



FOX METRO WATER RECLAMATION DISTRICT

PRETREATMENT GREASE ORDINANCE # 886

August 5, 2019

and as amended

December 20, 2006 by Ordinance 784

ORDINANCE NO. 886

AN ORDINANCE OF THE FOX METRO WATER RECLAMATION DISTRICT, KANE, KENDALL, WILL & DUPAGE COUNTIES, ILLINOIS ENACTING A GENERAL GREASE PROGRAM REGULATING THE USE OF FOX METRO WATER RECLAMATION DISTRICT WASTEWATER SYSTEM AND PROVIDING PENALTIES FOR VIOLATION THEREOF

NOW, THEREFORE, THE Fox Metro Water Reclamation District DOES ORDAIN:

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SECTION 1 - GENERAL PROVISIONS

1.1. Purpose and Policy

This ordinance sets forth uniform requirements for Food Service Establishments (FSEs), collectively Fats, Oils and Grease (FOG) dischargers that discharge wastewater into the District Public Owned Treatment Works (POTW). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the District's collection system and POTW, by FOG dischargers, that will interfere with the overall operation of the District's systems;
- B. To prevent the introduction of pollutants into the District by FOG dischargers that could cause Combined Sewer Overflows (CSOs) or Sanitary Sewer Overflows (SSOs);
- C. To protect the environment from pollution caused by CSOs and SSOs;
- D. To adequately regulate the sale and use of additives added to Grease Removal Systems (GRSs).

This ordinance shall apply to all non-residential users as defined herein as FSEs that discharge or may discharge excess FOG to the District. The ordinance authorizes inspection and regulation of these users; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user record keeping; provides for the issuance of control mechanisms if deemed necessary by the District Manager or a District designate; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein if deemed necessary by the District Manager or a District designate.

1.2. Administration

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the District Manager may be delegated by the District Manager to other District personnel.

1.3. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the following meanings:

Accessible when applied to required pretreatment monitoring or treatment equipment, shall mean direct access without the necessity of removing any panel, door, vehicle, equipment, materials, or other similar obstruction.

Additive any material, in any physical form, put into a GRS or any drain lines or appurtenances discharging to a GRS intended in any way to modify the operation of the GRS.

Administrative Penalty a punitive monetary charge unrelated to treatment cost, which is assessed by the District Manager rather than a court.

Authorized Representative of the User

- 1) If the user is a corporation:
 - a. 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
 - b. The manager of the local facility, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- 2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- 3) 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 the authorized designee.
- 4) The individuals described in paragraphs 1 through 3 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 District.

Automatic Grease Removal System (AGRS) shall mean a GRS that has provision to automatically remove separated FOG and/or settled solids from the tank and collect them for disposal.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the "waters of the United States." 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 material storage.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of organic matter under standard laboratory procedures.

Carbonaceous Biochemical Oxygen Demand (CBOD) See Biochemical Oxygen Demand

Combined Sewer Overflow (CSO) shall mean any unplanned discharge from the combined sewer system.

Composite Sample shall mean sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

District Manager shall mean the chief administrator of Fox Metro Water Reclamation District.

Discharge Authorization shall mean a waste water discharge permit authorizing users to discharge wastewater to the District. These permits would be for users requiring a control mechanism.

Domestic Sewage shall mean the liquid and water borne wastes derived from ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment, into the POTW.

Environmental Protection Agency (EPA) The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source shall mean an "existing user" defined as any user which is discharging wastewater prior to the effective date of this ordinance.

Fats, Oils and Grease (FOG) shall mean organic polar compounds derived from vegetable/plant or animal sources; excluding the non-polar fraction.

Food Service Establishment (FSE) shall mean any establishment, commercial or industrial, primarily engaged in preparing or serving consumable products. This shall also include, but not limited to, churches, synagogues, worship halls, banquet facilities, preschools, and schools that have a commercial style kitchen used for preparing and/or serving food.

Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Grease/Greases See FOG. Grease may be classified as either yellow (derived from used cooking oils) or brown (derived from grease traps, is contaminated with rotted food solids and is unsuitable for reuse).

Grease Impact Area shall mean any area of the collection system or the POTW where grease deposits originating at FSEs create maintenance requirements exceeding normal sewer maintenance. These areas will be delineated by the District Manager or a District designate and updated as needed.

Grease Removal System (GRS) any device designed for, and intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the POTW.

High Strength Waste shall mean any waters or wastewater having a concentration of BOD or Total Suspended Solids in excess of domestic strength wastewater, or having a concentration of FOG in excess of the District's local limits.

