

## **Chapter 22 – Use of Public Sewers Required and Wastewater Service Charges**

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## ARTICLE ONE - SEWER USE ORDINANCE

### 2201 Use of Public Sewers Required

2201.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village any area under the jurisdiction of said Village any human or animal excrement, garbage or other objectionable waste.

2201.2 It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

2201.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

2201.4 The owner of all the 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 any public sanitary (or combined) sewer of the Village, is hereby required, at his or her 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 90 days after the date of official notification to do so, provided that public sewer is within 500 feet of the property line.

- A. If an owner has applied for a sewer permit pursuant to the Village Code, but has not connected the facilities on the subject property to the Village's public sewer within the time frame set forth hereinabove, the owner will be required to supply the Village with a letter from a licensed sewer contractor stating the date that the subject property will be connected to the Village's sewer. The owner will be charged, and shall be required to pay, the fee of \$55.00 per unit or per tenant, per month, until the facilities on the owner's property are connected to the Village's sewer plant. If the owner does not connect the facilities on his property to the Village's sewer plant by the date set forth in the contractor's letter, then he shall be assessed a fine of not less than \$25.00 per day for the first 30 days that the facilities are not connected to the Village sewer plant. Beginning with the 31<sup>st</sup> day, the owner shall be assessed a fine of not less than \$100.00 per day for each day that the property is not connected to the Village's sewer plant. Each day that the property remains unconnected to the Village's sewer plant shall be considered a separate and distinct offense.

- B. If the owner of the property has not applied for a sewer permit and has not connected the facilities on his property to the Village's sewer plant within 90 days after the date of official notification to do so, the owner shall be assessed a fine of \$25.00 per day for the first 30 days that the facilities on his property remain unconnected to the Village's sewer plant. Beginning with the 31<sup>st</sup> day, the owner shall be assessed a fine of not less than \$100.00 per day for each day that the property is not connected to the Village's sewer plant as required. Each day that the property remains unconnected to the Village's sewer plant shall be considered a separate and distinct offense.

2201.5 For the purposes of this Chapter, the word "person" shall mean any person, corporation, association, partnership, or other entity which owns, leases, or otherwise has control over the property and improvements that are services by or are required to be connected to the Village's sewer plant. (*Revised Ord. 2004-20*)

## 2202 Private Sewage Disposal

2202.1 Where a public sanitary (or combined) sewer is not available under the provisions of Section 2201.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

2202.2 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

2202.3 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2201.4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

2202.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

2202.5 No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the McHenry County Health Department.

2202.6 When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## 2203 Building Sewers and Connections

- 2203.1 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 Building Department.
- 2203.2 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.
- 2203.3 There shall be two (2) classes of sewer permits: (a) for residential, wastewater service, and (b) to commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Building Department. A permit and inspection fee of \$150.00 for a residential and \$300.00 for a commercial or industrial sewer permit shall be paid to the Village at the time the application is filed. In addition to the permit and inspection fee, the fee for the purchase and installation of the water meter or water meters for the property shall be paid, in full, at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. *(Revised Ord. No. 2007-34)*
- 2203.4 A sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- 2203.5 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 that may directly or indirectly be occasioned by the installation of the building sewer. The sanitary service line shall be and is the property of the owner of the parcel of land being served by the public sanitary sewer. The owner of property being served by the public sewer system shall be responsible for any and all repairs, maintenance and costs relative to the private sanitary service line and any appurtenant structures which services the property, and shall keep the service line in a sanitary and functional condition. The sanitary service line generally connects a building to the Village's sanitary sewer main and extends through the parcel of land being served and the Village's right-of-way and includes the connection to the village's sewer main. Maintenance work on the sanitary service line shall be coordinated with the Village's Building Department. *(Revised Ord. 2006-71)*

- 2203.6 A separate and independent building sewer shall be provided for every building, except that 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.
- 2203.7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Department, to meet all requirements of this ordinance.
- 2203.8 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 and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- 2203.9 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 2203.2, and discharged to the building sewer.
- 2203.10 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, 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.
- 2203.11 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 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 gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Building Department before installation.
- 2203.12 The applicant for the sewer permit shall notify the Building Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Department or his representative.

