

**TITLE VII – HEALTH AND SANITATION
DIVISION I TRASH AND YARD WASTE
CHAPTER 1 GARBAGE AND REFUSE**

Section 1. DEFINITIONS

"Bulk Item" shall be defined as a large item such as a couch, chair, mattress, table, etc.

"Commercial waste" shall mean waste material resulting from the operation of business enterprises and institutions.

"Construction waste" shall mean waste from building construction, alteration, demolition or repair, including, but not limited to excavated earth, stones, brick, concrete, plaster, lumber and roofing.

"Container" any cart/tote provided by the Waste Hauler for residential waste, refuse, garbage, rubbish and recycling collection.

"Disposal" shall include the storage, collection, disposal or handling of refuse.

"Garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods. All residential garbage shall be drained of surplus liquids.

"Hazardous waste" shall mean waste, a combination of waste and other discarded material, which, because of its quality, concentration or physical, chemical or infectious characteristics, pose a substantial present or potential hazard to human health or the environment.

"Household bulk waste" means, by way of example, chairs, sofas, carpet, furniture, as well as construction and yard waste in lengths of no more than four (4) feet and weighing, as a unit, no more than fifty (50) pounds, and similar items approved by the waste hauler.

"Recycle" means the collection of items such as plastics, tin, aluminum, newspaper, magazines, cardboard, glass, and stationery paper, approved for collection and recycling by the waste hauler.

"Refuse" shall mean all solid waste, except animal and human excrement, and shall include garbage and rubbish as defined in this Section.

"Resident" means any person residing in a dwelling, including multi-family dwellings.

"Residential refuse" shall mean refuse and trash generated from normal household use. Residential refuse does not include commercial waste, construction waste, hazardous waste, residential yard waste, dead animals, e-waste, tires, ashes, and white goods.

"Residential yard waste" shall mean yard waste generated from households including grass clippings, leaves and trimmings from shrubs, trees or bushes. Residential yard waste does not include tree limbs over four (4) inches in diameter or tree stumps.

"Rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes except for those items approved for collection and recycling by the Waste Hauler.

"Trash Bill" shall mean the monthly combined trash and recycle bill that is billed to the residents by the Village of Coal Valley.

"Waste Hauler" shall mean a duly licensed waste hauler authorized to do business in the State of Illinois, and contracted with the Village of Coal Valley to provide waste hauling, disposal and recycling services for residential customers.

"Yard Waste Bag" means any kraft paper bag designed and designated for holding/containing yard waste that is purchased by residents from vendors who sell such bags.

Section 2. STORAGE, PLACEMENT AND REMOVAL OF REFUSE/RECYCLE CONTAINERS

- 2.1 No resident shall store or place garbage, trash, refuse, recycle, yard waste containers and yard waste bags on Village Rights-of-Ways and streets except as allowed by the provisions of Section 2.2 below.
- 2.2 Refuse, recycle, yard waste containers and yard waste bags may be placed street or curbside no sooner than 5:00 pm the day before collection, and must be in place at the street or curb by 6:00 am the day of collection, and removed from the street or curb by 7:00 pm on collection day. All containers shall be placed and kept so contents shall not be spilled or scattered upon public grounds, streets, alleys, or spilled upon private property.

Section 3. CONTAINERS REQUIRED

- 3.1 All residents within the Village are required to obtain a residential refuse container through the Village from the Waste Hauler for refuse, and upon request from the resident for recycling collection. There will be an additional charge for each container past the first one they provide for refuse and recycle collection. The additional charge(s) would be added to the resident's monthly bill with the Village of Coal Valley. Recycling services through the Village must use the recycling container provided by the Waste Hauler.
- 3.2 Single-use bags for yard waste shall be of sufficiently sturdy material as to prevent breaking or tearing of the bags prior to collection. Bags meeting the requirements of the Waste Hauler or sold by the Waste Hauler or other commercial sources are presumed to meet the requirements of this Ordinance. All yard waste bags will have a yard waste sticker, purchased from the Village, attached to each yard waste bag.
- 3.3 The Waste Hauler will provide a recycle container to those Village residents who request to participate in recycling. Recycle containers will be picked up on the same day as normal trash collection on a bi-weekly basis. All residents will be charged for recycling regardless if they utilize recycling or not.
- 3.4 Residents can choose from three different size refuse/recycle containers (65 gal/95 gal) provided by the Waste Hauler. The number of and size of containers are arranged through the Village. If residents do not make a selection of a refuse container by default they will receive a 95 gal refuse container. Residents that request a recycle cart will be given a 65 gal recycle container by default.
- 3.5 All residential refuse and recycle material must fit in the container(s)/cart(s) provided by the Waste Hauler. If it fits in the Waste Hauler's container(s) it will be picked up by the Waste Hauler. Residents who have excessive residential waste or recycle material that does not fit into the Waste Hauler's containers must call

the Village to start the process to arrange a special pickup by the Waste Hauler. This special pickup is directly billed to the resident by the Waste Hauler. Each bag or container requiring special pickup cannot exceed fifty (50) pounds in weight. Residents who have excessive (does not fit into the Waste Hauler's containers) residential refuse or recycle material, and have not arranged for a special pickup, can be considered in violation of this Ordinance and subject to the penalties found in Section 8 of this Ordinance.

- 3.6 All residents will be allowed to have one "bulk item" pick up once a month as defined in Section 1 Definitions.

Section 4 – RESIDENTIAL YARD WASTE CONTAINERS

The Waste Hauler will provide a yard waste container to those Village residents who request to participate in yard waste container collection and will be picked up on the same day as normal trash collection on a weekly basis.

Section 5. RESIDENTIAL YARD WASTE NOT PLACED IN YARD WASTE BAG

Residential yard waste not placed in a yard waste bag shall be securely baled, tied, bundled or packaged so as not to exceed forty-eight (48) inches in length, and fifty (50) pounds in weight.

Section 6. COLLECTION BY WASTE HAULER

- 6.1 The Village shall contract with the Waste Hauler for the exclusive collection of residential trash, recycle material and yard waste within the Village. No other waste hauler shall collect residential trash, recycle material and yard waste within the Village while the Village is under contract with the Waste Hauler.
- 6.2 The Waste Hauler shall collect residential refuse and recycling on the day(s) established by the contract between the Waste Hauler and the Village of Coal Valley.
- 6.3 The Waste Hauler shall not collect hazardous waste; refuse or garbage which has not been drained of excessive amounts of liquid; commercial waste; construction waste, and residential yard waste not properly bagged, bundled and/or weighing over fifty (50) pounds.
- 6.4 The Waste Hauler contracted with the Village is the exclusive provider of residential waste hauling, disposal and recycling of all residential refuse, garbage, recyclables, and yard waste within the Village. This Ordinance applies to all residences in the Village except for those residences located in B-2 zoned areas. Each owner of a residence in B-2 Zoned areas may opt out of the Village's residential waste and recycle program by notifying the Village in writing of their desire to not participate.
- No resident, except for those exempted in B-2 Zoned areas, shall contract with any other waste hauler for the pickup and disposal of residential waste, refuse, garbage or the pickup of recyclables. Any such contract or contracts or receipt of services for the same with any entity engaged in the business of residential waste hauling, recycling and yard waste removal, other than the Waste Hauler contracted with the Village, is a violation of this ordinance, and shall be considered null and void by the Village and subject to penalties as outlined in this Ordinance.

- 6.5 Village residents may haul and dispose of household refuse and recyclable material outside of the Village. Residents shall not otherwise contract for residential waste hauling service, recycling and yard waste services within the Village with another provider other than the Waste Hauler the Village has on contract. Village residents disposing of refuse outside the Village will still be charged for monthly trash and recycling collection.
- 6.6 Village residents are responsible for cleaning up their spilled refuse, trash, recycle material, and yard waste caused by animals, weather, or humans prior to pick up by the Waste Hauler.

Section 7. EXEMPT ENTITIES

Commercial businesses, including but not limited to, restaurants, retail sales establishments, manufacturers, manufacturing facilities and businesses, and commercial agricultural operations are exempt from the provisions of this ordinance, except this does not include businesses located in a residential home unless otherwise exempted in this Ordinance. Country clubs, mobile home parks, and governmental entities, including fire departments and schools, are also exempt from the requirements and provisions of this Ordinance. Churches are also exempt, except for residential homes (rectories, parsonages, etc.) associated with the church except when they meet the requirements in section 5.4.

Section 8. RATES, BILLINGS, PAYMENTS AND DELINQUENT BILLS

- 8.1 The monthly rates for curbside refuse collection, recycling, and yard waste shall be established by the contract between the Waste Hauler and the Village. The total costs for these collection services, to include the Village's Administrative Fees, are identified in Appendix A to this Chapter.
- 8.2 All charges for curbside refuse collection and shall be collected by the Village with its monthly utility billing to each residential customer.
- 8.3 Any owner or occupant expecting to be absent from the Village for a period of two consecutive complete months, or more, and who desires to discontinue refuse collection and recycling service during this absence must notify the Village of the expected absence, which notice must be given at least 30 days prior to the first day of the full month in which service is desired to be discontinued. Discontinuance of service may only commence on the first day of any month, and shall recommence upon written or verbal notice and request from the resident. Restart of service will commence on the first day of the month following the request for resumption of services or as previously agreed to between the resident and Village prior to the discontinuance of service.

- 8.4 It is the responsibility of the owner to notify the Village, with 30 days prior notification when a residence is going to be vacated (home sale, renter moving, foreclosure, etc) and not require refuse collection. Failure to notify the Village does not waive the owner's responsibility to pay for trash collection.
- 8.5 Renters must sign up for trash collection at Village Hall. In the event a renter fails to pay his trash collection bill, said payment will become the responsibility of the owner/landlord of record of that residence.
- 8.6 Delinquent Bills – The provisions of Chapter 8 of Title VII of the Village Code of Ordinances apply to trash collection bills. Past due bills will be assessed a monthly 10% penalty on the total amount of the Water, Sewer and Trash Bill due. Failure to pay the trash bill, that is 30 days past due, can result in trash service being suspended to the residence and can only be reinstated ~~on~~ once the resident/owner has made payment or payment arrangements with Village Hall. ~~supplied by the Village, and do not pay their delinquent trash bill, will be issued an Ordinance Violation Citation with penalty fees in accordance with Title I, Division V, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley for each month the bill is not paid.~~

Section 9. PENALTY/CIVIL INFRACTION

Any person who shall violate any provision of this Chapter shall be guilty of a municipal code violation and shall be subject to a fine in accordance with Title I, Division V, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley. Each day this Ordinance is violated shall be considered a separate violation unless otherwise specified in this Ordinance.

Section 10. ENFORCEMENT

The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations to alleged violators of this Chapter. Failure to pay the trash bill can also result in a Mechanics Lien being placed upon the property.

Section 11. NUISANCE

A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se, and is declared to be offensive to the public health, safety and welfare.

