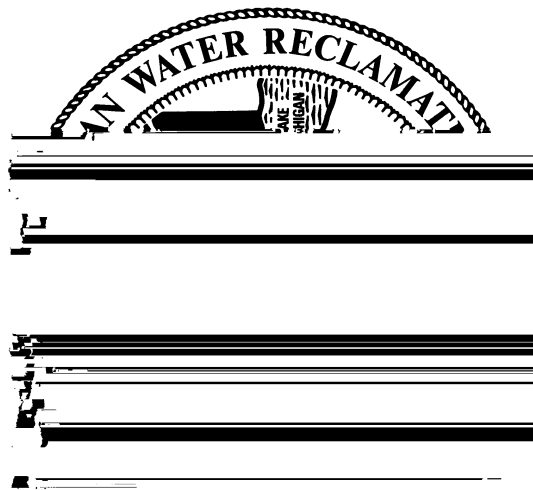


**METROPOLITAN WATER RECLAMATION DISTRICT
OF
GREATER CHICAGO**



Sewage and Waste Control Ordinance

As Amended

November 3, 2005

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

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

BOARD OF COMMISSIONERS

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.

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ment of an applicable categorical pretreatment standard.

“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 discharges into sewerage systems tributary to water reclamation facilities.

“General Superintendent” means the General Superintendent of the Metropolitan Water Reclamation District of Greater Chicago.

“Grab sample” means a single aliquot sample.

“Hazardous waste” means any industrial waste, production residue, sewage or sludge which is classified as a hazardous waste pursuant to 40 CFR 261.

“Illinois Environmental Protection Agency” or “IEPA” means the Environmental Protection Agency of the state of Illinois.

“Illinois Pollution Control Board” or “IPCB” means the Pollution Control Board of the state of Illinois.

“Incompatible pollutant” shall mean a pollutant or waste characteristic which causes, or has the pote

tion of the District, or for the recovery of by-products from such sewage, industrial waste or other wastes.

“Process wastewater” means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

“Production residue” means any liquid, solid, or gas which is residual source material, waste product or production by-product capable of being disposed in the sewerage system under the jurisdiction of the District.

“Registered Professional Engineer” or “P.E.” means a professional engineer licensed by the Illinois Department of Professional Regulation to practice that profession.

“Sewage” means water-carried human wastes or a combination of water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with any ground, surface, storm or other waters that may be present.

“Sewerage system” means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage, industrial waste or other wastes to a point of treatment or ultimate disposal.

“Significant industrial user” or “SIU” means any person who: (i) is subject to categorical pretreatment standards, or (ii) discharges greater than 25,000 gallons per day of process wastewater to the sewerage system, excluding water-carried human wastes from sanitary conveniences such as toilets, wash bowls, bathtubs, showers and residential laundries, noncontact cooling water, boiler blowdown water, and uncontaminated storm water, or (iii) discharges process wastewater in excess of five percent or more of the average dry weather hydraulic or organic capacity of the receiving water reclamation facilities, or (iv) is designated by the District as having a reasonable potential for adversely affecting the operations of the water reclamation facilities or for violating any standard or requirement of this Ordinance.

“Significant violator” means any person who is so designated by the District in accordance with the criteria contained in Appendix E of this Ordinance.

“Sludge” means liquid and precipitated or suspended solid material therein contained, generated from the treatment of water, sewage, industrial waste or other wastes.

“Slug” means any pollutant, released in a discharged224 ceptif coith eai

sued 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 a request for such change, in writing, to the District at least 30 days prior to the commencement of the desired change. The date of commencement of the desired change shall in no case be earlier than 30 days following receipt of the request by the District. The District shall respond within 30 days of the date of receipt of the request with approval or denial. No such change in discharge conditions shall take place until the District has granted written approval of the desired change. If the District does not respond within 30 days with a denial or a request for additional information clarifying the request for changes, then the request shall be deemed approved.