2203.13 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.

2203.14 **Dumping Holding Tank Waste into the Collection System**

- A. Application for permits to dump holding tank waste into the Village's collection system shall be filed with the Village.
- B. Each permit shall designate the location and manner of disposing of the septic wastes.
- C. Separate permits shall be obtained for each truck and shall be in the possession of the driver of the truck at all times.
- D. No permit shall be valid for a period of more than one year, and each permit shall expire on January 31 of each year.
- E. No permit shall be transferable. A permit becomes void under any of the following conditions:
  - 1. Change in ownership of the permittee;
  - 2. Change in vehicle for which the permit is issued;
  - 3. Change in the name and address of the permittee.
- F. Fees for the initial permit and each individual permit are \$25.00 per truck.
- G. A fee of \$.05 per gallon shall be charged for the treatment of septic wastes under this Section.
- H. Disposal shall be limited to wastes from a septic toilet, chemical closet or any other water-tight enclosure used for storage and decomposition of human excrement and/or domestic wastes.
- I. Disposal shall be permitted at the Village's sewer plant between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday.

- J. All trucks which are licensed by the Village shall be identified as follows:
1. Owner's name, address and telephone number;
  2. Liquid capacity;
  3. The Village Permit No. and year covered.
- K. For each load disposed at the Village sewer plant, the truck driver shall deliver to the operational office in the building designated on the permit, a signed, numbered ticket showing the identification number, liquid capacity of the load, time of arrival and departure, origin of the load, along with the telephone number of the originating source. The driver shall not unload until obtaining approval by the operator of the Village sewer plant.
- L. Village operating personnel may require the load be dumped over a period of a half hour or more, depending upon the flow and characteristics of the incoming sewage at the plant.
- M. A sample may be taken by the Village personnel of each truckload of waste delivered to the Village sewer plant, and shall be analyzed by the Village for compliance of the Village Code.
- N. Persons disposing of waste at the plant shall be responsible for cleaning up all the spills.
- O. The permittee shall furnish a list of authorized drivers to the Village under this permit and keep this list current.
- P. The Village reserves the right to reject any wastes delivered to the facilities of the Village, which the Village believes may have an adverse effect on the treatment works and/or processes.
- Q. **Insurance Requirements.** Each permittee shall carry such insurance as is deemed necessary from time to time by the Village to protect it against claims, causes of actions, or any act of any permittee. The certificate of insurance shall be filed with the Village Clerk. After approval of the certificate, the septic waste hauler shall be permitted to discharge at the designated location. No one shall be allowed on the site without a valid certificate of insurance. The Village shall be named insured on any such policies. The certificate of insurance is comprised of the following:

|                            | <u>Each Occurrence</u> | <u>Aggregate</u> |
|----------------------------|------------------------|------------------|
| 1. General Liability       |                        |                  |
| a. Bodily injury           | \$500,000              | \$1,000,000      |
| b. Property damage         | \$250,000              | \$ 250,000       |
| 2. Automobile Liability    |                        |                  |
| Bodily Injury and Property |                        |                  |
| Damage Combined            | \$500,000              |                  |
| 3. Workers' Compensation   | \$500,000              |                  |

R. **Revocation of Permits.** Any violation of the conditions stated above shall be justification for the Village to immediately revoke any and all permits issued under this Section.

## 2204 Use of the Public Sewers

2204.1 No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2204.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged on approval of the Illinois Environmental Protection Agency to a storm sewer, combined sewer, or natural outlet.

2204.3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other Interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

2204.4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village Engineer that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
- B. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Engineer.
- D. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

- F. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
- H. Any wastes or waters having a pH in excess of 9.5.
- I. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- J. Any cyanide in excess of .025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- K. Materials which exert or cause:
  - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
  - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
  - 4. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- L. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

M. Any person who discharges, or causes to be discharged any of the substances, materials, waters or wastes described in this Section shall be liable to the Village for all costs of locating the source of illegal discharge, the cost of repair, clean up and the like and further be subject to the fines, fees and other expenses as set forth in Chapter. *(Revised Ord. 2004-20)*

2204.5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2204.4, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Village Engineer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Building Department may reject over the quantities and rates of discharge and/or require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 2204.11.