Interference is a discharge which alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its biosolids (sludge) processes, use or disposal; or (3) is a cause of a violation of the District's National Pollution Discharge Elimination System permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Liquid Waste shall mean liquid waste that is the discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive fecal matter.

Maximum Allowable Discharge Limit shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time.

New User is defined as a user that applies to the District for a connection permit or a person who occupies an existing building and plans to discharge wastewater to the POTW after the effective date of this ordinance.

Pass Through shall mean 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 District's NPDES permit (including an increase in the magnitude or duration of a violation).

Permittee shall be a person or user issued a wastewater discharge permit, or discharge authorization.

Person shall mean 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, or local governmental entities.

pH shall mean the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.

Pollutant shall mean any substance introduced into the environment that has undesired effects, or adversely affects the usefulness of the resource.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the District's wastewater treatment system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a user.

Pretreatment Standards or Standards shall mean any: District prohibitive discharge standard as set forth in Section 300.105 of Ordinance 864; District specific limitation on discharge as set forth in Section 300.120 of Ordinance 864, a State of Illinois Pretreatment Standard, or a National Categorical Pretreatment Standard (when effective).

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 300.105 of Ordinance 864.

Publicly Owned Treatment Works (POTW) shall mean a "treatment works," as defined by Section 212 of the Clean Water Act.

Sanitary Flow shall mean sewage.

Sanitary Sewer Overflow (SSO) shall mean any unplanned discharge from the separate sanitary sewer system.

Septic Tank Waste shall mean any domestic and/or residential sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Settleable Solids shall mean the solids that sink to the bottom of water, wastewater, or other liquid, and which is amenable to measurement by the methods described in Standard Methods for the examination of Water and Wastewater, latest approved edition or other methods approved by 40 CFR 136.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, food preparation, etc.)

Sewer shall be defined as a pipe or conduit that carries wastewater or drainage water.

Shall means mandatory.

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

State shall mean the State of Illinois.

Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Substantial Remodel shall mean any modification to an existing FSE that involves changes to thirty percent (30%) or more of the floor area of the establishment.

Total Suspended Solids shall mean 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 and is amenable to measurement by the methods described in Standard Methods for the examination of Water and Wastewater, latest approved edition or other methods approved by 40 CFR 136.

Toxic Pollutant shall mean any pollutant, or combination of those pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state laws as may be promulgated.

Treatment Plant Effluent shall mean the discharge from the District's POTW into waters of the United States.

User shall mean for the purposes of this ordinance a user is any FSE. This shall not include "domestic user" as defined herein.

Wastewater shall mean the combination of the liquid and water carrying industrial or domestic wastes from residences, commercial buildings, industrial and manufacturing facilities, and institutions including polluted cooling water, whether treated or untreated.

Wastewater Discharge Permit shall mean the document(s) allowing discharge into the District's wastewater treatment system and issued to a user by the District in accordance with the terms of this Ordinance.

1.4. Abbreviations

The following abbreviations shall have the designated meanings:

AGRS Automatic Grease Removal System

BMPs Best Management Practices

BOD Biochemical Oxygen Demand

CFR Code of Federal Regulations

COD Chemical Oxygen Demand

CSO Combined Sewer Overflow

EPA US Environmental Protection Agency

FOG Fats, Oils, and Grease

FSE Food Service Establishment

GPD gallons per day

GRS Grease Removal System

L liter

mg milligrams

mg/L milligrams per liter

O&M Operation and Maintenance

POTW Publicly Owned Treatment Works

SSO Sanitary Sewer Overflow

TSS Total Suspended Solids

SECTION 2 - GENERAL REQUIREMENTS

2.1. Prohibited Discharge Standards

See Section 300.105 Prohibitive Discharge Standards in Pretreatment Ordinance #864.

2.2. State Requirements

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

2.3. Local Limits

- A. See Section 300.120 Local Limits in Pretreatment Ordinance #864.
In addition, the District may establish Best Management Practices (BMPs) for particular groups of users. These BMPs may include, but are not limited to types or methods of pretreatment technology to be used, methods of source control, minimum maintenance requirements, spill prevention practices, or other requirements as deemed necessary.
- B. If a failure to maintain any GRS results in partial or complete blockage of the building sewer, private sewer or public sewer system discharging to the District or adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance, or poses a possible health hazard, the discharger responsible for the facilities shall be subject to the remedies herein, including cost recovery, enforcement and penalties.