Section 21. INJUNCTIVE RELIEF

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings through the Municipal Code Enforcement System (MUNCIES) or in the Circuit Court of Rock Island or Henry County to abate or eliminate the nuisance per se or any other violation of this Chapter.

Section 13. VALIDITY

If any section, provision or clause of this Chapter or the application thereof to any resident or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter, which can be given effect without the invalid portion or application.

CHAPTER 2 – PLANTS AND WEEDS

Section 1. APPLICATION.

Any person owning property within the Village where weeds or grass are permitted to grow must cut the weeds before they grow 10 inches in height. Tree debris (trunks/branches/limbs/leaves) cannot remain on the ground for longer than 60 days.

Section 2. PENALTY.

Any person violating the provisions of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense. Each day's continuance or existence is a separate offense.

Section 3. REMOVAL OF WEEDS, GRASS AND TREE DEBRIS; LIEN.

- a. The Director of Public Works or his agent of the Village may provide for the cutting of weeds and/or grass over (10) inches in height and removal of tree debris on private property within the Village when the owner of such property, after reasonable notice, refuses or neglects to cut such weeds or grass or remove tree debris. Reasonable notice shall consist of one of the following:
 1. When a property owner has been cited for a violation of any section of this Chapter 2 during the previous growing season, he may be notified by letter at the beginning of the current growing season of his obligation to provide for the cutting of weeds or grass or removal of tree debris on his property. Such notice shall constitute reasonable notice for the entire growing season; and
 2. When a property owner has not been cited for a violation of this Chapter 2 during the previous growing season, he shall be provided, a seven (7) day notice in which to provide for the cutting of weeds and grass or removal of tree debris currently in violation of this Chapter. The notice will also constitute reasonable notice for the remainder of the growing season. If subsequent violations are observed, during the same growing season, the weeds and grass will be cut immediately or the tree debris will be removed and the owner will be billed for the cost thereof.
- b. Upon refusal or neglect of any property owner to cut weeds, or grass or remove tree debris in violation of this Chapter 2, the Director of Public Works or his agent may cause such weeds or grass to be cut or tree debris removed and shall collect from the property owner the cost for the service. The charge for such service shall be a minimum of two hundred dollars (\$200.00) for the first hour of service to cut the weeds and grass and or remove the tree debris per parcel. A charge of \$50.00 an hour per Village employee, involved in the cleanup, will be assessed after the first hour per parcel. These costs shall be billed to the property owner along with an additional thirty dollars (\$30.00) lien charge per parcel of property. If cutting/removal charges are fully paid within thirty (30) days, the thirty dollars (\$30.00) lien charge will be returned. If cutting/removal are not fully paid within thirty (30) days, a second billing notice shall be sent to the property owner. If, after ten (10) days following a second notice, the property owner still has not paid the cutting/removal and lien charges, the Director of Finance may cause a lien to be placed on the property. Such lien shall be superior to all subsequent liens and encumbrances, except tax liens, if a Notice of Lien is filed in the Office of the

County Recorder of Deeds within seven (7) months of the date of completion of the cutting of weeds and grass or tree debris removal by the Village. The Notice of Lien shall consist of a sworn statement setting out:

1. A description of the property sufficient for identification thereof;
 2. The amount of money representing the cost and expense incurred or payable for the service; and
 3. The date or dates such cost and expense was incurred by the Village.
- c. However, the lien shall not be valid as to any purchasers whose rights in and to such property have arisen subsequent to the weed and grass cutting and/or tree debris removal prior to the filing of such notice, and the lien of the Village shall not be valid as to any mortgagee, judgment creditor or other lien or whose rights in and to such property arise prior to the filing of such notice. Upon payment of the cost and expense by the owner or persons interested in such property after the Notice of Lien has been filed, the lien shall be released and the release may be filed on record as in the case of filing Notice of Lien.
- d. In the event of a violation of any of the provisions of this Chapter 2 and in addition to such charges for cutting of weeds and grass and tree debris removal that may be imposed, the Director of Public Works or his agent may serve on the property owner a notice to appear at the Village Office in Village Hall within seven (7) days and pay as a penalty in full for such violation, in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense. Each day's continuance or existence is a separate offense. In any event, the public works supervisor shall proceed to cut weeds and grass and remove tree debris in violation of Title VII, Chapter 2 and bill the property owner the Village's expense.
- e. The Village's attorney is authorized and directed to initiate litigation in the Small Claims Court of the Fourteenth Judicial Circuit to recover weed and grass cutting/debris removal liens, court costs and attorney's fees."

CHAPTER 3 – LITTERING

Section 1- LITTERING

It shall be unlawful for any person to throw, place or deposit any filth, offal, garbage, refuse, recycle material and yard waste, or any other offensive matter in any street, alley, creek, ditch, public right-of-way or upon any public ground in the Village, or upon any private property in the Village without the express permission of the property owner.

Section 2 - PENALTY

Any person violating any section of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.

APPENDIX A

TO COAL VALLEY ORDINANCE TITLE VII – HEALTH AND SANITATION-CHAPTER 1,
GARBAGE AND REFUSE

TOTAL MONTHLY COSTS FOR SINGLE SOURCE TRASH & RECYCLE COLLECTION WITH VILLAGE'S
ADMINISTRATIVE FEES INCLUDED AS A PART OF THE TOTAL MONTHLY COSTS.

YEAR* WASTE STICKER	TRASH/RECYCLE 1 CART EACH**	FOR EACH ADDED CART**	FOR EACH ADDED RECYCLE CART***	YARD WASTE CART	YARD
2022 \$1.75	\$16.25	\$4.00	\$3.50	\$9.00	
2023 \$1.75	\$16.25	\$4.00	\$3.50	\$9.00	
2024 \$2.25	\$16.75	\$4.00	\$3.75	\$9.50	
2025 \$2.25	\$17.25	\$4.00	\$3.75	\$9.75	
2026 \$2.25	\$17.25	\$4.00	\$3.75	\$9.75	
2027 \$2.75	\$17.75	\$4.00	\$4.00	\$10.00	
2028 \$2.75	\$17.75	\$4.00	\$4.00	\$10.00	
2029 \$3.25	\$18.25	\$4.00	\$4.00	\$10.50	
2030 \$3.25	\$18.75	\$4.00	\$4.25	\$10.75	
2031 \$3.25	\$19.25	\$4.00	\$4.25	\$11.00	

*Year begins on 1 January of each year and ends on 31 December of each year.

**Trash and Recycle Carts can be 65/gal/95gal

DIVISION II - WATER SYSTEM

CHAPTER 4 WATERWORKS AND SEWAGE SYSTEMS

Section 1. PERMITS.

No person shall dig, excavate, remove, cut or in any manner tunnel under or break the surface of any street, highway, avenue, alley or right-of-way within the corporate limits of the Village for the purpose of connecting to the public water and or sewerage system without first having obtained from the Village the proper tap on permit.

Section 2. INSPECTION.

No person connected to the public water system in the Village under a permit as stated above, shall cover the connection without first having the connection inspected and approved by the Village.

Section 3. APPLICATION.

Any person who connects his, her, any house, building or property to the public water system of the Village within 60 days after the availability of water service to the property, shall pay to the Village, prior to the use of the system, the sum of \$10.00 as an inspection fee to cover the cost of inspection of the connection to the public water system. No person shall begin use of the water system without first having the connection inspected by the proper Village authority.

Section 4. CONNECTION CHARGE.

For tap on permit charges see Appendix A to TITLE IX, DIVISION II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.

Section 5. IDENTIFICATION.

Any inspector meter reader or any other employee of the Village or its authorized agents whose duty it may be to enter upon private premises to make inspection and examinations in connection with the public water system will be provided with identification identifying them as a representative of the Village. It shall be the duty of each and every such officer, agent or employee of the department upon resignation or dismissal to surrender and deliver to the department credentials for purposes of identifying the person within the division.

Section 6. LICENSED PLUMBER REQUIRED.

No person other than a plumber licensed by the State of Illinois shall attempt to connect to the public water system in the Village.

Section 7. ENTRANCE TO PREMISES.

Any authorized representative of the Village shall, upon presentation of proper identification, have free access at any time during all reasonable hours to any premises, supplied by the public water system for the purpose of making any inspection or taking, a meter reading pertaining to the public water system.

Section 8. TERMINATION OF SERVICES: NOTICE.

Any authorized representative of the Village refused or hindered admittance to any premise, or prevented from making such examination or readings of the meters as necessary, the Village may cause the public water supply to be turned off from the premises, after giving 24 hours notice to the owner or occupant of the premises.

Section 9. USE.

No person shall use the public water system for the purposes of watering of lawns or non-commercial washing of motor vehicles or both as determined during those periods of time when there exists in the Village an inadequate supply of water due to weather conditions or other causes.

Section 10. INADEQUATE WATER SUPPLY.

An inadequate supply of water shall be deemed to exist when the public water system pumping facilities are unable to pump an amount of water equal to or more than the water usage for any 24-hour period because of high usage of water due to the weather conditions, or because the public water system facilities have become inadequate to provide the necessary water due to other causes.

Section 11. DETERMINATION AND NOTIFICATION.

It shall be the duty of the Village President or his designee to make a determination that an inadequate supply of water exists in accordance with Section 10. After making a determination, the provisions of this Division shall not be enforced until the Village President or his designee informs the news media of the determination, so that the residents of the Village will be notified. If conditions permit a delay in the enforcement of any part of this Division I, a notice shall be published in the newspaper of general circulation in the Village indicating the effective dates of this ban on the usage of water.

Section 12. PROHIBITION.

The Village President or his designee may determine that a prohibition may apply only to the non-commercial washing of motor vehicles, watering yards or gardens shall be prohibited. It shall not be necessary to enforce both classifications at the same time.

Section 13. SERVICE LINES.

13.1 All service pipes and fixtures from the Village water and sewer main to the premises shall be installed at the expense of the property owner.

All pipes and fixtures from the curb stop box or property line to the premises shall be maintained at the expense of the property owner.

Any leaks or other defects in the service pipes shall be promptly repaired by the property owner. If not promptly repaired the village shall turn off the water until such repairs have been made.

Section 14. SEPARATE CONNECTIONS

There shall be separate service pipes placed from the main to each building wherever there is a watermain in front, rear, or side of such building. Such service pipes shall be placed on a straight line at right angles to the water main and connections made within two lines drawn parallel to the sides of the building to be served or within three (3) feet thereof. In all cases each building or unit thereof served by individual meters must have an independent outside service control valve on

DIVISION III - SEWERAGE SYSTEM
CHAPTER 1 REQUIRED USE OF PUBLIC SEWERS

Section 1. DISCHARGE OF SEWAGE PROHIBITED - EXCEPTION

It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and appropriate regulatory agencies.

Section 2. CONSTRUCTION OF PRIVIES, ETC. PROHIBITED.