If the Building Department permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Engineer, and subject to the requirements of all applicable codes, ordinances, and laws.

2204.6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

2204.7 Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

2204.8 Each industry shall be required to install a control manhole and, when required by the Building Department, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

2204.9 The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village the right to take measurements and samples for analysis by an outside laboratory service.

2204.10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

2204.11 No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with Section 2208, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

## 2205 **Protection of Sewage Works from Damage**

2205.1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## 2206 Powers and Authority

2206.1 Any duly authorized employees 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.

2206.2 Any 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.

## 2207 Enforcement and Penalties

2207.1 Should any discharger refuse to comply with any provision of this Article One, or any permit issued pursuant to this Article One, the Village may, after written notice, revoke said permit and deny to the violator the use of any or all sewerage works of the Village; or, at the option of the Village, shall make or cause such repairs or alterations to be made, or shall cause such repairs or alterations to be made, or shall construct or cause such facilities to be constructed as may be necessary to comply with the provisions of the Village Code, all at the expense of the violator.

2207.2 **Notice of Violation.** The Village having found that any person or entity has refused to comply with any provision of this Article, or any permit issued by the Village, shall notify said violator in writing by certified or registered mail, return receipt requested, stating the nature of the violation and the date in which the violation needs to be corrected. The violator shall correct the violation by the date set forth in the notice.

2207.3 If the violation is not corrected by the compliance date set forth in the notice pursuant to Section 2207.2, the Village may revoke any permit and deny to the violator the use of the Village's sewer. If the Village revokes the permit as provided in Section 2207.1, the owner may, within 30 days after said revocation, appeal the revocation by filing notice of that appeal with the Village Clerk. The appeal shall be heard by an arbitration board of three engineers, one appointed by the Village, one appointed by the alleged violator and the third appointed by the two engineers selected by the parties. In the event the two engineers so selected fail to agree upon a third engineer, then upon petition of either of the parties, the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois, shall appoint such third

engineer. The arbitration board shall set a date and time for hearing at which time the board shall receive all evidence and testimony from both the Village and the alleged violator.

2207.4 The decision of a majority of the arbitration board shall be final and binding to the parties and the costs of the services of the arbitration board shall be shared equally by both parties.

2207.5 The notice and appeal provisions set forth in Sections 2207.1 - 2207.4 shall not apply to the delinquent payment of bills for sewer service. The remedies available to the Village for delinquent or non-payment of bills for sewer service are set forth in Section 2209.2

2207.6 **Recovery of Costs Incurred.** Any person violating any of the provisions of this Article, who discharges substances, materials, waters or wastes prohibited under the Village Code or who otherwise causes damage to or impairs the Village's sewer plant shall be liable to the Village for any loss or damage caused by such violation or discharge, as well as any and all expenses incurred by the Village as the result of said violation or discharge including, but not limited to, the costs of cleaning, repair work, replacement work, and any and all costs incurred by the Village in identifying the source of the prohibited conduct or discharge. The Village shall bill the person for the costs incurred by the Village for said expenses. Failure or refusal to pay the assessed costs constitutes a violation of this Ordinance and subjects the person to the civil penalties described elsewhere in this Section. *(Revised Ord. 2004-20)*

2207.7 **Civil Penalties.** Any entity who is found to have violated an order of the Village or has failed to comply with the provision of such order or the Village Code, and the regulations, or rules of the Village, or orders of any court of competent jurisdiction, may be subjected to the imposition of a civil penalty of not less than \$100.00 and not more than \$1,000.00 for each day upon which a violation occurs or continues. The penalties herein provided shall be collectible only by action in the name of the Village in the Nineteenth Judicial Circuit, McHenry County, Illinois. Such penalties shall not be determined to be exclusive and are in addition to all other rights and remedies which the Village may have according to law. In the event the Village pursues collection by filing suit as set forth herein, the Village shall be entitled to any and all reasonable attorney's fees and costs incurred by it in litigating this matter.