Persons subject to the terms of a Discharge Authorization issued by the District under Appendix D of this Ordinance, for which the requested change in discharge conditions constitutes a deviation from any conditions established in the Discharge Authorization issued to said person, shall not commence the desired change until the District has issued a revised or renewed Discharge Authorization.

Any person whose request for change of discharge conditions has been denied by the District, may request a review of the District’s determination. Such request must be made in writing to the Director of Research and Development. The request for review must clearly state the reason(s) why such person believes that the District’s denial of the requested discharge change 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 shall be limited in scope to the issues raised in the person’s initial request for change of discharge conditions. 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.

During the pendency of any review requested pursuant to this Section, the person requesting a change of discharge conditions is expressly prohibited from implementing, causing or allowing the proposed change in discharge conditions.

Any pollution control equipment necessary to achieve compliance with the District’s standards, as specified in Appendices A, B, and C hereof, must be installed prior to commencement of such change in discharge conditions.

Section 6. Dilution Prohibition

No person shall increase the use of process water or, in any way, dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the criteria or effluent quality standards set forth in this Ordinance.

Section 7. 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 shall be limited in scope to the issues raised in the person's initial request for exemption from this sec-

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 willful violation of this Ordinance, the applicable statutes of the State of Illinois and applicable federal pretreatment regulations.

The General Superintendent may refer such violation to the Office of State's Attorney or the Office of the United States Attorney, for such action as they deem appropriate.

ARTICLE V

Reporting Requirements

Section 1. Volatile/Hazardous Materials

All persons who, at any time, use, consume, produce or store on their business premises, any volatile/hazardous materials as defined herein, shall annually certify, in writing, to the District, the type and estimated quantities of these materials on forms supplied by the District. The annual certified report is to be signed by an authorized representative of the entity on whose behalf the report is being made. Where a significant change in the type or quantity of materials used, consumed, produced or stored on the business premises occurs after an annual report has been filed, a new report must be filed immediately.

Volatile/hazardous materials are those identified as wastes under the Resource Conservation and Recovery Act and defined by the USEPA at 40 CFR 261 or those pollutants under the Clean Water Act identified as priority pollutants and defined by the USEPA at 40 CFR 403 Appendix B, published in Final Rule at 46 FR 9458, January 28, 1981.

Section 2. Reporting of Production Residue or Sludge

This section deleted, effective July 9, 1998.

Section 3. Facility Categorization

When so directed by the District, each industrial user shall complete and submit to the District a facility classification questionnaire, on forms supplied by the District. The questionnaire shall be submitted to the District within 30 days of such industrial user's receipt of the form.

Section 4. Spill Containment Requirements

Each significant industrial user and each industrial user notified of applicability of this section based on said user's use or storage of flammable, volatile, explosive or corrosive materials, shall provide protection from accidental discharge to the sewerage

system of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent such discharge shall be provided and maintained at the user's own cost and expense. Additionally, each such industrial user must have detailed plans on file at the District showing facilities and operating procedures to provide this protection.

Plans shall contain all elements required under 40 CFR 403.8(f)(2)(v) and shall be approved by the District prior to construction of new facilities. Plans and facilities previously approved by the District shall be re-evaluated by the District at least once every two years and must be modified by the industrial user upon a determination by the Director of Research and Development that modifications are necessary. Plans shall be certified by a Professional Engineer registered in the State of Illinois.

Section 5. Reports on Discharges to Surface Waters and to the Sewerage System

Persons operating sewage treatment facilities discharging effluents to waters or operating pretreatment facilities discharging to the sewerage system under the jurisdiction of the District shall submit operating reports and laboratory analyses of discharges as directed by the General Superintendent, at intervals specified by the General Superintendent. The reports shall cover all activities of the industrial user from the close of the previous reporting period and must be received at the District not later than 30 calendar days after the end of the reporting period.

Notwithstanding any other non-monetary remedies which the District may have by statute, common law or this Ordinance, any person failing to submit a report or submitting a deficient report to the District, as required hereunder, within the filing period established by the District for such report, shall be assessed a late filing fee, as set forth under Article V, Section 10 of this Ordinance.