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

Section 3. TOILET FACILITIES REQUIRED.

The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line of the property on which such building or structure to be served is located.

CHAPTER 2 PRIVATE SEWAGE DISPOSAL

Section 1. NON-AVAILABLE.

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with all requirements imposed by the Rock Island or Henry Counties' Departments of Public Health.

Section 2. AVAILABLE.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection paid for by the owner shall be made to the public sewer in compliance with this Ordinance within (90) days and any septic tanks, cesspools, and the private sewage disposal facilities shall be closed and disposed of as required by the Rock Island and Henry Counties' Departments of Public Health.

Section 3. MAINTAINING.

The Owner shall operate and maintain the private sewage disposal facilities in a safe, healthful and sanitary manner at all times, and at no expense to the Village.

Section 4. STATEMENT.

No statement contained in this Division II shall be construed to interfere with any additional requirements that may be imposed by the Rock Island and Henry Counties Departments of Public Health and the laws of the State and Federal Governments.

CHAPTER 3 BUILDING SEWERS AND CONNECTIONS

Section 1. AUTHORIZATION.

No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

Section 2. DISPOSAL.

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

Section 3. INSPECTION FEE.

Any person who connects their house, building or property to the public sewer system of the Village shall pay to the Village, prior to the use of the system, the sum of \$15.00 as an inspection fee to cover the cost of inspection of the connection to the public sewer system. No person shall begin use of the sewer system without first having the connection inspected by the proper Village authority.

Section 4. PERMIT CLASSES.

- a. There shall be two (2) classes of sewer permits: one for residential and commercial service, and a second for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a form furnished by the Village. A Tap On permit shall be obtained and paid to the Village prior to start of any work.
- b. For tap on permit charges, see Appendix A to TITLE IX, DIVISION II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.
- c. For industrial operations, as a condition of permit authorization must provide information describing its waste water constituents, characteristics, and type of activity.

Section 5. PERMIT.

A building sewer permits will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer pump stations, and wastewater treatment facilities, have

sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 6. COSTS.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Village from any loss or damage the may directly or indirectly be occasioned by the installation of the building sewer. Following installation, the Owner is responsible for the maintenance of a building sewer, including its connection to the public sewer, from the public sewer too the building it serves.

Section 7. SEPARATE CONNECTIONS.

A separate and independent building sewer shall be provided for every building, except the where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 8. OLD BUILDING SEWERS.

Old building sewers may, be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this Ordinance.

Section 9. INSTALLATION.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials add procedures set forth in appropriate specifications of the American Society of Testing and Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

Section 10. ELEVATION.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 2, and discharged to the building sewer.

Section 11. DOWNSPOUTS AND SUMP PUMPS.

No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 12. CONNECTING.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the American Society of Testing and Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

Section 13. NOTIFICATION.

The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village.

Section 14. EXCAVATION.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

CHAPTER 4 USE OF THE PUBLIC SEWERS

Section 1. GENERAL PROVISIONS.

(a) Purpose and Policy. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the Village of Coal Valley and enables the Village to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (6) To enable the Village to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of Individual Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Administration. Except as otherwise provided herein, the Village Administrator shall administer, implement, and enforce the provisions of this ordinance. These actions are defined within the

Pretreatment Program. Any powers granted to or duties imposed upon the Village Administrator may be delegated by the Village Administrator to other Village personnel or to other jurisdictions through intergovernmental agreements. The Village shall accept all permit applications as set forth in this ordinance but may forward them to the City of Moline as Control Authority and operator of the Rock River Valley Regional Sewer System for review and approval. It shall be the duty of the Village Administrator to require compliance with the Pretreatment Program and to ensure it is updated annually.

(c) Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BMP - Best Management Practices
- BOD - Biochemical Oxygen Demand
- CIU - Categorical Industrial User
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EMS - Enforcement Management System
- EPA - U.S. Environmental Protection Agency
- ERG - Enforcement Response Guide
- ERW - Environmental Remediation Wastewaters
- gpd - gallons per day
- IEPA - Illinois Environmental Protection Agency
- IU - Industrial User
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- ODI - Oxygen Demand Index
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIU - Significant Industrial User
- SIC - Standard Industrial Classification
- SNC - Significant Noncompliance
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

(d) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

(1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

(2) Approval Authority. United States EPA - Region 5, and Illinois EPA.

(3) Authorized Representative of the User.

a. If the user is a corporation:

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

2. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

d. The individuals described in paragraphs (a.) through (c.), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village.

(4) Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices (in reference to pretreatment) to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(5) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°centigrade, usually expressed as a concentration (e.g., mg/l).

(6) Categorical Industrial User (CIU). An Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471.

(7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(8) Control Authority. The Village of Coal Valley as far as it oversees the system that is located within Coal Valley boundaries. Control Authority also includes the City of Moline when applicable as long as it is the operator of the Rock River Valley Regional Sewer System.

(9) Chemical Oxygen Demand. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(10) Village. Means the Village of Coal Valley or designated representative thereof.

(11) Composite Sample. A sample of wastewater based on a flow proportional or time proportional method.

(12) Cooling Water. The water discharged from any use such as air conditioning, cooking or refrigeration, to which the only pollutant added is heat.

(13) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

(14) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(15) Enforcement Management System. The system used to provide guidance to Village staff in all phases of enforcement related to this ordinance and pretreatment program.

(16) Enforcement Response Guide. A guide utilized to respond to violations identified by the Enforcement Management System.

(17) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Administrator, or other duly authorized official of said agency.

(18) Environmental Remediation Wastewaters. Contaminated wastewaters generated from, but are not limited to: groundwater, leachate, surface run-off, or other aqueous wastes that exist on-site, or process streams generated by remedial activities. Examples of process waste streams include scrubber effluent resulting from incineration of soil or solid waste; wastewater from soil washing activities; and water used to decontaminate equipment after remedial activities.

(19) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(20) Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(21) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

(22) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

(24) Local Limit. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with 40 CFR 403.4(c), such limits must be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(25) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(26) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(27) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(28) New Source.

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraph a. 2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program;

(a) Any placement, assembly, or installation of facilities or equipment; or

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

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

(29) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

(31) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

(32) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(33) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

(35) Pretreatment Program. A formal plan created and updated annually by the Village Administrator. The plan defines the procedures intended to ensure user compliance with the SUO and industrial pretreatment requirements.

(36) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(37) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(38) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 34-3401 of this ordinance.

(39) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Village. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(40) Regional Administrator. The head of the U. S. Environmental Protection Agency Region 5.

(41) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

(43) Significant Industrial User.

a. A user subject to categorical pretreatment standards; or

b. A user that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the Village of the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

c. Upon a finding that a user meeting the criteria in Paragraph b. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Village may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(44) Significant Noncompliance:

a. Chronic violations of wastewater Discharge limits, defined herein as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

b. Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other discharge violation that the Village Administrator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Village Administrator' exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s) which the Village Administrator determines will adversely affect the operation or implementation of the local pretreatment program; or

i. Failure to perform or establish BMPs agreed to in the permit.

(45) Slug Load or Slug Discharge. Any discharge of a non-routine, episodic nature at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 34-3401 (a-c) of this ordinance.

(46) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(47) Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

(48) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(49) User or Industrial User. A source of indirect discharge.

(50) Village Administrator. The person designated by the Village to supervise the operation of the POTWs, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative

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

(52) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Section 2. GENERAL SEWER USE REQUIREMENTS.

(a) Prohibited Discharge Standards:

(1) Discharge of Storm and Unpolluted Waters . Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Village's engineer, Village Administrator, and the IEPA, to a storm sewer or natural outlet.

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

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

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

b. Wastewater having a pH less than 5.5 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;

c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (1/2) inch in any dimension;

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

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

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

h. Trucked or hauled pollutants, except at discharge points designated by the Village Administrator in accordance with pertinent sections of this ordinance;

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

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

k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

l. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Village Administrator;

m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

n. Medical wastes, except as specifically authorized by the Village Administrator in an Individual Discharge Permit;

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

p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

r. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit of the meter;

s. Any discharge exceeding the standards established in 35 ILL. Adm. Code 307;

t. Any slug discharge to the Village of Coal Valley POTWs;

u. Any water or wastes which contain more than ten (10) parts per million by weight of the following gases: hydrogen sulphide, sulphur dioxide, or nitrous oxide.

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

(b) National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. The USEPA will promulgate new categorical pretreatment standards from time to time. Upon promulgation by USEPA, this division shall be amended to include any new standards applicable to its POTWs.

(1) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Village Administrator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(2) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

a. The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This Authorization is subject to the conditions set forth in paragraphs (i), (ii) and (iii) of 40 CFR 403.12(e)(2).

b. In order to receive a waiver for sampling of pollutants not present or expected to be present, an Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The data should be submitted to the Control Authority in the form of a report.

(3) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(4) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(c) Local Limits. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.716	mg/l Arsenic
750.0	ug/l Benzene, Ethylbenzene, Toluene, Xylene (BETX)
50.0	ug/l Benzene
1000.0	mg/l BOD5
0.311	mg/l Cadmium
2.233	mg/l Chromium
0.333	mg/l Copper
0.925	mg/l Cyanide
0.523	mg/l Lead
0.0005	mg/l Mercury
9.477	mg/l Nickel
1.935	mg/l Silver
11.254	mg/l Total Phenols
2000.0	mg/l Total Suspended Solids
3.982	mg/l Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Village Administrator may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(d) Streamlining Provisions. The Village reserves the right to implement the following Streamlining Provisions for eligible industrial users as stated in USEPA regulations:

(1) Equivalent mass based limits in addition to, or in place of concentration based limits, may be specified to facilitate adoption of water saving technologies and meet requirements such as effective technology operation, usage of a continuous flow monitoring device, record keeping of production rates with notification of variances above twenty percent (20%), and continuity of using comparable water conservation measures.

(2) Equivalent concentration based limits in addition to, or in place of flow based mass limits for three (3) industrial categories such as Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF), Petroleum Refining, and Pesticide Chemicals.

(3) Use best management practices (BMPs) as an alternative to numeric limits.

(e) Right of Revision. The Village reserves the right to establish, by ordinance or in Individual Discharge Permits, more stringent standards or requirements on discharges to the POTW.

(f) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Village Administrator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 3. PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2 of this ordinance within the time limitations specified by USEPA, the state, or the Village Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Village Administrator and the IEPA for review, and shall be acceptable to the Village Administrator and IEPA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Village, and the state under the provisions of this ordinance.

(b) Additional Pretreatment Measures:

(1) Whenever deemed necessary, the Village Administrator may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(2) The Village Administrator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Individual Discharge Permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Village Administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

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

(c) Accidental Discharge/Slug Control Plans. The Village shall evaluate all SIUs for the need of a slug control plan within a year of becoming an SIU. The Village shall also evaluate an industrial user's need for slug control plans on an appropriate frequency and consider applicable and relevant control measures for industrial user compliance. The Village Administrator may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Village Administrator may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Village of any accidental or slug discharge, as required by Section 7(f) (1-3) of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) Hauled Wastewater.