## ARTICLE TWO - WASTEWATER SERVICE CHARGES

### 2208 Wastewater Service Charges

2208.1 **Basis for Wastewater Service Charges.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.

2208.2 The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:

- A. A five day, 20 degree centigrade biochemical oxygen demand (BOD) of 200 mg/l.
- B. A suspended solids (SUS) content of 200 mg/l.

2208.3 The basic user charge shall be computed as follows:

- A. Estimate the annual wastewater volume, pounds of BOD and pounds of SUS to be treated.
- B. Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.
- C. Proportion the estimated O, M & R costs to each user class by volume, BOD and SUS.
- D. Proportion the estimated O, M & R costs to wastewater facility categories by volume, BOD and SUS.
- E. Compute costs per 1,000 gallons for normal domestic strength sewage.
- F. Compute surcharge costs per pound for BOD and SUS concentrations in excess of normal domestic strengths.

2208.4 The debt service charge is computed by apportioning the annual debt service based on Special Service Area created by the Village.

2208.5 The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued part of Village Ordinance #229.

2208.6 A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SUS (200 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes, which exceed the 200 mg/l and 200 mg/l concentrations for BOD and SUS respectively and will be based on pounds contributed to the system.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Public Works Superintendent and shall be binding as a basis for surcharges.

2208.7 The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

2208.8 The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.

2208.9 **Measurement of flow.**

A. Devices for measuring the volume of waste discharged may be required by the Public Works Department. All residential users who are hooked up to the Village's wastewater treatment on or before December 1, 2002, shall not be required to have a meter installed on the serviced property. However, all residential users who hook up to the Village's wastewater treatment plant after December 1, 2002, shall be required to purchase and install a meter on the serviced property. In addition, all residential property owners who also operate a business on the serviced residential property shall be required to pay for and have installed a meter on the serviced property. All commercial and industrial property owners who are hooked up to the Village's wastewater treatment plant on or before December 1, 2002, shall pay for and have installed a meter on the building being serviced. All commercial and industrial property owners who hook up to the Village's wastewater treatment plant after December 1, 2002 shall be required to pay for and install one meter per unit, as defined hereinafter.

- B. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Public Works Superintendent.

2208.10 **Basic User Charge.** There shall be and there is hereby established a basic user charge set forth as follows:

- A. **Residential Property Owners.** The owners of properties which are being used strictly as single-family residences and which are hooked up to the Village's wastewater treatment plant on or before December 1, 2002, shall be charged a flat rate of \$55.00 per month, which reflects the basic user charge for those properties.

The owners of properties that are being used strictly as single-family residences and which are hooked up to the Village's wastewater treatment plant after December 1, 2002, shall pay the sum of \$55.00 per month as the basic user charge as long as not more than 10,645 gallons of water are used on the subject property per month. In the event the water actually used on the property exceeds 10,645 gallons per month, the property owner shall be charged an additional rate of \$7.36 per thousand gallons of water used in excess of 10,645 gallons per month. The additional charge for residential users who hook up to the wastewater treatment plant after December 1, 2002, is necessary to offset the cost of expanding the wastewater treatment plant to accommodate these additional users.

- B. **Residential/Business Property Owners.** Owners of property used as single-family residences, but which also are used for commercial purposes (i.e., a business being operated out of the residence) and are located in Special Service Area Number 1, shall be charged a flat rate of \$18.00 per unit per month, plus a charge of \$7.36 per thousand gallons of water used per month. Owners of such properties which are **not** located in Special Service Area Number 1 shall be charge \$7.36 per thousand gallons of water used per month. *(Revised Ord. 2006-56)*