Section 6. Reporting on Discharges of Hazardous Wastes to the Sewerage System

Each person subject to the provisions of this Ordinance shall report to the District, on forms supplied by the District, the discharge of hazardous wastes, as defined herein, into the sewerage systems under the jurisdiction of the District. Such reporting shall conform with all applicable terms and conditions of 40 CFR 403.12(p).

Copies of reports filed with the District pursuant to this section shall also be filed with the United States Environmental Protection Agency and the Illinois Environmental Protection Agency, pursuant to 40 CFR 403.12(p).

Section 7. Maintenance of Records

Each person subject to any of the reporting requirements of this Ordinance shall maintain copies of reports and records as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this Ordinance for a minimum of three years and shall make such records available for inspection and/or copying by the District or its representatives. The period of retention shall be extended during the course of any unresolved litigation regarding the person or the District, or at the request of the USEPA, the IEPA or the District. All records pertaining to an incident of noncompliance and the person's actions taken to return to compliance shall be retained for a minimum of three years following the return to compliance resulting from a Cease and

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 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, or prepare a report on behalf of the person, the District shall recover the costs of such activity from the person in the same manner as debts are recoverable at law.

Section 12. Reporting of Batch and/or Intermittent Discharges

Upon written notification from the District of applicability of this paragraph, each person subject to this Ordinance who discharges industrial waste on a batch and/or intermittent basis shall notify the District's Field Surveillance Section, by telephone at (708) 588-4030, between 7:00 a.m. and 3:30 p.m. on normal business days, at least 48 hours prior to each batch or infrequent discharge. The telephone notification shall be used by the District to facilitate inspection and sampling of the person to coincide with periods during which the batch and/or intermittent discharge may occur. No process wastewater may be discharged into the sanitary sewerage system on a batch basis except in conformance with the batch discharge telephone notification procedure.

For the purpose of this section, a batch discharge is defined as a discharge of industrial waste which does not occur continuously during all working shifts of the person. An intermittent discharge is defined as a discharge of industrial waste which originates from an industrial process or activity which is not performed by the person during all working shifts of the person.

Section 13. Submittal of Facility Closure Schedule

Each significant industrial user and each industrial user notified of applicability of this section based on said user's use or storage of flammable, volatile, explosive or corrosive materials, who determines that an industrial facility owned or operated by said person shall cease its operations, shall notify the Director of Research and Development of intent to cease such operations, not less than 30 days prior to the cessation of operations. Such person shall also submit to the District, at that time, a facility closure schedule, which shall identify the dates upon

- c) an accidental or deliberate discharge which results in a violation of the criteria or applicable discharge standards of this Ordinance; or
- d) a slug discharge.

Such notification shall be made within one hour of the person's becoming aware of the incident, by telephone, to the Research and Development Department, Industrial Waste Division (312) 751-3044 during normal business hours or to the Systems Dispatcher (312) 787-3575 at all other times. Said notification shall be confirmed in writing and received by the District within five calendar days explaining the incident and outlining corrective measures to prevent a recurrence.

ARTICLE VI

Administrative Proceedings

Section 1. Cease and Desist Orders

Whenever the General Superintendent determines that sewage, industrial wastes, or other wastes are being, have been, or may reasonably be expected to be discharged into any waters or the sewerage system under the jurisdiction of the District, which are not in compliance with the provisions of this Ordinance, or that any person has otherwise acted contrary to the provisions of this Ordinance or to a Discharge Authorization issued to such person under this Ordinance, the General Superintendent or his designee shall order such person to cease and desist such action. The Cease and Desist Order may be sent via Certified Mail, Return Receipt Requested, or may be served personally by a representative of the District at the site, on the owner, officer, registered agent or individual designated by permit, or operator of the offending person. The General Superintendent or his designee may convene a conciliation meeting with the person so ordered to cease and desist for the purpose of establishing a compliance and reporting schedule for the person to come into compliance with the Ordinance or provisions of the Discharge Authorization.