(1) General Requirements. Industrial, landfill leachate, thin stillage corn syrup, septic tank, grease waste or any other wastewater hauled by truck or trailer may be introduced into the POTW only at locations and at such times as are established by the Village Administrator ("Administrator") or his designee. Any person, firm or corporation desiring to haul said waste to the Rock River Valley Regional Sewer System shall obtain a Waste Hauler Permit by registering annually with the Village Administrator or designee. Said Village Administrator may prohibit or restrict, and has the right to refuse, the disposal of any or all hauled wastes. No load shall be discharged without prior consent of the Village Administrator and samples may be collected from each hauled load to ensure compliance with applicable standards. Said waste shall not violate Section 2 of this ordinance or any other requirements or provisions established by the Village or the IEPA. Grease trap waste shall be exempt from the requirements set forth in Section 2(a)(3)(q). The Waste Hauler Permit does not act as a general control mechanism, rather an additional permit that operates in conjunction with each user's Individual Discharge Permit (described in Section 6 of this ordinance).

(2) Permit Requirements.

a. Grease Trap and Septic Waste Haulers. A Waste Hauler Permit fee of fifty dollars (\$50.00) shall be required annually for each type of waste disposal and be valid for a one-year period commencing on January 1.

b. Industrial Waste, Landfill Leachate, Thin Stillage Corn Syrup Waste.

Generators. The Village Administrator shall require generators to obtain the Individual Discharge Permit and submit a Supplemental (Baseline Monitoring) Report. If the generator is also the hauler, the generator shall be required to obtain a Waste Hauler Permit (fee exempt).

Haulers. The Village Administrator may require contract haulers (not generator owned) to obtain an Individual Discharge Permit and submit a Supplemental (Baseline Monitoring) Report, in addition to the required Waste Hauler Permit.

c. Permit Registration. Permit registration shall consist of providing the legal business name of the person, firm or corporation; the address and telephone number of the business; the names of representatives, officers, or employees authorized to haul waste in the business name; vehicle identification; disposal site; known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

d. Insurance Requirements. Proof of liability insurance acceptable to the office of the Village Administrator in the type and amount listed below:

Each applicant desiring to haul grease, septic tank, leachate, or thin stillage corn syrup waste to the Rock River Valley Regional Wastewater Treatment Plant shall obtain and maintain for the duration of such permit registration, public liability and property damage insurance in the minimum amount and form as hereby specified: \$100,000.00 for each occurrence of property damage; and \$300,000.00 for each occurrence of personal injury or bodily harm. Such policy shall provide that it cannot be cancelled except upon written notification to the Village Administrator at least thirty (30) days prior to the date of cancellation. Proof shall be a certificate of insurance; and

Proof that the applicant has obtained workers' compensation insurance or that the applicant is an approved self-insurer of workers' compensation. Proof shall be either the certificate of insurance from the insurance provider or the certificate of approval as a self-insurer issued by the Illinois Industrial Commission. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of workers' compensation insurance. Such applicant's application shall include a sworn statement that said applicant has no employees.

(3) Receiving Fees. Waste hauler receiving fees for grease trap, septic, and industrial waste shall be based on the tank capacity of container per load. See Section 15 for fees.

(4) Administrative Penalties.

a. Multiple violations of the Waste Hauler Permit, as defined in this section, may warrant administrative penalties, revocation of permit, and termination of discharge privileges to the Coal Valley Wastewater Treatment Plant.

b. When the Village Administrator finds that a user has violated, or continues to violate, any provision of this ordinance for a waste hauler permit, or any other pretreatment standard or requirement, the Village Administrator may assess an administrative penalty to such user in an amount of at least one thousand dollars (\$1,000.00). Such penalties shall be assessed on a per violation, per day basis.

c. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

d. Users desiring to dispute such penalties must file a written request to the Village Administrator for reconsideration along with full payment of the fine amount within thirty (30) days of being notified of the penalty. Where a request has merit, the Village Administrator may convene a hearing on the matter. In the event the user's appeal is successful, the payment shall be returned to the user. The Village Administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

e. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 4. ENVIRONMENTAL REMEDIATION WASTEWATERS.

(a) Village Requirements. Environmental Remediation Wastewaters (ERW), as defined in this ordinance, that are conveyed to the Village by truck, rail, dedicated pipeline or sanitary sewer may be accepted by the Village if all the requirements set forth in the following provisions of this ordinance and all applicable administrative procedures established by the Village Administrator are met and if the City of Moline approves of such acceptance after analytical testing is completed and approved.

Discharges into the sanitary sewers of such ERW as defined in this ordinance shall pay an ERW Discharge Fee of one and three-quarter cents (\$0.0175) per gallon for each gallon of such wastewaters delivered to the Village under the provisions of this ordinance. Such charge shall be in lieu of flow, BOD and TSS charges as established by ordinance and rate ordinances in effect from time to time. Except as specifically superseded or modified, all rates and charges applicable to ERW, as defined in this ordinance, by reason of any Village ordinance or ordinances, shall continue to be due and payable.

(b) Non-Hazardous Waste. In order for the Village to receive any wastewater for treatment, there must be assurances that the wastewater is non-hazardous as defined in 40 CFR 261 and 35 Illinois Administrative Code 721. This means that it must not be a listed hazardous waste and it must pass the four criteria as found in 40 CFR 261 of Section 20, which are summarized as follows:

- (1) It must not be a flammable waste, i.e., flashpoint must be >140 F.
- (2) It has a pH not lower than 2.0 or higher than 12.5.
- (3) Does not contain any 'reactive' chemicals such as cyanides, sulfides capable of generating a toxic gas.

(4) Passes the Toxic Characteristic Leaching Procedure (TCLP), which means it complies with all the criteria. Copies of the analysis must be on file at the Village.

(c) Compliance with Sewer Use Ordinance. The ERW discharged must comply with the requirements as found in this Sewer Use Ordinance, General Pretreatment Requirements.

(d) ERW Discharge Permit:

(1) The user is required to complete an Individual Discharge Permit Application in order to obtain an ERW Discharge Permit. The user would be required to get an ERW Discharge Permit from the Village before this particular ERW could be discharged. If the user has an existing Individual Discharge Permit, this permit would be amended to include these requirements.

(2) This ERW Discharge Permit would contain specific discharge limits and special conditions for the user. Permit review will follow the same time constraints as listed in Section 5 of this ordinance. The potential user may have to provide certain chemical analysis and/or representative sample(s) to the Village as necessary.

(e) Permitted ERW Hauler. The aforementioned ERW that are hauled to the Village by truck and tanker must be hauled by a Village permitted ERW hauler. This is separate and different from IEPA special waste hauler permit, which is also required. The potential user can have its own truck and tanker permitted by filling out the appropriate Village forms and paying the fifty dollar (\$50.00) permit fee. The permitted ERW hauler must comply with all Village requirements relative to discharging at the treatment plant(s).

(f) Letter from IEPA. Where deemed necessary by the Village Administrator, the Village will require a letter from the IEPA stating that the ERW is not a hazardous waste and shall determine that it is otherwise appropriate for the Village to receive such waste.

(g) ERW Discharge Costs and Monitoring Charges. The Village will bill the user for the ERW discharges into the sanitary sewers as per ordinance, which is currently \$0.0175 per gallon. The cost for Village sampling and analysis are also covered in the ordinance, and are separate charges from ERW Discharge Fee.

(h) Flow Metering Requirements. ERW that is discharged to the sanitary sewer from a facility must be measured volumetrically. This can be done either by installing a wastewater flow meter or a water metering device. If the ERW is trucked to the Village's POTW for disposal, the volume discharged will be determined by the volume of the container or containment device on the truck.

(i) Sampling Manhole. For ERW discharged to the sanitary sewer, the potential user must provide a sampling point for the wastewater. In certain situations, a separate sampling manhole may be required. If a separate manhole is required, the sampling manhole must be constructed and approved according to Village standards.

(j) IEPA Requirements:

(1) IEPA Construction Permit - If the potential user is required to install pretreatment equipment to control the pollutants in the ERW discharged, then the potential user would have to contact the Illinois Environmental Protection Agency, Division of Water Pollution Control (IEPA DWPC) concerning the need for a Construction Permit for the potential pretreatment system. The IEPA DWPC permit section would make the determination as to whether an IEPA Construction Permit would be necessary.

(2) IEPA Connection Permit - The potential users will have to obtain a Connection Permit if: 1) the ERW will be hauled to the POTW(s), or 2) if the user is not already connected to the sanitary sewer, or 3) is already connected to the sanitary sewer, but the proposed ERW is substantially different than the normal process wastewater discharged. To obtain an IEPA DWPC Connection Permit, the potential user must fill out the appropriate IEPA DWPC forms.

(3) Operator Class K License - If a pretreatment system is constructed, the IEPA may require a Certified Class K Operator for the pretreatment system. The IEPA Operator Certification Unit can assist in determining if a particular Class K Operator License is required for the personnel of a potential user to operate the pretreatment system.

(4) IEPA Special Waste Stream Permit - If the ERW is to be hauled to the Village by truck, the user will have to obtain an IEPA Special Waste Stream Permit. This application will be filled out by the user and sent to the Village for signature. The user will mail this to the IEPA DWPC with copies to the Village. If a special waste hauler permit is necessary, the hauler would be required to manifest the waste. To obtain information on this kind of permit, contact the IEPA Division of Land Pollution Control Permit Section.

The above requirements are listed as guidance only. Other specific criteria may vary and will be provided to any request or at the time of request for discharge to the sanitary sewer as deemed appropriate to the Village Administrator or the IEPA DWPC or the City of Moline as Control Authority.

(k) Surface Water Run-Off. If the ERW is surface water run-off from stormwater associated with industrial activity as defined in 40 CFR 122.26(b)(14), then it shall subject to ERW charge. However, if

the source of ERW is potable water from washing of manufacturing services such as loading platforms and docks, then the industrial user shall not be subject to the ERW charge.

(l) Groundwater Monitoring Wells:

(1) Development Wastewater shall not be considered ERW and therefore shall not be charged at the rate of \$0.0175 per gallon, but shall be charged at the domestic rate and must first be settled out to remove suspended solids before discharging to sanitary sewer or at the treatment plant. For purposes of this subsection, development wastewater shall be that water which contains sediment and clay and is encountered when the wells must be drilled and "developed" prior to groundwater pumping commencing at the site of contamination.

(2) Purge Water, of volumes less than twenty (20) gallons may be discarded to the sanitary sewer and not require permit so long as such purge waters comply with the limits found in this ordinance. Said purge water will not be subject to the ERW charges imposed elsewhere in this ordinance. For purposes of this subsection, purge water shall be that water which is pumped out of several well volumes throughout the life of the groundwater monitoring well in order to take samples for analysis on an approximately quarterly basis.