- B. **Commercial/Industrial Property Owners.** Owners of properties which are used for commercial, office/research and/or industrial purposes and are located in Special Service Area Number 1 shall be charged the sum of \$18.00 per unit or per tenant per month, plus a charge of \$7.36 per thousand gallons of water used per month. The public works superintendent shall have the discretion to assess these fees on a per tenant basis as opposed to a per unit basis when he receives sufficient evidence, from the property owner or tenant, that the tenant is operating his business out of more than one unit in the

building. If a unit is vacant, the property owner shall be charged the sum of \$18.00 per unit per month as a basic user charge. Owners of such properties which are **not** located in Special Service Area Number 1 which are used for commercial, office/research and/or industrial purposes shall be charge \$7.36 per thousand gallons of water used per month. *(Revised Ord. 2006-56)*

D. **Definitions.**

1. **Unit.** For purposes of this Chapter, unit shall be defined as a room in a building separated from other rooms in the building by walls or partitions and which is designed or intended, by the owner, to be rented, leased or purchased by another party to use as a residence, to operate a business out of, or to use as a storage facility.
2. **Residential Customer Equivalent (“RCE”).** For purposes of this Chapter, Residential Customer Equivalent (“RCE”) shall mean the average water usage of a single family dwelling unit of 350 gallons per day. *(Revised Ord. 2006-56)*

2208.11 **Connection Fees.** The connection fees to be paid by those connecting to the Village’s wastewater system shall be paid prior to the issuance of a building permit for new construction or prior to connection for an existing structure as follows:

- A. For those residential, commercial and industrial properties in the Special Service Area Number 1 - \$3,500.00 per RCE, with a minimum 1 RCE.
- B. For those residential properties **not** in Special Service Area Number 1 - \$10,085.00 per RCE, with a minimum 1 RCE.
- C. For those commercial and industrial properties **not** in Special Service Area Number 1 - \$10,085.00 for the first RCE and \$8,000 for each additional RCE, with a minimum 1 RCE.

The estimated RCE for a particular unit shall be determined by the Building Department and shall be equivalent to and based upon the average twenty four (24) hour rate of water consumption of comparable building uses. The Building Department may use any available information including useage in other municipalities to determine the RCE. If, after the first year of connection to the wastewater system, the quotient of the actual volume of sewage discharge during the year, which is equivalent to and based upon the actual volume of metered water consumed during the year, divided by three hundred sixty five (365), deviates more than ten percent (10%) either upward or downward from the estimated twenty four (24) hour RCE, then, in the

event of an upward deviation, there shall be charged and levied an additional amount equal to the difference between the original fee and the product of the applicable rate per gallon times such quotient, and, in the event of a downward deviation, the Village shall refund to the then owner of the real estate involved an amount equal to the difference between the product of the applicable rate per gallon times such quotient and the original fee, such refund shall not reduce the connection fee to an amount less than the minimum fees charged for such structures. (*Revised Ord. 2006-56*)

2208.12 **Debt Service Charge.** There shall be and there is hereby established a debt service charge in accordance with Village Ordinance Number 229.

2208.13 **Capital Improvement Charge.** There shall be and there is hereby established a capital improvement charge as part of Village Ordinance Number 229.

2208.14 **Surcharge Rates.** The rates of surcharges for BOD and SUS shall be as follows:

|                 |        |
|-----------------|--------|
| Per lb. of BOD: | \$1.19 |
| Per lb. of SS:  | \$1.01 |

## 2209 **General Provisions**

2209.1 **Bills.** Said rates or charges for service shall be payable quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Bills for sewer service shall be sent out by the Village Treasurer on the first day of the quarter succeeding the period for which the service is billed.

All sewer bills are due and payable 15 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 30<sup>th</sup> day after they have been rendered.

2209.2 **Delinquent Bills.** If the charges for such services are not paid within sixty (60) days of the date it is mailed by the Village, the Village may, in addition to or in lieu of other remedies set forth in this Chapter, or other remedies available to the Village by law, disconnect the building from the Village's wastewater treatment plant and cease providing that building with sewer service. If the charges for services are not paid on the 30<sup>th</sup> day after the date they have been rendered, the Village shall send a final notice that the sewer will be shut off on or after a final date for payment unless the

charges including interest, penalties and a final notice fee of \$25.00 are paid in full. The property owner shall be responsible to pay any and all delinquent bills, disconnect fees, and reconnection fees, as well as any and all other expenses or fees reasonably incurred by the Village to disconnect and reconnect the building before the building will be reconnected to the Village's wastewater treatment plant.