SECTION 3 – GREASE REMOVAL SYSTEM REQUIREMENTS

All FSEs shall have an adequate GRS installed and exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the public sewer or POTW.

3.1. New Construction

- A. All new construction FSEs shall submit plumbing plans for all potential grease discharging lines, all GRSs, and connecting piping to the District for approval prior to construction. The plumbing shall be installed in accordance with the approved plans. Failure to submit plans or construct in accordance with approved plans is a violation of this ordinance.
- B. All new FSE single occupancy buildings shall install a properly sized external interceptor-style GRS. Where space or gradient limitations make the use of an external interceptor-style GRS impractical, and with prior approval of the District, a FSE may install a properly sized interior trap-style GRS. All kitchen

drains and any other drains that may carry grease-laden waste shall be connected to this GRS. This includes but is not limited to; vegetable sinks, prep sinks, hand sinks, mop basins, floor drains, and bar sinks. High temperature dishwashers shall be routed through the GRS only if said GRS has a liquid capacity of one thousand (1,000) gallons or greater. Chemical rinse dishwashers shall NOT be routed through any GRS. No domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this ordinance.

- C. All new construction multi-tenant buildings (strip centers or ones constructed as single use but may become multi-tenant buildings in the future) shall include a separate grease waste line for all leasable spaces that discharges to a common fifteen hundred (1,500) gallon interceptor. When a space is leased, sold, or rented to a FSE, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this waste line. This includes but is not limited to; vegetable sinks, prep sinks, hand sinks, mop basins, floor drains, and bar sinks. High temperature dishwashers shall be routed through the GRS only if said GRS has a liquid capacity of 1,000 gallons or greater. No domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this ordinance.
- D. Any FSE undertaking a Substantial Remodel, as defined herein, will be considered to be new construction for the purposes of this ordinance.

3.2. Existing Users

Any existing FSE without a functional GRS or equipped with the required GRS for the type of business shall be required to install one within nine (9) months upon receiving notification from the District. The size of GRS required will be determined by the District. Where feasible, all kitchen drains and any other drains that may carry grease-laden waste shall be connected to this GRS, this includes but is not limited to; vegetable sinks, prep sinks, hand sinks, mop basins, floor drains, and bar sinks. High temperature dishwashers shall be routed through the GRS only if said GRS has a liquid capacity of 1,000 gallons or greater. No domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this ordinance.

3.3. New Businesses-Existing Facility

- A. New businesses which will occupy an existing facility required by this Ordinance to maintain a grease trap or interceptor shall install such unit prior to commencement of discharge to the sanitary sewer.

- B. For the purpose of this Ordinance, a new business shall include new ownership of an existing business.

3.4. Grease Removal System Maintenance

- A. All grease removal systems shall be maintained to ensure proper operation. The required frequencies may be extended with the approval of the District. GRSs must be cleaned whenever the combined thickness of the floating greases and settled solids is equal to, or greater than, twenty five percent (25%) of the total liquid depth in the GRS.
- B. When cleaned, a GRS must have all contents (solids, liquids and grease) removed by an approved pumping company, at a minimum of twice per year. Also, all internal plumbing must be inspected for damage and corrosion. If repairs are required, they shall be performed within thirty (30) days. Manifests must be on site and available for the District to review during the FSE grease inspection.
- C. A GRS may be maintained by the FSE with District approval. All units shall be professionally cleaned at a minimum of two (2) times per year by an approved pumping company. When cleaned, the GRS must have surface grease and oil, and settled solids removed and disposed of in the garbage; all of the sides scraped, removable parts removed and cleaned, be inspected for damage and corrosion, and be properly reassembled. If repairs are required, they shall be performed within thirty (30) days. A cleaning log must be kept and available for the District to review during the FSE grease inspection.
- D. The material that is removed in the process of cleaning a GRS shall not be discharged into any part of the POTW, any private sewer, any drainage piping, or storm sewer system. All materials removed shall be handled and disposed of in accordance with Federal, State, County and Local laws, rules and regulations.

3.5. Grease Removal System Additives

No user may use an additive of any type for the GRS. No vendor may sell, attempt to sell or otherwise distribute any additive in the District's service area. Any GRS additive found to be in use is in violation of this ordinance and is subject to all enforcement actions contained herein.