(m) Groundwater Clean-Up. If the Industrial User (IU) is involved in a groundwater clean-up which is generating ERW and wishes to use this ERW as a substitute for potable water in the normal processes which generate wastewater, then the IU shall not be charged the \$0.0175 per gallon ERW Discharge Fee. However, the IU must demonstrate and prove to the satisfaction of the Village by clear and convincing evidence that it is not using this as process wastewater as a means of avoiding the \$0.0175 per gallon ERW Discharge Fee. As part of this test, the IU must prove that they have not increased the amount of normal process wastewater to accommodate all of the ERW that is generated.

(n) Underground Storage Tanks (UST) Wastewaters. Wastewaters found in UST, which shall be removed as part of the UST Program are to be considered ERW. Since the removal of UST can be considered a form of environmental remediation, the wastewater generated from such a project, whether it be from the storage tank itself or removal and recovery of contaminated groundwater directly underneath the tank shall be considered ERW.

Section 5. INDIVIDUAL DISCHARGE PERMIT APPLICATION.

(a) Wastewater Analysis. When requested by the Village Administrator, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Village Administrator is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Individual Discharge Permit, or Individual Permit Requirements:

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an Individual Permit from the Village Administrator, except that a significant industrial user that has filed a timely application pursuant to Section 5(c) of this ordinance may continue to discharge for the time period specified therein.

(2) The Village Administrator may require other users to obtain Individual Permits as necessary to carry out the purposes of this ordinance. In accordance with the Pretreatment Program details, factors considered in these cases shall include but not be limited to pollutants being introduced, spill potential, slug discharge potential, previous compliance history, potential for causing the POTW to violate its NPDES permit, or potential for causing difficulties with sludge use or disposal.

(3) Any violation of the terms and conditions of an Individual Permit shall be deemed a violation of this ordinance and subjects the Individual Permittee to the sanctions set out in Sections 34-3410 through 34-3412 of this ordinance. Obtaining an Individual Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(c) Individual Discharge Permitting: Existing Connections. Any user required to obtain an Individual Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Village Administrator for an Individual Discharge Permit in accordance with Section 34-3404 (e) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an Individual Discharge Permit issued by the Village Administrator.

(d) Individual Discharge Permitting: New Connections. Any user required to obtain an Individual Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Individual Discharge Permit, in accordance with Section 5(e) of this ordinance, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

(e) Individual Discharge Permit Application Contents. All users required to obtain an Individual Discharge Permit must submit a permit application. The Village Administrator may require all users to submit as part of an application the following information:

- (1) All information required by Section 7(a)(2) a-h of this ordinance;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the Village Administrator to evaluate the Individual Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Application Signatories and Certification. All Individual Discharge Permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(g) Individual Discharge Permit Decisions. The Village Administrator will evaluate the data furnished by the user and may require additional information. Within one hundred eighty (180) days of receipt of a complete Individual Discharge Permit application, the Village Administrator will determine whether or not to issue an Individual Discharge Permit. The Village Administrator may deny any application for an Individual Discharge Permit.

(h) Identifying and locating IUs. The Village may provide information about the Sewer Use Ordinance, Pretreatment Program, and permit application materials to non-permitted dischargers found through IU surveys and information sources such as phone directories, internet, direct building to building surveys, and water billing records. Non-permitted dischargers are also subject to administrative or legal enforcement action. Non-permitted dischargers may not continue discharging except as allowed under Section 5(b)(1) and they are also subject to administrative or legal enforcement action.

Section 6. INDIVIDUAL DISCHARGE PERMIT ISSUANCE PROCESS.

(a) Individual Discharge Permit Duration. An Individual Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Individual Discharge Permit may be issued for a period of less than five (5) years, at the discretion of the Village Administrator. Each Individual Discharge Permit will indicate a specific date upon which it will expire.

(b) Individual Discharge Permit Contents. An Individual Discharge Permit shall include such conditions as are deemed reasonably necessary by the Village Administrator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Any waste received from other jurisdictions must be approved by the City of Moline as the operator of the Rock River Regional Sewerage System before acceptance by the Village.

(1) Individual Discharge Permits must contain:

a. A statement that indicates Individual Discharge Permit duration, which in no event shall exceed five (5) years;

b. A statement that the Individual Discharge Permit is nontransferable without prior notification to the Village in accordance with Section 6(e) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Individual Discharge Permit;

c. Effluent limits, including BMPs, based on applicable pretreatment standards, categorical standards, local limits, and State and local law;

d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant), sampling location, sampling frequency, and sample type based on federal, state, and local law;

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

f. Requirements for the development and implementation of spill control plans, slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

g. Requirement to notify the Village immediately of changes that occur at the facility affecting potential for a slug discharge in order to conduct a reevaluation of the need of a slug control plan or accidental discharge; and

h. BMP requirements for applicable SIUs.

(2) Individual Discharge Permits may contain, but need not be limited to, the following conditions:

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

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

c. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

d. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

e. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

f. A statement that compliance with the Individual Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Individual Discharge Permit; and

g. Other conditions as deemed appropriate by the Village Administrator to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(c) Individual Discharge Permit Appeals. The Village Administrator shall provide public notice of the issuance of an Individual Discharge Permit. Any person, including the user, may petition the Village Administrator to reconsider the terms of an Individual Discharge Permit within thirty (30) days of notice of its issuance.

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

(2) In its petition, the appealing party must indicate the Individual Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Individual Discharge Permit.

(3) The effectiveness of the Individual Discharge Permit shall not be stayed pending the appeal.

(4) If the Village Administrator fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Individual Discharge Permit, not to issue an Individual Discharge Permit, or not to modify an Individual Discharge Permit shall be considered final administrative actions for purposes of judicial review.

(d) Individual Discharge Permit Modification. The Village Administrator may modify an Individual Discharge Permit for good cause, including, but not limited to, the following reasons:

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

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Individual Discharge Permit issuance;

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

(4) Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters;

(5) Violation of any terms or conditions of the Individual Discharge Permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the Individual Discharge Permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the Individual Discharge Permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) Individual Discharge Permit Transfer. Individual Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least one hundred eighty (180) days advance notice to the Village Administrator, a copy of the existing permit is provided to the new owner, and the Village Administrator approves the Individual Discharge Permit transfer. The notice to the Village Administrator must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

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

(3) Acknowledges full responsibility for complying with the existing Individual Discharge Permit.

Failure to provide advance notice of a transfer renders the Individual Discharge Permit void as of the date of facility transfer.

(f) Individual Discharge Permit Revocation. The Village Administrator may revoke an Individual Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Village Administrator of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Village Administrator of changed conditions pursuant to Section 7(e) of this ordinance;

(3) Misrepresentation or failure to fully disclose all relevant facts in the Individual Discharge Permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

- (6) Refusing to allow the Village Administrator or Village pretreatment staff timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the Individual Discharge Permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the Individual Discharge Permit or this ordinance.

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

(g) Individual Discharge Permit Reissuance. A user with an expiring Individual Discharge Permit shall apply for Individual Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 5(e) of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing Individual Discharge Permit.

(h) Regulation of Waste Received from Other Jurisdictions:

(1) If another governmental entity, or user located within another governmental entity, contributes wastewater to the POTW, the Village Administrator shall enter into an intergovernmental agreement with the contributing governmental entity. The City of Moline as the operator of the Rock River Regional Sewerage System must agree to such acceptance of wastewater to the Village's POTW.

(2) Prior to entering into an agreement required by paragraph (1), above, the Village Administrator shall request the following information from the contributing governmental entity:

- a. A description of the quality and volume of wastewater discharged to the POTW by the contributing governmental entity;
- b. An inventory of all users located within the contributing governmental entity that are discharging to the POTW;
- c. A baseline monitoring report, meeting the requirements set forth in Section 34-3406 (a) of this ordinance, for each IU discharging to the POTW; and
- d. Such other information as the Village Administrator may deem necessary.

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

- a. A requirement for the contributing governmental entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2(c) of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Village of Coal Valley's ordinance or local limits;
- b. A requirement for the contributing governmental entity to submit a revised user inventory on at least an annual basis;
- c. A provision specifying which pretreatment implementation activities, including Individual Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing governmental entity; which of these activities will be conducted by the Village Administrator and which of these activities will be conducted jointly by the contributing governmental entity and the Village Administrator;
- d. A requirement for the contributing governmental entity to provide the Village Administrator with access to all information that the contributing governmental entity obtains as part of its pretreatment activities. In any event, all materials designated by the Village Administrator will be required;
- e. Limits on the nature, quality, and volume of the contributing governmental entities wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing governmental entity's discharge;

g. A provision ensuring the Village Administrator access to the facilities of users located within the contributing governmental entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Village Administrator and the City of Moline as operator of the Rock River Regional Sewerage System. In this respect, other governmental entities may need to adopt or modify their own rules, regulations or ordinances to allow representatives of the Village of Coal Valley and the City of Moline as operator of the Rock River Regional Sewerage System to enter their premises if their current rules, regulations or ordinances do not allow now; and

h. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

SECTION 7. REPORTING REQUIREMENTS.

(a) Baseline Monitoring Reports:

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

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

a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

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

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

e. Measurement of Pollutants.

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Village Administrator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7(l) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Control Authority or the applicable standards to determine compliance with the standard.

3. Sampling must be performed in accordance with procedures set out in paragraphs (1) and (2) in Section 7 (m) of this ordinance.

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

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 7 (b) of this ordinance.

h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 5 (f) of this ordinance.

(3) Significant Industrial User Monitoring Reports. All SIUs, including non-categorical SIUs must report all monitoring results. Data must be representative of conditions during the monitoring period.

(b) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 7 (a)(2)(g) of this ordinance:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

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

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

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Village Administrator a report containing the information described in Section 7(a)(2)d-f of this ordinance. This report, the samples, and the analyses that make it up must meet the standards and use the techniques set forth in 40 CFR 403.12(g)(3)-(5). The sampling procedures shall follow the protocols outlined in 40 CFR 136. The sample collection method is described in Section 7(m) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6 (f) of this ordinance.

(d) Periodic Compliance Reports:

(1) All significant industrial users shall, at a frequency determined by the Village Administrator but in no case less than three (3) per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 5(f) of this ordinance.

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

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Village Administrator, using the procedures prescribed in Section 7(m) of this ordinance, the results of this monitoring shall be included in the report.

(4) Users subject to BMP requirements must submit compliance reports in accordance with 403.12(b), (e), and (h).

(5) All significant industrial users must follow sampling requirements in 403.12 for periodic compliance reports.

(6) The Control Authority may reduce the requirement in paragraph (d)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the conditions outlined in paragraphs (i) through (v) in 40 CFR 403.12(e)(3).