2209.3 **Lien Notice of Delinquency.** Whenever a bill for sewer service remains unpaid for 60 days for quarterly service after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period one hundred and five days (145) for a quarterly bill after it has been rendered.

The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

2209.4 **Foreclosure of Lien.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid one hundred and five (145) days in the case of a quarterly bill after it has been rendered.

2209.5 **Revenues.** All revenues and moneys derived from the operation of the wastewater system shall be deposited in the wastewater account of the wastewater fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President & Board of Trustees. The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Wastewater Fund of the Village."

Said Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

2209.6 **Accounts.** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- A. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- B. Billing data to show total number of gallons billed per fiscal year.
- C. Debt service for the next succeeding fiscal year.
- D. Number of users connected to the system.
- E. Number of non-metered users.
- F. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

2209.7 **Access to Records.** The IEPA, USEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the (Special and General Conditions to any State Grant). (Federal Regulations and conditions of the Federal Grant). (Loan Agreement and Rules of any State Loan).

## 2210 **Effective Date of Rates**

The rates and service charges established for user charges in Section 2208 shall be effective as of the next fiscal year beginning September 1, 2002 and on bills to be rendered for the next succeeding quarter being January 1, 2003 for quarterly users.

## 2211 Appeals

The method for computation of rates and service charges established for user charges in Section 2208 shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by Public Works Committee within 30 days after notification of a formal written appeal outlining the discrepancies.

## Article Three – Illicit Discharge Detection and Elimination Ordinance

### 2212 Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Village of Spring Grove, Illinois through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and,
- C. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

### 2213 Definitions

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency.** An employees or designees of the Village of Spring Grove.

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity. Activities subject to NPDES Construction Permits.** NPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 2216 of this ordinance.

**Illicit Connections.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.**

A means a permit issued by the U.S. Environmental Protection Agency (USEPA) (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Stormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.

**Owner or Operator.** As defined by 40 CFR 122.2, means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

**Person.** Any individual, occupant, tenant, association, organization, partnership, firm, corporation, limited liability company, sole proprietor, other business entity or any other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drainage System.** Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

## 2214            **Applicability**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## 2215            **Responsibility for Administration**

The Village of Spring Grove, Illinois, or other authorized enforcement agency shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Village to persons or entities acting in the beneficial interest of or in the employ of the agency.

2216 **Discharge Prohibitions**

2216.1 **Prohibition of Illegal Discharges.** No person shall cause an Illegal Discharge or otherwise discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any Illegal Discharge to the storm drain system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- B. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- C. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- D. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the USEPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

2216.2 **Prohibition of Illicit Connections**

- A. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

- B. This prohibition expressly includes, without limitation, illicit connections which have been previously made, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A Person is considered to be in violation of this ordinance if the Person connects a line conveying sewage to the MS4, or allows such a connection to continue.

## 2217 **Suspension of MS4 Access**

2217.1 **Suspension due to Illicit Discharges in Emergency Situations.** The Village of Spring Grove, Illinois, or other authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

2217.2 **Suspension due to the Detection of Illicit Discharge.** Any Person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing before the Village Board.

2217.3 **Violation.** A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Village.

## 2218 **Industrial or Construction Activity Discharges**

Any Person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village of Spring Grove, Illinois, or other authorized enforcement agency prior to the allowing of discharges to the MS4.



**Access to Facilities.**

- A. The Village of Spring Grove, Illinois, or other authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary and at any time in order to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- B. Facility operators and any other Person shall allow the Village of Spring Grove, Illinois, or other authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records which must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- C. The Village of Spring Grove, Illinois, or other authorized enforcement agency shall have the right to set up on any permitted facility such devices which are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- D. The Village of Spring Grove, Illinois, or other authorized enforcement agency shall have the right to require the discharger to install monitoring equipment acceptable to the Village as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- E. 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 Owner, Occupant or other Person at the written or oral request of the Village of Spring Grove, Illinois, or other authorized enforcement agency and shall not be replaced. The costs of providing such access shall be borne by the Owner, Occupant or other Person.