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expected compliance

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posed 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

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

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 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 e

proceeding, and measures for necessary effluent reductions will be determined on the basis of technological feasibility, economic reasonableness, and fairness to all dischargers.

Section 3. Offensive and Threatening Discharges

In addition to the other requirements of this Appendix A, no effluent shall contain untreated sewage constituents, settleable solids, floating debris, visible oil, grease, scum, or sludge solids, or liquids, solids or gases which by reason of their nature or quantity are sufficient to cause fire or explosion or be injurious in any other way to the sewerage system, to human life or to the environment. No effluent shall have a closed cup flashpoint less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. Color, odor, and turbidity must be reduced to below obvious levels.

Section 4. Deoxygenating Wastes

All effluents containing deoxygenating wastes shall meet the following standards:

- a. No effluent from any source discharging into the Chicago River System or into the Calumet River System shall exceed 20 mg/L of BOD or 25 mg/L of suspended solids.
- b. No effluent from any source discharging into the Des Plaines River System shall exceed 30 mg/L of BOD or 30 mg/L of suspended solids.
- c. No effluent whose dilution ratio is less than five to one shall exceed 10 mg/L of BOD or 12 mg/L of suspended solids.
- d. No effluent whose dilution ratio is less than one to one shall exceed 4 mg/L of BOD or 5 mg/L of suspended solids.

Section 5. Bacteria

No effluent governed by this Appendix A shall exceed 400 fecal coliforms per 100 ml.

Section 6. Phosphorus

No effluent discharged to the Calumet River shall contain more than 1.0 mg/L of phosphorus as P.

Section 7. Lake Michigan

There shall be no discharge of any sewage, industrial wastes or other wastes of any kind into the waters of Lake Michigan unless the discharges are subject to regulation under a current and valid National Pollutant Discharge Elimination System Permit

issued by the Illinois Environmental Protection Agency.

Section 8. Additional Contaminants

The following levels of contaminants shall not be exceeded by any discharge of sewage, industrial wastes or other wastes to waters under the jurisdiction of the District.

Waste or Chemical	Concentration (mg/L)
Arsenic (total)	0.25
Barium (total)	2.0
Cadmium (total)	0.15
Chromium (total hexavalent)*	0.1
Chromium (total)	1.0
Copper (total)	0.5
Cyanide	0.10
Fats, oils and greases**	15.0
Fluoride (total)	15.0
Iron (total)	2.0
Lead (total)	0.2
Manganese (total)	1.0
Mercury (total)***	0.0005
Nickel (total)	1.0
Phenols	0.3
Silver	0.1
Zinc (total)	

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

The provisions of this Appendix shall not be applicable to discharges subject to regulation under a current and valid National Pollutant Discharge Elimination System Permit issued by the Illinois Environmental Protection Agency.

APPENDIX B
to the
SEWAGE AND WASTE CONTROL
ORDINANCE

waste paper, wood, plastic, gas, tar, asphalt
residues, residu

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

ARTICLE I

**Reporting Requirements Applicable
to Significant Industrial Users**

In addition to the reporting requirements contained in Article V of this Ordinance, the following reporting requirements are applicable to any person identified by the District as a significant industrial user.

Section 1. Baseline Monitoring Report

Within 90 days after the date of promulgation for the applicable categorical standards found in Appendix C, existing industrial users subject to categorical pretreatment standards and currently discharging an effluent into a sewerage system under the jurisdiction of the District, shall complete and submit to the District, on forms supplied by the District, a BMR. Within 90 days after being notified by the District of designation as a significant industrial user, significant industrial users not subject to categorical standards shall submit a BMR to the District. Sampling requirements for the completion of the BMR shall be supplied by the District and shall conform to the requirements

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(b)(5)(iii). Sample analysis shall include all parameters listed in Appendix B, Sections 1 and 2(i) of this Ordinance and any paramet

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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 USEPA are listed herein. Industrial users in one or more of the regulated categories will be supplied with the appropriate pretreatment standards by the District. Those categorical standards as promulgated and as amended by the USEPA and set forth below are adopted by the Board of Commissioners as its performance criteria for discharge to sewers under the jurisdiction of the District.