(e) Reports of Changed Conditions. Each user must notify the Village Administrator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(1) The Village Administrator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Individual Discharge Permit application under Section 34-3404 (e) of this ordinance.

(2) The Village Administrator may issue an Individual Discharge Permit under Section 5(g) of this ordinance or modify an existing Individual Discharge Permit under Section 6(d) of this ordinance in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems:

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Village Administrator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) working days following such discharge, the user shall, unless waived by the Village Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

(g) Reports from Unpermitted Users. All users not required to obtain an Individual Discharge Permit shall provide appropriate reports to the Village Administrator as the Village Administrator may require.

(h) Non-Significant Categorical Industrial Users and Middle Tier Categorical Industrial User. The Village reserves the right to assign "non-significant categorical industrial user" classification or "middle tier categorical industrial user" for qualified IUs allowing reduced reporting requirements in accordance with 40 CFR 403.12(i).

(i) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Village Administrator within twenty-four (24) hours of becoming aware of the violation, and in writing to the Village Administrator within five (5) working days of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Village Administrator within thirty (30) days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

(1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or

(2) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(j) Notification of Changes in Discharge. Industrial Users must immediately notify both the POTW and the EPA of changes in discharge in accordance with 40 CFR 403.12(j).

(k) Notification of the Discharge of Hazardous Waste:

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Administrator, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 34-3406 (e) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 7(a), 7(c), and 7(d) of this ordinance.

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

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

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

(l) Analytical Requirements. All analyses shall be performed in accordance with procedures pursuant to Section 304(h) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the sampling and analytical techniques described in 40 CFR 136 are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Control Authority or other parties, approved by the EPA.

(m) Sample Collection: Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in paragraphs (2) and (3) below, the user must collect wastewater samples using flow proportional composite collection techniques. The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph. In the event flow proportional sampling is infeasible, the Village Administrator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 7(a) and 7(c), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, Village Administrator may authorize a lower minimum. For the reports required by paragraphs Section 34-3406 (d), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(4) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority.

(5) The Village reserves the right to waive sampling for pollutants not expected to be present for qualified IUs in accordance with 40 CFR 403.8(f)(2)(v), 403.12(e).

(6) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

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

(8) The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such IU. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(9) The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined waste stream formula.

(n) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(o) Record Keeping. Users subject to the reporting requirements of this ordinance, including documentation associated with BMPs, shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Village, or where the user has been specifically notified of a longer retention period by the Village Administrator.

SECTION 8. COMPLIANCE MONITORING.

- (a) Right of Entry: Inspection and Sampling. The Village Administrator and the City of Moline personnel responsible for operation of the Rock River Valley Regional Sewerage System shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any Individual Discharge Permit or order issued hereunder. Users shall allow the Village Administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Village Administrator, City of Moline personnel or authorized representatives will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Village Administrator and City of Moline personnel shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The Village Administrator or City of Moline personnel may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Whenever required by permit, an industrial user shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the Village, installed and maintained at all times at user's expense, which shall have ample room in each sampling chamber or to permit the Village to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the Village and City of Moline from 8:00 a.m. to 5:00 a.m. five (5) days per week and at other times when the Village has reason to believe that pollutants are being discharged which are in violation of this division.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Village Administrator or City of Moline personnel and shall not be replaced. The costs of clearing such access shall be borne by the user.

(6) Unreasonable delays in allowing the Village Administrator, City of Moline personnel or pretreatment staff access to the user's premises shall be a violation of this ordinance.

(7) The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the Village and City of Moline.

(8) Where required by the Village or City of Moline, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.

(b) Search Warrants. If the Village Administrator or City of Moline personnel has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Village designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Village Administrator or City of Moline personnel may seek issuance of a search warrant from the appropriate court of Rock Island County.

SECTION 9. CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, Individual Discharge Permit applications, Individual Discharge Permits, and monitoring programs, and from the Village Administrator' or City of Moline personnel's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Village Administrator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 10. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Village Administrator shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Definition - Significant Noncompliance:

(1) Chronic violations of wastewater Discharge limits, defined herein as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the Village Administrator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the Village Administrator determines will adversely affect the operation or implementation of the local pretreatment program.

(9) Failure to perform or establish BMPs agreed to in the permit.

SECTION 11. ADMINISTRATIVE ENFORCEMENT REMEDIES.

(a) Notification of Violation. When the Village Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Village Administrator may serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Village Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Village Administrator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Consent Orders. The Village Administrator may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the compliance orders issued pursuant to Sections 11(d) and 11(e) of this ordinance and shall be judicially enforceable.

(c) Show Cause Hearing. The Village Administrator may order a user who has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Village Administrator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) working days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

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

(e) Cease and Desist Orders. When the Village Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Village Administrator may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Administrative Penalties:

(1) When the Village Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Village Administrator may assess an administrative penalty to such user in an amount at least one thousand dollars (\$1,000.00). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation.

(2) A lien against the user's property will be sought for unpaid charges, fines, and penalties.

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

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

(g) Emergency Suspensions. The Village Administrator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Village Administrator may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Village Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Village Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Village Administrator that the period of endangerment has passed, unless the termination proceedings in Section 34-3410 (h) of this ordinance are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Village Administrator prior to the date of any show cause or termination hearing under Sections 34-3410 (c) or 34-3410 (h) of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) Termination of Discharge. In addition to the provisions in Section 34-3405 (f) of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of Individual Discharge Permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 34-3401 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11(c) of this ordinance why the proposed action should not be taken. Exercise of this option by the Village Administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 12. JUDICIAL ENFORCEMENT REMEDIES.

(a) Injunctive Relief. When the Village Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Village Administrator may petition through the Village attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains such violation or compels the specific performance of the Individual Discharge Permit, order, or other requirement imposed by this ordinance on activities of the user. The Village Administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user, including any remedy or other action provided by this chapter.

(b) Civil Penalties.

(1) A user who has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Village for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution.

(1) A user who, whether willfully or negligently violates any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day.

(2) A user who, whether willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be punishable by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. Severe offenses resulting in serious injury, death, or major property damage may be punishable by imprisonment.

(3) A user who, knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, Individual Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day.

(4) In the event of a second conviction, a user shall be punished by a fine of five thousand dollars (\$5,000.00) per misdemeanor, per day.

(d) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Village Administrator may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Village's enforcement response plan. However, the Village Administrator may take other action against any user when the circumstances warrant. Further, the Village Administrator is empowered to take more than one enforcement action against any noncompliant user.

SECTION 13. SUPPLEMENTAL ENFORCEMENT ACTION.

(a) Performance Bonds. The Village Administrator may decline to issue or reissue an Individual Discharge Permit to any user who has failed to comply with any provision of this ordinance, a previous Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Village, in a sum not to exceed a value determined by the Village Administrator to be necessary to achieve consistent compliance.

(b) Liability Insurance. The Village Administrator may decline to issue or reissue an Individual Discharge Permit to any user who has failed to comply with any provision of this ordinance, a previous Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) Water Supply Severance. Whenever a user has violated or continues to violate any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(d) Informant Rewards. The Village Administrator may pay up to one hundred dollars (\$100.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the Coal Valley Village Council may disperse up to ten percent (10%) of the fine or penalty actually collected by the Village through the informant. However, a single reward payment may not exceed five hundred dollars (\$500.00).

(e) Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village. Existing contracts for the sale of goods or services to the Village held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Village Administrator.

SECTION 14. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(a) Upset:

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

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

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the Village Administrator within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards or as otherwise required by law.

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

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2(a)(2) of this ordinance or the specific prohibitions in Sections 2(a)(3)c through 2(a)(3)u [excluding 2(a)(3)h] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Village was regularly in compliance with its NPDES permit(s), and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass:

(1) For the purposes of this section,

a. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3)-(5) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Village Administrator, at least ten (10) days before the date of the bypass, if possible.

(4) A user shall submit oral notice to the Village Administrator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Village Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and the Village Administrator may take an enforcement action against a user for a bypass, unless

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The user submitted notices as required under paragraphs (3) & (4) of this section.

(6) The Village Administrator may approve an anticipated bypass, after considering its adverse effects, if the Village Administrator determines that it will meet the three conditions listed in paragraph (5) of this section.

SECTION 15. PRETREATMENT CHARGES AND FEES.

(a) Purpose. The Village may adopt reasonable fees for reimbursement of costs of setting up and operating the Village's pretreatment program which may include:

- (1) Fees for Individual Discharge Permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the Village may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Village.

(b) Established Permits and Fees.

(1) Permit Fees.

- a. An Individual Discharge Permit \$400.00
- b. Renewal of an Individual Discharge Permit \$350.00
- c. Supplemental (Baseline Monitoring) Report \$125.00
- d. Waste Hauler Permit
 - ERW \$ 50.00
 - Grease \$ 50.00
 - Septic \$ 50.00
 - Thin Stillage Corn syrup \$ 50.00
 - Industrial and Landfill Leachate No Fee
(included in an Individual Discharge Permit)

(2) Pretreatment Fees.

a. Industrial User Sampling (per sample) \$ 150.00

b. In-House Laboratory Testing Fees.

BOD5	\$ 20.00
Total suspended solids	\$ 16.00
Chemical oxygen demand	\$ 18.00
Oxygen demand index	\$ 18.00
pH	\$ 5.00
Fecal coliform	\$ 30.00

c. Contract Laboratory Testing Fees.

Laboratory testing fees (testing done outside Village) will be the cost of the laboratory test(s) plus ten percent (10%) of test cost(s).

(3) Hauled Waste Fees.

a. Camper Trailer Discharge

Camper trailers (Coal Valley residents only) No Fee

Camper trailers (Non-Coal Valley residents) \$ 10.00

b. Hauled Wastewater Receiving Fees

(based on tank capacity of container per load)

Industrial Waste (landfill leachate and thin stillage)

\$0.05/gallon – Coal Valley Origin

\$0.05/gallon – Non-Coal Valley Origin (Rock Island County only unless otherwise approved by director)

Septic Waste

\$0.05/gallon – Coal Valley Origin

\$0.07/gallon – Non-Coal Valley Origin (Rock Island County only unless otherwise approved by director)

Grease Trap Waste

\$0.15/gallon – Coal Valley Origin

\$0.20/gallon – Non-Coal Valley Origin (Rock Island County only unless otherwise approved by director)

(4) Environmental Remediation Wastewater (ERW) Discharge Fee

\$0.0175/gallon

SECTION 16. ENFORCEMENT PROCEDURES AND RESPONSES.

(a) Purpose and Policy. Industries found to be out of compliance with federal, state, or local requirements are subject to the conditions of the Enforcement Response Guide, of the WPC Division. Informal enforcement actions, verbal telephone notices, letters of violation, site visits, administrative orders, enforcement compliance schedules and administrative fines are administered by the Village Administrator, or in some cases delegated to other personnel. Enforcement actions which require legal action are made by the Village Administrator with review and recommendations by the Village attorney of the Village of Coal Valley.