- F. Unreasonable delays in allowing the Village of Spring Grove, Illinois, or other authorized enforcement agency access to a permitted facility is a violation of the stormwater discharge permit and of this ordinance. A Person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the Person denies the Village or an authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
  
- G. If the Village of Spring Grove, Illinois, or other authorized enforcement agency has been denied access to any part of the premises from which stormwater is discharged, and the Village or other authorized enforcement agency 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 designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant or any other legal or equitable remedy from any court of competent jurisdiction.

**2220 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices**

The Village of Spring Grove, Illinois, or other authorized enforcement agency will adopt requirements identifying Best Management Practices (“BMPs”) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The Owner, Occupant, Person or Operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Person responsible for a property or premise, which is, or may be, the source of an Illegal Discharge, may be required to implement, at the expense of said Person, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

## 2221 Watercourse Protection

Every Person owning or occupying property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, any Person shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## 2222 Notification of Spills

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of such a release of hazardous materials, said Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village of Spring Grove, Illinois, or other authorized enforcement agency within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the Owner, Occupant, Operator, or other person responsible for such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years and shall be open to inspection by the Village or other authorized enforcement agency.

## 2223 Enforcement

2223.1 **Notice of Violation.** Whenever the Village of Spring Grove, Illinois, or other authorized enforcement agency finds that a Person has violated a provision or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible Person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;

- D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative, including but not limited to engineering, experts and attorneys' fees, and remediation costs; and
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, remediation or restoration must be completed. Said notice may further advise that, should the violator fail to abate, remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor chosen by the Village or other authorized enforcement agency and the expense thereof shall be charged to the violator.

#### **2224 Appeal of Notice of Violation**

Any person receiving a Notice of Violation may appeal the determination of the Village or the authorized enforcement agency to the Village Board. The notice of appeal must be received within seven (7) days from the date of the Notice of Violation. Hearing on the appeal before the Village Board shall begin within fifteen (15) days from the date of receipt of the notice of appeal. The Village Board shall have the right to uphold, modify or deny the appeal. The decision of the Village Board shall be final. The final decision of the Village Board shall be subject to review in accordance with the Illinois Administrative Review Act and shall be limited to the record.

#### **2225 Enforcement Measures after Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within seven (7) days of the decision of the Village Board upholding or modifying the decision of the authorized enforcement agency, then representatives of the Village shall be authorized to enter upon the subject property to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any Person, owner, agent, or Person in possession of any property to refuse to allow the Village or designated contractor to enter upon the property for the purposes set forth above.

## **2226 Cost of Abatement of the Violation**

Within thirty (30) days after abatement of the violation by the Village, the Owner, Occupant or other Person with an interest in the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within fourteen (14) days, the charges shall constitute a lien on the property for the amount of the costs of abatement plus engineering, fees, court costs and attorneys' fees. The Village may foreclose any lien which is so filed in the manner provided bylaw. Any person violating any of the provisions of this article shall become liable to the Village by reason of such violation.

## **2227 Injunctive Relief**

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this ordinance. If a Person has violated or continues to violate the provisions of this ordinance, the Village or authorized enforcement agency may petition for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation. Nothing contained in this Ordinance shall be construed to limit or prohibit the Village or other authorized enforcement agency from filing an action at law or equity to recover amounts spent for abatement or remediation, including but not limited to is engineering, expert and attorneys' fees and costs.

## **2228 Compensatory Action**

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Village or other authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek clean-up, etc.

## **2229 Violations Deemed a Public Nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## **2230 Criminal Prosecution**

Any Person who pleads guilty or is found guilty of a violation of this Ordinance shall be subject to a fine of \$750.00 per violation per day. Each day that a violation occurs or continues to occur shall be a separate offense.

## 2231 Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Village or other authorized enforcement agency to seek cumulative remedies.

## 2232 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.