Industrial Point Source Category	Final Rule Date	Industrial Point Source Category	Final Rule Date
401 General provisions	2/1/1974	445 Landfills	1/19/2000
403 General pretreatment regulations for existing and new sources of pollution	1/28/1981	425 Leather tanning and finishing	11/23/1982
467 Aluminum forming	10/24/1983	432 Meat products	2/28/1974
427 Asbestos manufacturing	2/26/1974	433 Metal finishing	7/15/1983
461 Battery manufacturing	3/9/1984	464 Metal molding and casting	10/30/1985
407 Canned and preserved fruits and vegetables processing	3/21/1974	438 Metal products and machinery	5/13/2003
408 Canned and preserved seafood processing	6/26/1974	436 Mineral mining and processing	10/16/1975
458 Carbon black manufacturing	1/9/1978	471 Nonferrous metals forming and metal powders	8/23/1985
411 Cement manufacturing	2/20/1974	421 Nonferrous metals manufacturing	3/8/1984
437 Centralized waste treatment	12/22/2000	435 Oil and gas extraction	4/13/1979
434 Coal mining	10/9/1985	440 Ore mining and dressing	12/3/1982
465 Coil coating	12/1/1982	414 Organic chemicals, plastics and synthetic fibers	11/5/1987
412 Concentrated animal feeding operations	2/12/2003	446 Paint formulating	7/28/1975
468 Copper forming	8/15/1983	443 Paving and roofing materials (tars and asphalt)	7/24/1975
405 Dairy products processing	3/28/1974	455 Pesticide chemicals	4/25/1978
469 Electrical and electronic components	4/8/1983	419 Petroleum refining	10/18/1982
413 Electroplating	1/28/1981	439 Pharmaceutical manufacturing	10/27/1983
457 Explosives manufacturing	3/9/1976	422 Phosphate manufacturing	2/20/1974
424 Ferroalloy manufacturing	2/22/1974	459 Photographic	7/14/1976
418 Fertilizer manufacturing	4/8/1974	463 Plastics molding and forming	12/17/1984
426 Glass manufacturing	1/22/1974	466 Porcelain enameling	11/24/1982
406 Grain mills	3/20/1974	430 Pulp, paper and paperboard	4/15/1998
454 Gum and wood chemicals manufacturing	5/18/1976	428 Rubber manufacturing	2/21/1974
460 Hospitals	5/6/1976	417 Soap and detergent manufacturing	4/12/1974
447 Ink formulating	7/28/1975	423 Steam electric power generating	11/19/1982
415 Inorganic chemicals manufacturing	6/29/1982	409 Sugar processing	1/31/1974
420 Iron and steel manufacturing	5/27/1982	410 Textile mills	9/2/1982
		429 Timber products processing	1/26/1981
		442 Transportation equipment cleaning	8/14/2000
		444 Waste combustors	1/27/2000

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 determi

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,

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Section 7. Reissuance of Discharge Authori-

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 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. Continued Discharge in Absence of Current and Valid Discharge Authorization to be Considered a Violation

Whenever a person to whom a notification of applicability of this Appendix has been transmitted fails to submit a DAR as required under this Appendix, or whenever a person whose DA has been revoked pursuant to an order of the Board of Commissioners, or whose DA has expired, continues to cause or allow the discharge of process wastewater into a sewerage system under the jurisdiction of the District, the General Superintendent shall, by Registered or Certified Mail or by personal service by any employee of the District, notify such person that contin-

- 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

standard of Appendix B (local limits) of the Ordi-

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. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

After the Board has reviewed the evidence, it may issue a Board Order (BO) to the IU directing that within a specified time period, the prohibited activity or conduct be discontinued unless adequate pretreatment facilities are properly installed and operated to ensure compliance, recommending penalties in the amount of not less than \$100.00 nor more than \$10,000.00 for eadeni-uivcion of ehe ardeinnce,

NCE cost shall be recovered through charges based on enforcement and monitoring activities, as set forth below.