3.6. General Specifications and Sizing

- A. Specifications outlined in this Section shall be considered minimum requirements only. It shall be the responsibility of each User to have a GRS installed and maintained that will produce an effluent in compliance with the requirements of this or other applicable Ordinance.
 - 1) New GRSs shall meet or exceed the more stringent of specifications and requirements set forth in this Ordinance and other applicable Local, State, or Federal requirements.
 - 2) An existing GRS which is upgraded shall meet or exceed the specifications set forth in this Ordinance and other applicable Local, State, or Federal requirements.
- B. All GRSs shall be constructed of impervious (non-corrosive) materials capable of withstanding abrupt and extreme changes in temperature and capable of withstanding the traffic load where installed.
- C. GRSs shall be located so as to be readily and easily accessible for cleaning and inspection and shall be equipped with easily removable covers.
- D. GRSs shall have a total liquid capacity of not less than 50 gallons, and no more than 1500 gallons. Specific sizing information for each facility will be determined by the District.
- E. Plans for new GRSs or modifications to existing grease traps/interceptors shall be submitted to the Engineering Department for review.
- F. The Engineering Department must give approval of the final plumbing plans prior to the issuance of any District permits.
- G. GRSs shall be installed by a licensed plumber. Completed installations of GRSs shall be subject to inspection by the District prior to connection to the sanitary sewer.

SECTION 4 – Record keeping/REPORTING REQUIREMENTS

4.1. Record Keeping

Users subject to this ordinance shall document all cleaning and maintenance activities performed on their GRS. These records shall be maintained for a minimum of three (3) years and be available for inspection and copying by a District-appointed representative. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period required by the District.

4.2. Reporting

Where a District representative has determined that a user must provide written reports, these reports shall be submitted in accordance with the requirements of the District.

4.3. Manifests

All GRS pumping companies doing business with in the District shall provide the FSE with a manifest containing the following information: date of cleaning, amount of material removed, cleaning frequency, and any noted repairs.

SECTION 5 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from 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 District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, the District shall make reasonable efforts to protect the portions of a report which might disclose trade secrets or secret processes from 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.

SECTION 6 - ADMINISTRATIVE ENFORCEMENT REMEDIES

6.1. Notification of Violation (NOV)

When the District finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written NOV.

- A. The NOV shall contain the particulars of such violation(s) and order the offending User to, but not limited to: explain the cause(s) of the violation(s), submit a plan or schedule for the satisfactory correction of the violation(s) and the prevention of similar violation(s) in the future, pay an administrative fine, or any additional remedies deemed necessary by the District to bring the User into compliance within the shortest time feasible.
- B. Within thirty (30) 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 District. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement remedies, without first issuing a NOV.

6.2. Enforcement

Fines and penalties may be added to the User's next scheduled wastewater billing and the District shall have such collection remedies as may be available for other service charges and fees.

A. Minor Violation

- 1) 1st Offense
 - a. Failure to submit records: \$100
 - b. Inspection hindrance (equipment related): \$100
 - c. Failure to maintain on site records: \$100
 - d. Reinspection fee: \$100
 - e. Failure to pump grease & submit record: \$150
 - f. Failure to provide access for inspection: \$150
- 2) 2nd Offense
 - a. Failure to submit records: \$100
 - b. Inspection hindrance (equipment related): \$100
 - c. Failure to maintain on site records: \$100
 - d. Reinspection fee: \$100
 - e. Failure to pump grease & submit records: \$300
 - f. Failure to provide access for inspection: \$300

- 3) 3rd Offense
 - a. Failure to submit records: \$150
 - b. Inspection hindrance (equipment related): \$150
 - c. Failure to maintain on site records: \$150
 - d. Reinspection fee: \$150
 - e. Failure to pump grease & submit records: \$450
 - f. Failure to provide access for inspection: \$450
- 4) 4th Offense & Up
 - a. Failure to submit records: \$300
 - b. Inspection hindrance (equipment related): \$300
 - c. Failure to maintain on site records: \$300
 - d. Reinspection fee: \$300
 - e. Failure to pump grease & submit records: \$1000
 - f. Failure to provide access for inspection: \$1000

B. Intermediate Violation

- 1) Failure to maintain necessary equipment (Tees, grease trap not watertight, baffles, screens, manhole frames, lids & overall manhole or building drain/sewer structure etc.)
 - a. 1st Offense: \$150
 - b. 2nd Offense: \$300
 - c. 3rd Offense: \$500
 - d. 4th Offense & Up: \$1000
- 2) Failure to increase pumping frequency as requested
 - a. 1st Offense: \$150
 - b. 2nd Offense: \$300
 - c. 3rd Offense: \$500
 - d. 4th Offense & Up: \$1000

C. Major Violation

- 1) Source of sewer blockage (minimum): \$500
- 2) Source of sanitary sewer overflow (minimum): \$1000
- 3) Falsification of maintenance records: \$1000

6.3. Appeal of Grease Ordinance Policy

Any FSE may appeal a fine that has been assessed for failure to comply with the Grease Ordinance Policy. The FSE must submit a written request, identifying the specific issues to be contested, to the District within thirty (30) days following receipt of the assessment of fine, or NOV. Unless such written request is made within the time frame specified, the fine subject to appeal shall be final and binding.

