SC For CT	SC CT CT
Missed final date	No good cause For C&D For SC For CT	SC or CT CT CT

C. Effluent Limits

Noncompliance

Circumstances

Response

Non-SNC, local limits

D. Dilution

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Dilution of an effluent to achieve compliance with an effluent limitation	Isolated occurrence	C&D
Dilution of an effluent to achieve compliance with an effluent limitation	Repeated occurrence; failure to comply with C&D	C&D or SC

E. Entry and Access to Sampling Facilities

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Failure to allow entry for inspection	Isolated occurrence	C&D
Failure to allow entry for inspection	Repeated occurrence; failure to comply with C&D	C&D or SC
Failure to allow access for effluent sampling	Isolated occurrence	C&D
Failure to allow access for effluent sampling	Repeated occurrence; failure to comply with C&D	SC

F. Other Requirements

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Failure to comply with any requirement of Ordinance or Order of GS	Isolated occurrence, no impact on POTW	C&D
Failure to comply with any requirement of Ordinance or Order of GS	Repeated occurrence, no impact on POTW; failure to comply with C&D	C&D or SC
Failure to comply with any requirement of Ordinance or Order of GS	Any incident, interference or pass-through	C&D or CT or CR
Failure to comply with any requirement of Ordinance or Order of GS	Any incident with known POTW or environmental Damage	CT or CR
Failure to comply with any BO	Any incident of SNC	SC or CT

G. Civil and Criminal Referral Considerations

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Failure to comply with an applicable statute of state of Illinois or federal regulation, any incident with evidence of willful intent	Any incident	CR

*Whenever optional responses are stated, the office of the Director of Research and Development will select the option based on the nature and severity of the incidents(s) and surrounding circumstances.

APPENDIX G

to the

SEWAGE AND WASTE CONTROL ORDINANCE

**PROVISIONS APPLICABLE TO NATIONAL IN-
DUSTRY SECTOR
INITIATIVES AND XL PROJECT**

This Appendix deleted effective November 4,
2004.