Violations and discrepancies that have been identified during the review process are to be evaluated as to the type of enforcement response necessary by the Village Administrator. In order to ensure equitable treatment of violators and provide a stronger basis for selection of appropriate responses to violations, the following Enforcement Response Guide (ERG) should normally be followed, unless mitigating circumstances can be shown.

The ERG indicates the type of noncompliance, the circumstances which might vary the type of response, and the range of responses for that particular category of noncompliance. The ERG has been developed with the intention of serving the following three main purposes.

(1) It recommends enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance;

(2) It provides a guide to encourage a uniform application of enforcement responses to comparable levels in types of violations, and it can be used as a mechanism to review the appropriateness of the response; and

(3) It allows the industrial community to realize the importance of the pretreatment program along with proper operation of equipment and meeting standards and limits, along with responses by the WPC Division if and when various violations occur.

(b) Abbreviations and Definitions of Responses. The following abbreviations and definitions, in order of severity, when used in this section, shall have the designated meanings:

VTN Verbal Telephone Notice - is meant to describe a response to a very minor type of violation, which is normally conveyed verbally to the contact person at the industry and no further follow-up is expected. This is utilized when there is a very minor infraction, such as a report being received one or two days late.

SV Site Visit - a visit to the industrial site to discuss and observe the problem. This can be a substitution for VTN or NOV. The SV can also be made in conjunction with a written NOV. The SV also can require a response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature.

NOV Notice of Violation - is the most widely used and is a written notification to the Industrial User indicating the type of apparent violation and requesting a response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature.

CO Consent Order - A Consent Order would be in such cases where the WPC Division believed the Industrial User was committed to providing necessary corrective measures to correct previous violations, and would utilize the Consent Order to outline minor compliance schedules, along with other conditions that might be required, such as additional monitoring, more reporting, etc. The order would normally contain a short time frame of above one (1) month to six (6) months.

SCH Show Cause Hearing - is a meeting to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) working days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the use appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

COM Compliance Order - This is a formal enforcement Compliance Order signed by both the WPC Division and the industry involved. This control mechanism is used when serious or long-term violations of discharge limits occur that require the design and installation of new or additional pretreatment equipment. Usually the time-frame will be six (6) months to one (1) year. Violations of the COM can result in the next step, consisting of administrative penalties.

AP Administrative Penalties - An administrative penalty would be in such cases where all lower types of enforcement responses have failed and/or where deemed appropriate by the Village Administrator because of the nature and/or intent of the violation. The next response step is court action. The administrative penalties step exists to try to prevent court activity and yet to correct the problem and or show the seriousness of the problem to the industry involved. The fine is at least one thousand dollars (\$1,000.00) per violation with each day being considered a separate violation.

The administrative fine may also be part of a CO (Consent Order), and/or a COM (Compliance Order).

LIT Litigation - Litigation is utilized to define several courses of action, including civil suits for injunctive relief and/or civil penalties, criminal suits, termination of service, etc. These types of actions would all involve the courts, the Village attorney, and would follow the procedures necessary for due process.

(b) Utilizing Response Guide. A screening process for identifying likelihood of violations will be conducted by the Village within five (5) days of receiving information.

- (c) Criteria for screening includes categorical and local limits, prohibited discharges, and potential violation items with corresponding range of responses listed in Section 16(e)-(h). Utilizing the Enforcement Response Guide, the Pretreatment Coordinator will initiate the appropriate response and see that the files have been updated to show the type of action being taken and the response date, if one (1) is so indicated, and the type of action taken. The Pretreatment Coordinator will initiate any field sampling which he feels appropriate to substantiate previous data received, or to double check the response of an Industrial User to the action which they have indicated that they have taken.

At the end of each six (6) month period, the Pretreatment Coordinator will be responsible for reviewing the industry files to determine any SNCs, and if so, the Pretreatment Coordinator shall be responsible for seeing that the SNCs are tabulated on an annual basis and that the name of all SNCs are published in the local daily newspaper.

Regular surveillance, sampling, and unannounced inspections to detect incidence of noncompliance not revealed by report submittals will be conducted by the Village. These include unannounced annual inspections of all IUs to confirm IU classification, waiver conditions, and compliance to Pretreatment Program regulations.

(d) Significant Noncompliance. Instances of Significant Noncompliance (SNC) are Industrial User Violations which meet one or more of the following criteria:

- (1) Violations of wastewater discharge limits
 - a. Chronic violations . Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.
 - b. Technical Review Criteria (TRC) . Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the average same average limit by more than the TRC in a six (6) month period.

There are two groups of TRCs:

- 1. Group I for conventional pollutants:
(BOD, TSS, fats, oil and grease) TRC = 1.4
- 2. Group II for all other pollutants: TRC = 1.2
- c. Any other violation or violations of an effluent limit (average or daily maximum) that the Village Administrator has caused, along or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.
- d. Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTWs exercise of this emergency authority to halt or prevent such a discharge.

(2) Violation of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the scheduled date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations which the Village Administrator considers to be significant.

(e) Responses to Violations of Sampling, Monitoring and Reporting:

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Failure to sample, monitor or report (routine reports), baseline monitoring report.	Isolated or infrequent.	VTN, SV, or NOV requiring a report within 10 days.
Failure to sample, monitor, report or notify.	IU does not respond to letters, does not follow through on verbal or	CO, COM, AP or LIT.

	written agreement, or frequent violation – SNC.	
Failure to notify of effluent limit violation or slug discharge.	Isolated or infrequent. No known effects.	VTN, SV or NOV. If no response within 10 days, issue a CO.
Failure to notify of effluent limit violation or slug discharge.	Frequent or continued violation – SNC.	Show cause meeting, COM, AP, or LIT including penalties.
Failure to notify of effluent limit violation or slug discharge.	Known environmental or POTW damage results – SNC.	AP, LIT and penalties.
Minor sampling, monitoring or re-reporting deficiencies (computational or typographical errors).	Isolated or infrequent.	VTN, SV or NOV. Corrections to be made on next submittal CO if continued.
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports).	Isolated or infrequent.	SV, NOV or CO. Corrections to be made on next submittal.
Major or gross reporting deficiencies.	Continued. Remains uncorrected 30 days or more – SNC.	COM, AP or LIT.

Whenever a NOV is issued that requires a response and Industrial User fails to respond, the next level of enforcement should be undertaken.

(f) Responses to Violations of Compliance Schedules: (Construction phases or planning)

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Reporting false information.	Any instance - SNC.	AP, LIT penalties. Sewer ban.
Missed Interim Date	Will not cause late final date or other interim dates.	NOV, SV.
Missed Interim Date.	Will result in other missed interim dates. Violation for good or valid cause.	NOV, SV or CO.
Missed Interim Date.	Will result in other missed interim dates. No good or valid cause - SNC.	NOV, COM, AP or LIT.
Missed Final Date.	Violation due to strikes, act of God, etc.	Contact permittee and require documentation of good or valid cause; show cause.
Missed Final Date.	90 days or more outstanding. Failure or refusal to comply without good or valid cause.	COM, AP or LIT including penalty.
Failure to install monitoring equipment.	Continued - SNC.	COM, AP to begin monitoring (using outside

contracts, if necessary) & install equipment w/in minimal time.

Failure to mitigate non compliance

Does not result in harm

NOV

Failure to mitigate non compliance

Does result in harm

AO with fine
Civil Action

Whenever an NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(g) Response to Violations of Discharge Limitations:

NONCOMPLIANCE

CIRCUMSTANCES

RANGE OF RESPONSE

Exceeding final limits (categorical local or prohibited).

Infrequent or isolated minor violation.

VTN, SV or NOV. Retest of exceeded parameters within 30 days.

Exceeding Final Limits.

Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit.

VTN, SV, NOV, CO, AP or LIT if environmental harm resulted including penalty. Retest of exceeded parameters within 30 days.

Exceeding Interim Limits (categorical or local).

Without known damages.

NOV or CO. Retest of exceeded parameters within 30 days.

Exceeding Interim Limits.

Results in known environmental or POTW damage - SNC.

CO, COM, AP or LIT penalty. Retest of exceeding parameters w/in 30 days.

Reported Slug Load.

Isolated without known damage.

NOV, Show cause or CO.

Reported Slug Load.

Isolated with known interference, pass through or damage - SNC.

COM, AP or LIT including penalty.

Reported Slug Load.

Recurring - SNC.

LIT including penalty.

Discharge without a permit or approval.

One time without known environmental or POTW damage

CO.

Discharge without a permit or approval.

One time which results in environmental damage or continuing violation - SNC.

COM, AP O LIT and penalty. Request for criminal investigation.

Discharge without a permit or approval.

Continuing violation with known environmental or POTW damage.

COM, AP O LIT & penalty. Request for

criminal investigation & disconnect.

Use of dilution instead of treatment Initial violation AO with fine

Use of dilution instead of treatment Recurring SCH

Whenever a NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(h) Responses to Violations of Noncompliance Detected Through Inspections/Investigations:

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Minor violation of analytical procedures	Any instance.	VTN, SV.
Major violation of analytical procedures	No evidence of intent.	NOV or CO.
Major violation of analytical procedures.	Evidence of negligence or intent - SNC.	COM, AP or LIT and penalty (possible criminal action).
Minor violation of permit condition.	No evidence of negligence or intent.	VTN, SV, or NOV. Immediate correction required.
Minor violation of permit condition.	Evidence of negligence or intent - SNC.	COM, AP or LIT and penalty (possible criminal action).
Major violation of permit condition.	Evidence of negligence or intent - SNC.	COM, AP or LIT and penalty (possible disconnect from sewer).
Failure to properly operate and maintain pretreatment equipment	Does not result in harm	NOV
Failure to properly operate and maintain pretreatment equipment	Does result in harm	AO with fine Civil Action
Denial of entry to inspectors	Entry denied or consent withdrawn	SCH
Consent of records denied		Obtain warrant and return to IU

Inadequate recordkeeping	Inspectors finds files incomplete to missing	NOV
Inadequate recordkeeping	Recurring	AO with fine

Whenever a NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(i) Time Frames for Responses:

(1) All violations will be identified and documented within five (5) working days of receiving compliance information.

(2) Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within thirty (30) days of violation detection.

(3) Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(4) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(5) All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance.

(j) IUs Subject to Reduced Reporting. IUs subject to reduced reporting may be inspected every two (2) years by the Village.

(k) Confidential Information. Section 9 states requirements for handling confidential information, also applicable for enforcement response procedures.

(l) Evaluating the Need for Slug Control Plan. Requirements for a slug control plan are stated in Section 3(c). Based on IU reports, IU surveys, the following information may be used to evaluate slug potential risks for an IU:

- (1) Raw materials inventories and storage locations (i.e., chemical utilization);
- (2) Locations of wastewater discharge points;
- (3) Site drainage patterns;
- (4) Location of floor drains, sumps, etc.;
- (5) Slug discharge prevention plans or control measures currently adopted;
- (6) Chemical inventory, including maximum and average storage volumes;
- (7) Comments, observations regarding existing control requirements and physical conditions such as floor drains, improper storage practices, and improper/inadequate containment of stored materials, operational data, and general process information; and
- (8) Slug risk classification.