6.4. Consent Orders

The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such orders will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the Compliance Directives issued pursuant to Section 6.6 of this ordinance and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

6.5. Show Cause Hearing

The District may order a user which has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the District Manager or District designate and 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 hearing, the proposed enforcement action(s), the reason(s) for such action(s), and a request that the user show cause why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served upon any authorized representative of the user. A show cause hearing shall not be a prerequisite for taking any other action(s) or enforcement remedies against the user.

6.6. Compliance Directives

Whenever the District finds that any user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may issue a directive to the user responsible for the discharge ordering the user to come into compliance within a time period stated in the Compliance Directive. If the user does not come into compliance within the stated time period, sanitary sewer service shall be discontinued. Issuance of a Compliance Directive shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.7. Cease and Desist Orders

Whenever the District finds that any user has violated (or continues to violate) any provision of this ordinance, a wastewater 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 District may issue an order to the user directing it to Cease and Desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. 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.
- C. Issuance of a Cease and Desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.8. Administrative Fines

- A. When the District finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may fine such user in an amount not less than one hundred (\$100) dollars nor more than ten-thousand dollars (\$10,000) per violation per day.
 - 1) Fines shall be issued that, at a minimum, remove the economic benefit to a user by its non-compliance, include an additional monetary amount reflecting the seriousness or gravity of the violation(s), and ensures the user has a strong economic incentive to fully comply in a timely manner. The District shall consider any corrective actions taken by the user and the compliance history of the user prior to the issuance of the fine.
 - 2) For the purpose of this section, each day in which any such violation shall occur shall be deemed a separate violation.
- B. Administrative fines and penalties will be added to the user's next scheduled wastewater billing and the District shall have such collection remedies as may be available for other service charges and fees.
- C. Unpaid charges, fines, and penalties shall be assessed an additional penalty of the unpaid balance and interest shall accrue thereafter in accordance with Fox Metro User Charge Ordinances. Water service to the individual user's property will be shut off for unpaid charges, fines, and penalties.
- D. Users desiring to dispute such fines must file, within ten (10) calendar days of being notified of the fine, a written request for the District to reconsider the fine and full payment of the fine amount. Where such request has merit, the District shall convene, within fifteen (15) calendar days of receiving the request from the user, a hearing on the matter. In the event the user's appeal is successful, any payments made shall be returned less any costs incurred by the District in the preparation of the enforcement remedy.
- E. The District may recover attorney's fees, court costs, court reporter fees, and any other expenses associated with enforcement activities including sampling and monitoring expenses and the costs of any actual damages incurred by the District.

6.9. Emergency Suspensions

The District 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 District may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. 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 District shall 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.
- B. 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 District prior to the date of any Show Cause or Termination hearing under Sections 6.3 and 6.8 of this ordinance.

The District shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 6.8 of this ordinance are initiated against the user.

6.10. Appeal Procedures

A. Appeals

1. Any user seeking to dispute a Notice of Violation, Order, fine, or other action of the District may file an appeal.
2. The appeal must be filed in writing and received by the District, within ten (10) days of the receipt of the disputed action. If the notice of appeal is not received by the District within the ten (10) day period, the right to an appeal is waived. The notice of appeal shall state with particularity the basis upon which the appellant is disputing the action taken.
3. Upon receipt of a timely appeal, the District shall set a date and time for an appeal hearing, but in no case shall the hearing be set more than thirty (30) days from the receipt of the timely notice of appeal. The appellant shall be notified in writing of the date, time, and place for the appeal hearing.

SECTION 7 - JUDICIAL ENFORCEMENT REMEDIES

7.1. Injunctive Relief

- A. When the District finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the District Manager may petition the Circuit Court of Kane, Kendall, Will or DuPage Counties, for the issuance of a temporary restraining order or preliminary injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user.
- B. The District may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.2. Civil Penalties

- A. A user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to Fox Metro for a civil penalty of an amount of not less than one-thousand dollars (\$1,000) nor more than ten-thousand dollars (\$10,000) per violation per day, plus any actual damages incurred by the District for as long as the non-compliance continues. For purposes of this section, each day in which any such violation shall occur shall be deemed a separate violation.
- B. The District 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 District.
- C. The District shall petition the court to impose, assess, and recover such sums. In determining the extent of the liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, 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.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a user.

