

CHAPTER 5 RULES AND REGULATIONS

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5.01 REQUIRED USE of PUBLIC SANITARY SEWERS

A. It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the District or in any area under its jurisdiction, any human or animal excrement, garbage or other waste.

B. It shall be unlawful to discharge to any natural outlet within the District or in any area under its jurisdiction, any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. 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.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the District abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this Code within 90 days after the date of written notice by the District to do so; provided that said public sanitary sewer is within 450 feet of the owner's nearest property line.

5.02 PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary sewer is not available, the building sanitary sewer shall be connected to a private sewage disposal system complying with the provisions of this Code.

B. A permit from the McHenry County Health Department shall be obtained before construction begins on a private sewage disposal system.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed and approved in accordance with the requirements of the McHenry County Health Department.

D. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 5.01-D herein, a direct connection shall be made to the public sanitary sewer within 60 days in compliance with this Code and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled to the satisfaction of the McHenry County Health Department and the District.

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

F. No statement contained in this Section 5.02 shall be construed to interfere with or limit any basic requirements that may be imposed by the McHenry County Health Department or additional requirements of the District.

5.03 EXTENSION of PUBLIC SANITARY SEWERS

A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer or appurtenance for the purpose of extending or making additions to the District sewerage system without first submitting detailed sewer plans, profiles and specifications prepared by a Registered Professional Engineer of the State of Illinois to the Board of Trustees for approval and then to the IEPA for applicable permits. The permit will be approved by the District if capacity is available and upon any other terms and conditions required by the District. The location of such additions in relation to other utilities located in the applicable municipality shall be subject to the recommendation of such municipality. JULIE shall be contacted prior to any excavation.

B. Public sanitary sewers shall be designed in accordance with requirements of the IEPA and Illinois Pollution Control Board with details in accordance with *Standards and Specifications for Water and Sewer Main Construction in Illinois*, fifth edition, May 1996, and with the standards and specifications of Chapter 6, *Soil Erosion and Sediment Control*, of this Code and those of the applicable municipality.

C. Sewers shall be constructed of materials specified by District standards and placed in accordance with the applicable District requirements and the applicable municipality. Said standards shall include materials, access structures, appurtenances, bedding, backfill, depth consideration and other related factors.

D. Construction, inspection, testing, record documents, underground warning devices and notification shall be in accordance with District standards.

E. Letter of Credit: A subdivision bond or approved letter of credit from a financial institution satisfactory to the District Attorney shall be furnished in the amount of 125 percent of the estimated cost of improvements as prepared by the owner to the satisfaction of the District Engineer.

F. Maintenance: Upon completion of the required improvements and acceptance by the Board of Trustees, the owner shall provide a maintenance bond to run for the length of a guarantee period of one year in the amount of 10 percent of the original letter of credit and/or subdivision bond from the date of acceptance by the District.

5.04 **BUILDING SANITARY SEWERS and CONNECTIONS** *Amended, Ord. 295*

A. No user who is planning to discharge pollutants or wastewater into the District's sewerage system shall make such discharge or uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Manager. No building sanitary sewer shall run through any lot or property other than that upon which the building is situated unless the appropriate easement has been obtained and approved by the District. JULIE shall be contacted prior to any excavation.

B. Permits:

1. There shall be two classes of building sanitary sewer permits, one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make written application on the form furnished by the District, if available. The permit application shall be supplemented by any plans, specifications or other information considered relevant in the judgment of the District Engineer. A permit and inspection fee for a residential or commercial building sanitary sewer permit or for an industrial building sanitary sewer permit shall be paid to the Finance Director at the time the application is filed as set out in Chapter 5 of this Code.
2. Once a written permit has been issued by the Manager, no changes in or additions to the method of treating of wastewater or pollutants may be made within the District until the proposed changes have been submitted

to the Manager and a supplemental permit has been issued.

3. Upon request by the Manager or Board of Trustees, any user, other than a user discharging only domestic strength wastewater into the sewerage works, must file with the District complete plans of the whole or of any part of its wastewater discharge system and any other information and records requested concerning the installation and operation of such system. All costs, including professional engineering expenses and legal costs incurred by the District during the review of such information, shall be reimbursed by the user upon demand.
4. The terms and conditions of the written permit issued to all industrial wastewater users shall be determined by the Manager or Board of Trustees. Provided, however, the terms and conditions shall be uniformly applied to all industrial wastewater users in a non-discriminatory manner.

C. All costs and expenses incidental to the installation and connection of the building sanitary sewer shall be borne by the property owner. The applicant shall furnish with each application for a permit a bond in the sum of \$1,500 with surety thereon as approved by the District to guarantee proper execution and completion of the work in accordance with this Code and to further indemnify the District from any loss or damage that may directly or indirectly be caused by the installation of the building sanitary sewer. As an additional guarantee for the proper restoration of the public streets, sidewalks and other public properties disturbed by the building sewer construction, there shall be deposited with the appropriate municipality such sum of money as may be necessary to meet the requirements of said municipality.

D. A separate and independent building sanitary sewer shall be provided for every building. The District requires an overhead/hanging sanitary sewer within the building as part of the building sewer and discharging to the lateral sanitary sewer of the District. Said sanitary sewer shall be constructed immediately below the first floor elevation and shall discharge sanitary sewage from the first floor or first applicable floor of the building.

E. Old building sanitary sewers may be used in connection with new buildings only when the Manager has found, on examination and test, that they meet all requirements of this Code and the requirements of the appropriate municipality.

F. Requirements for material, bedding, backfill, testing, grade, elevation of sanitary sewer exiting a building and ejector/lift pumps shall be in accordance with District standards.