Noncompliance Enforcement (NCE) Charges
Effective January 1, 2006

Enforcement Level	Sampling Charge	Administrative Cost
Notice of Noncompliance	\$670	\$793
Cease & Desist Order (Single-sample SNC)	\$1,545	\$793
Cease & Desist Order (Chronic/Acute SNC)	\$3,914	\$793
Recurring Cease & Desist Order (Per each C&D Order)	\$3,914	\$793
Show Cause or Legal Action	To be addressed in resolution of the enforcement action	

The NCE charges, where applicable, will be assessed by invoice issued to the person found in noncompliance. If the person disputes the NCE charges, the person must notify the Director of Research and Development, in writing, of such dispute within 30 days of receipt of the NCE invoice, together with the reasons why the person disputes the charges. All disputes regarding NCE charges will be handled in accordance with Article V, Section 10 of this Ordinance.

COMPLIANCE SCREENING / REVIEW

All IU self-reports and reports generated by District inspection and sampling of IUs will be reviewed by the Industrial Waste Division, Enforcement Section for incidents of noncompliance with applicable standards. Reports will be reviewed and enforcement actions will be taken in response to any incidents of noncompliance in accordance with the following schedule.

A. IU Self-reports

All IU self-reports will be reviewed within 45 days of receipt of said self-report. Enforcement action will be initiated within 60 days of receipt of the report, if required.

B. District Inspection and Sampling Reports

In conformance with 40 CFR 403.8(f)(2), the District will inspect and sample each SIU at least annually. The District will inspect and sample each IU found in noncompliance to verify the IU's claims that

compliance has been attained. For instances of significant noncompliance, verification inspection and sampling will be performed within 60 days of the IU's compliance date. For nonsignificant instances of noncompliance, certification inspection and sampling will be performed within 90 days of the IU's final compliance date. Sample collection and analysis061 Tw

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 (fal78s(unit3.) Tj1538.75 0 TDr0 Tc 0.2895 Tw () Tj -718.75 -17.25 TD2dnmits or8i870381 Tw (An I

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

Noncompliance

Failure to submit schedule of

Circumstances

Isolated occurrence

Response

C&DR

C. Effluent Limits

<u>Noncompliance</u>	<u>Circumstances</u>	<u>Response</u>
Non-SNC, local limits	Isolated occurrence	NONB
Non-SNC, categorical pretreatment limits	Isolated occurrence except BMR verification sampling	NONC
Non-SNC	Repeated occurrence	C&D or SC
Categorical pretreatment standards	BMR verification sampling	NONBMR
Categorical pretreatment standards	NONBMR compliance Sampling	C&D
SNC	Isolated occurrence	C&D or SC
SNC	Repeated occurrence; failure to comply with C&D	C&D or SC or CT
Any limit	Isolated occurrence; interference or pass-through	C&D or CT
Any limit	Repeated occurrence; interference or pass-through	SC or CT
Any limit	Any incident with known POTW or environmental Damage	CT or CR
Slug load (spill)	Isolated occurrence; no interference or pass-through	C&D or SC or CT or CR
Slug load (spill)	Repeated occurrence; no interference or pass-through	C&D or SC or CT or CR
Slug load (spill)	Isolated occurrence; interference or pass-through	C&D or CT or CR
Slug load (spill)	Repeated occurrence; interference or pass-through	SC or CT or CR
Slug load (spill)	Any incident with known POTW or environmental Damage	CT or CR
Any discharge from regulated categorical IU without approved BMR	Any incident	C&D or CT
Any discharge from IU in violation of BO	Any incident	SC or CT

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 POTW0 () Tj 96nance or Order of GS	CT or CR POTW01408 Tc 0.24T q 498

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.