7.3. Criminal Prosecution

- A. Any user that is found to have willfully or negligently violated any provision of this ordinance, wastewater discharge permit, enforcement remedy issued hereunder, or any other pretreatment standard(s) or requirement(s), upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten-thousand dollars (\$10,000) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed 1 (one) year or both. For the purpose of this section, each day in which any such violation shall occur, shall be deemed a separate violation.

- B. Any user that is found to have willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten-thousand dollars (\$10,000) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed one (1) year or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. Any user that is found to have knowingly made 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, wastewater discharge permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten-thousand dollars (\$10,000) per violation per day or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed 1 (one) year or both.

7.4. Additional Remedies

The provisions in Sections 6 through 8 of this ordinance are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However the District reserves the right to take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

7.5. Publication of Violations and/or Enforcement Actions.

The District may publish violations and/or enforcement actions at any time, where monetary fines may be inappropriate in gaining compliance, or in addition to monetary fines. Violations and/or enforcement actions may also be published when the District feels that public notice should be made, or at other appropriate times. The cost of such publications will be recovered from the user.

SECTION 8 - MISCELLANEOUS PROVISIONS

8.1. Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's FOG Control Program.

These fees relate solely to the matters covered by this ordinance and are separate from all other rates or charges for sewer service, provided that the District shall collect said charges in the same manner as other sewer rates are collected.

Fees may include:

- A. Wastewater discharge permits, including the cost of processing the permit applications, public noticing, issuing and administering the permit, and reviewing monitoring reports submitted by users;
- B. Modifying or transferring permits;
- C. Monitoring, inspection, surveillance and enforcement procedures including the cost of collection and analyzing a user's discharge;
- D. Reviewing and responding to accidental discharge procedures and construction;
- E. Preparing and executing enforcement action;
- F. Filing appeals;
- G. High Strength Waste and Industrial Process flow; and
- H. Other fees as the District may deem necessary to carry out the requirements contained herein.
- I. Permit Fees
 - 1) Should the District determine that adequate FOG control activities require issuance of control mechanism to FSEs, the fees shall be as follows:
 - i. Five Year Discharge Authorization Permit shall be \$750.
 - ii. One Year Discharge Authorization Permit shall be \$250.
 - 2) Permit Transfer Fee shall be \$500
 - 3) Permit Modification Fee shall be \$500

Permit Modification Fees will only be charged in a case where changes in the user's operation require the modification, or when the user requests a modification.

J. Monitoring Fees

Any user establishing a pattern of noncompliance, or having a history of noncompliance, or suspected of being in noncompliance, may require additional monitoring visits as deemed appropriate by the District. Any additional inspections, sampling, surveillance monitoring activities, and analysis performed which detect noncompliance will be billed directly to the user.

K. Enforcement Actions

All expenses in preparing enforcement actions will be billed directly to the User.

L. Cost Recovery

- 1) The District may recover any expenses incurred due to noncompliance by a user, including, but not limited to; costs of opening a plugged sewer, costs of repairing a damaged sewer, costs of determining the cause of a Sanitary Sewer Overflow (SSO) or Combined Sewer Overflow (CSO), and costs of cleaning up and mitigating a SSO or CSO.
- 2) All fees or charges will be collected by direct billing. Unless the District has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within thirty (30) days of the billing. Fees past due will be considered a violation of this ordinance. Users not paying fees within sixty (60) days of the billing period may be subject to termination of service.

8.2. Severability

Should any section, paragraph, clause or provision of this Ordinance be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

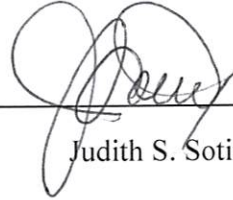
8.3. Conflicts / Repeal

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

8.4. Effective Date

This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

ADOPTED BY THE BOARD OF TRUSTEES OF THE FOX METRO WATER RECLAMATION DISTRICT, KANE KENDALL, WILL, AND DUPAGE COUNTIES, ILLINOIS, this the 18th day of September, 2019.



Judith S. Sotir, District President

AYES 4
NAYES
ABSENT 1

ATTEST:



Clerk



[Faint, illegible handwritten text]