IU SLUG DISCHARGE CATEGORY	SAMPLE ATTRIBUTES	RECOMMENDATIONS FOR SLUG DISCHARGE CONTROL
Low	No or significantly less than reportable quantities, local limits, etc. No process discharge No discernible pathways to sewer system	Notification requirements
Medium	Stores, uses batch discharges of generates somewhat less than reportable quantities of constituents, local limits, etc.	Notification requirements

	Stores, uses or generates significant quantities of reportable constituents	Dependent on site-specific situation, select one or more elements of Slug Control Plan.
High	Stores, uses batch discharges or generates significantly greater than reportable quantities, local limits, etc.	Notification requirements
	History of slugs or surcharges	Batch Discharge Requirements
	Poor housekeeping practices	Slug Control Plan Required
	No Slug Control Plan in existence	

(9) Data on response measures such as recommendations for equipment, structures, facility modifications and procedures for improving slug discharge prevention and response at the facility.

(m) IUs without permits. Refer to Section 5(h) for plan to locate all possible IUs and enforcing administrative or legal action.

CHAPTER 5 PROTECTION OF SEWER WORKS FROM DAMAGE

Section 1. DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

DIVISION IV – DEFINITIONS, POWERS AND PENALTIES

CHAPTER 1 DEFINITIONS

Section 1. DEFINITIONS

Clarification of word usage: “Shall” is mandatory; “may” is permissible.

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

- 1.1 “Approving Authority” means the Village of Coal Valley or its authorized representative.
- 1.2 “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- 1.3 “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters outside the inner face of the building wall).
- 1.4 “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
- 1.5 “Combined Sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

- 1.6 “Control Manhole” shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “control manhole” is to provide access for the Village representative to sample and/or measure discharges.
- 1.7 “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- 1.8 “Effluent Criteria” are defined in any applicable “NPDES Permit”. “Federal Act” means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Con-Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243) and any subsequent amendments thereto.
- 1.9 “Federal Act” means the Federal Water Pollution Control act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Con-Act of Amendments of 1972 (Pub. L. 92-500) and (Pub.L. 93-243) and any subsequent amendments there to.
- 1.10 “Floatable Oil” is oil, fat, or, grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- 1.11 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- 1.12 “Industrial User” shall mean any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
- a. Division A - Agriculture, Forestry, and Fishing
 - b. Division 3 - Mining
 - c. Division D - Manufacturing
 - d. Division E - Transportation, Communications, Electric, Gas and Sanitary Services
 - e. Division 1 - Services
- A user in the Divisions listed may be excluded if it is determined by the village that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- 1.13 “Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing, of any natural resource as distinct from sanitary sewage.
- 1.14 “Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that:
- a. has a flow of 50,000 gallons or more per average work day; or

- b. has a flow greater than ten percent of the flow carried by the municipal system receiving the waste or
 - c. has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307 (a) of the Federal Act; or
 - d. is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- 1.15 “Milligrams per liter” shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
- 1.16 “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.17 “NPDES Permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant 402 of the Federal Act.
- 1.18 “Ordinance” means this ordinance.
- 1.19 “Person” shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- 1.20 “pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in “Standard Methods”.
- 1.21 “Population Equivalent” is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .22 pounds of suspended solids.
- 1.22 “ppm” shall mean parts per million by weight.
- 1.23 “Pretreatment” shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.
- 1.24 “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- 1.25 “Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though these sewers may not have been constructed with Village Funds.

- 1.26 “Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.
- 1.27 “Residential or Commercial” or “Non-industrial” user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.
- 1.28 “Sanitary Sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwater’s or unpolluted industrial wastes are not intentionally admitted.
- 1.29 “Sewage” is used inter changeably with “wastewater.”
- 1.30 “Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- 1.31 “Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.
- 1.32 “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- 1.33 “Standard Methods” shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the examination of Water and Wastewater” Published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- 1.34 “State Act” means the Illinois Anti-Pollution Bond Act of 1970.
- 1.35 “Storm Sewer” shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- 1.36 “Stormwater Runoff” shall mean that portion of the precipitation that is drained into the sewers.
- 1.37 “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 1.38 “Useful Life” shall mean the estimated period during which the collection system and /or treatment works will be operated and shall be 20 years from the date of start-up of a wastewater facility constructed with a State grant.
- 1.39 “User Class” shall mean the type or user either “residential or commercial” (non-industrial) or “Industrial” as defined herein.
- 1.40 “Village” means the Village of Coal Valley.

- 1.41 "Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- 1.42 "Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial Wastes and transport effluent to a watercourse.
- 1.43 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment" or pollution control plant."
- 1.44 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 1.45 "Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

CHAPTER 2 POWERS AND AUTHORITY OF INSPECTORS

Section 1. PERMITTED TO ENTER.

The Village and duly authorized representatives of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Village or its representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

Section 2. SAFETY.

While performing the necessary work on private properties referred to in Section 1 above, the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by the Village and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section.

Section 3. EASEMENT.

The Village and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved

CHAPTER 3 PENALTIES

Section 1. VIOLATION.

Any person found to be violating any provision of this Ordinance except Chapter 5 Section 1 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

Section 2. FEE.

Any person who shall continue any violation of this shall be guilty of a misdemeanor, and on conviction thereof, shall be fined per Title 1 Division V Chapter 1 as follows: any person violating the Chapters and adopted Codes in this Ordinance shall be fined not less than \$45.00 or more than \$750.00 per individual violation. In the event of the continuation of such willful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense. Ordinance citations issued for violations that are not paid within 14 days of the date of the citation will be taken to the Municipal Code Enforcement System (MUNICES) for adjudication.

Section 3. LIABLE.

Any person violating any of the provisions of this Ordinance shall become liable to the Village by reason of such violation.

Section 4. DELINQUENT BILLS.

In the event the charges for service are not paid within 30 days after rendition of the bill for such service, charges shall be declared to be delinquent; and the delinquencies shall constitute liens upon the real estate for which such service is supplied. The Village Clerk is authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Rock Island and/or Henry Counties, Illinois, and the filing of such statement shall be deemed notice for the payment of such charges for such service.

Section 5. DISCONTINUATION.

If the rates or charges for such services are not paid within thirty (30) days after the rendition of the bill for such services, services shall thereafter be discontinued, subject to notice and hearing as provided hereinafter, and shall not be reinstated until all past due bills, including the penalties hereon, are paid in full together with payment of \$100.00 for discontinuation and for reinstating a residential service and \$150.00 for discontinuation and reinstating a commercial service.

Ten (10) days prior to the discontinuance of service, a notice shall be sent a user delinquent in the payment of required rates and charges indicating: the balance of payment due; the date service will be discontinued; the amount of the charge for reinstatement of service; and that prior to the discontinuance of service the user may request a hearing before a Village hearing officer to discuss any charges the customer feels are erroneous or improper. Following the hearing of evidence, the decision of the hearing officer shall be final.

Section 6. CONNECTION AND DISCONNECTION.

Any user desiring to temporarily discontinue service for a period of absence from a premises, shall make application therefore to the Village. Each time there is a discontinuance of service requested by a user, there shall be a charge of \$20.00 to shut off the service and \$20.00 to turn on such service. The temporary discontinuance of service at the request of the user will not avoid the imposition of and the liability for the payment for the minimum charge provided for herein.

Section 7. COLLECTION OF BILLS.

It is the duty of the Village Treasurer to render bills for service and for all rates and charges in connection with the service and to collect all monies due.

7.1 Returned Check Charge. Any user whose check for payment of rates and charges due under this Chapter is returned to the Village because of insufficient funds or other reasons shall be liable for and shall have included on such users next bill an additional charge of \$25.00 for the return of the check.

Section 8. REVENUES.

All revenues and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the Village Treasurer separate and apart from the Treasurer's private funds and separate and apart from all other funds of the Village.

Section 9. SPECIAL FUND.

The Village Treasurer shall receive all such revenues from the combined waterworks and sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to the Treasurer. The Treasurer shall deposit all revenues in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Coal Valley." The treasurer shall administer such fund in every respect in the manner provided by the applicable provision of Division 139 of Article II of the Illinois Municipal Code, 1961, and all laws amendatory and supplementary and as provided for in this Chapter.

Section 10. NO CHARGE SERVICE.

No free service of any of the services supplied by the combined waterworks and sewerage system shall be supplied by the Village to the Village or to any other person, public or private.

DIVISION V – OPEN BURNING
CHAPTER 1 BURNING OF LEAVES, OTHER LANDSCAPE WASTE AND REFUSE

Section 1. BURNING LEAVES AND OTHER LANDSCAPE WASTE.

It shall be lawful to burn dry leaves and/or other dry landscape waste, such as grass, tree limbs, shrub trimmings and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, in the Village between the hours of 9:00 a.m. and 6:00 p.m. Following the foregoing designated burning times, fires resulting from burning leaves and other landscape waste shall be completely extinguished and shall not be allowed to continue to smolder beyond the designated burning time.

Section 2. ATTENDANCE.

Burning of leaves and other landscape waste shall be constantly attended by a competent person until the fire is completely extinguished.

Section 3. LOCATION.

Burning of leaves and other landscape waste shall take place only on the premises from which such leaves and other landscape waste was derived.

Section 4. DEPOSITING AND BURNING LEAVES, OTHER LANDSCAPE WASTE, AND REFUSE ON VILLAGE RIGHT-OF-WAYS, STREETS, AND SIDEWALKS.

It shall be unlawful to deposit and/or burn leaves, landscape waste, or refuse on any Village Right-of-Ways, concrete or asphalt surfaced streets or sidewalks in the Village (See also Section 26, Chapter 1 Streets, Division 1 Streets, Title IX, STREETS, PUBLIC WAYS AND PUBLIC PROPERTY).

Section 5. COMMUNITY BURNING SITE.

At times when a substantial quantity of tree limbs and other landscape debris are on the ground, such as following a wind storm or heavy snow, the Village may designate a community burning site to which the Village and its residents may take tree limbs and other landscape debris for burning under the supervision and control of the Village.

Section 6. ADVERSE ATMOSPHERIC CONDITIONS.

The Mayor or his designee may prohibit burning of leaves and other landscape waste when atmospheric conditions or other local circumstances make such burning hazardous to the health and welfare of residents of the Village.

Section 7. BURNING REFUSE.

It shall be unlawful at any time to burn rubbish or trash, including but not limited to waste paper products and garbage, or waste material from construction, demolition or renovation of buildings.

Section 8. PENALTY.

Any person violating any provision of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense. Each day of violation shall be a separate offense".