G. The applicant for the building sanitary sewer permit shall notify the Manager when the building sanitary sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the observation of the Manager.

H. All excavations for building sanitary sewer installation shall be adequately

guarded with barricades and lights 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 applicable municipality. All contractors are responsible for complying with OSHA regulations.

I. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the District abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary of the District, is hereby required at his expense to maintain the individual service line extending from the main (lateral) sewer of the District to the structure. The District is responsible to maintain the main (lateral) sewer. Upon request, the District will check the main (lateral) sewer and shall notify the owner that either main (lateral) sewer is clear or will be cleared. All corrective action beyond maintaining the main (lateral) sewer shall be the responsibility of the owner.

J. No person shall make any disposal into the sewerage system except those discharges which are in compliance with federal, state and local standards.

K. A building sanitary sewer connection permit shall only be issued and a sanitary sewer connection shall only be allowed if the downstream sewerage facilities, including sewers, pump stations and water pollution control facilities, have sufficient reserve capacity to efficiently handle the additional anticipated waste load.

L. No person shall connect roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sanitary sewer or a building drain which is connected in any manner to a public sanitary sewer.

M. Public sanitary sewer mains shall be owned by the District and shall be of appropriate size, with a minimum of 8-inch diameter. Sanitary service lines shall be owned by the owner of the structure being serviced, the ownership and responsibility being to the public sanitary sewer main with a minimum 6-inch diameter.

5.05 DENIAL of PERMIT and APPEAL PROCEDURE

A. No Industrial Wastewater Discharge Permit shall be issued or reissued, upon expiration, by the Manager to any person or Industrial User whose discharge of wastewater sewage to sewers, whether shown upon his application or determined after inspection and testing conducted by the District:

1. Is not in conformity with District ordinances or regulations;
2. Whose application is incomplete or does not comply with the requirements of the District; or

3. Who has violated terms of a previously issued Wastewater Discharge Permit Agreement.

The Manager shall state the reason or reasons for denial, in writing, which shall be mailed or personally delivered to the applicant within 10 days after denial.

B. If the Manager refuses to grant, or grants with conditions not agreed to by the applicant, a wastewater discharge permit pursuant to Section 5.04 of this Code, the applicant may, within 35 days, petition for a hearing before the Board of Trustees to contest the decision of the Manager. The Board of Trustees shall review the permit application, the written denial or permit conditions and such other evidence and matters as the applicant and the Manager shall present. The decision of the Board of Trustees shall be final.

5.06 QUANTITIES and CHARACTER of WATERS and WASTES ADMISSIBLE to PUBLIC SANITARY SEWERS

A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Manager and the applicable Building Commissioner. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Manager and the applicable Building Commissioner to a storm sewer or natural outlet.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

1. Any liquid or vapor having a temperature more than 65.5 degrees Celsius/150 degrees F.
2. Any water or waste which may contain more than 15 milligrams per liter/parts per million by weight, of fat, oil or grease.
3. Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.
4. Any garbage that has not been properly shredded.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the property operation of the sewerage works.

6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
 7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure, interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the water pollution control facility.
 8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the water pollution control facility.
 9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- D. The admission into the public sewers of any waters or wastes having:
1. A five-day CBOD greater than 200 milligrams per liter/parts per million by weight, or
 2. Containing more than 210 milligrams per liter/parts per million by weight of suspended solids, or
 3. Containing any quantity of substances having the characteristics described in Section 5.06-C of this Code, or
 4. Having a peak daily flow greater than two times the approved average daily sewage flow, shall be subject to the review and approval of the Manager. Where necessary in the opinion of the Manager, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 - a. Reduce the CBOD to 200 milligrams per liter/parts per million and the suspended solids to 210 parts per million by weight, or
 - b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 5.06-C of this Code, or
 - c. Control the quantities and rates of discharge of such wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and the IEPA and no construction of such facilities shall begin until said approvals are obtained in writing.

E. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. Such facilities shall strictly comply with all rules and regulations imposed by the District from time to time, as well as applicable state and federal laws and discharge agreements which may be entered into between the user and the District.

F. When required by the Manager the owner of any property served by a building sanitary sewer carrying industrial waste shall install a suitable control manhole with access by the District to observe the sample and measure such waste. Additional monitoring devices may be required by the District Engineer if the waste may exceed the parameters established by the District.

G. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 5.06-F of this Code shall be determined in accordance with *Standard Methods for the Examination of Water and Wastewater*, 20th edition, and shall be made at the control manhole provided for in Section 5.06-F, or upon suitable samples taken at said control manhole. In the event no special manhole shall be required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sanitary sewer is connected. All laboratory costs and professional engineering costs incurred by the District in reviewing such samples shall be reimbursed by the user.

H. No statement contained in this Code shall be construed as preventing or restricting the terms of any special written discharge agreement between the District and any Industrial User or owner whereby an industrial waste of unusual strength of character may be accepted by the District for treatment, subject to payment therefor by the industrial user or owner.

I. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if in the opinion of the District, such wastes can harm or damage the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life and/or public property; or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the District 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 water pollution control facility, degree of treat ability of wastes in the water pollution control facility and maximum limits established by regulatory agencies. The substances prohibited are:

1. Any waters and wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
2. 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 com-

posite sewage at the water pollution control facility exceeds the limits established by the District for such materials.

3. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the District 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.
4. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.
5. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the District in compliance with applicable state and federal regulations.
6. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the District in compliance with applicable state and federal regulations.
7. Materials which exert or cause:
 - a. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - b. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined in state regulations.
8. 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 water pollution control facility effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

J. In the event any waters or wastes which are discharged or are proposed to be discharged to the public sanitary sewers, which contain the substances or possess the characteristics enumerated in Section 5.06-I of this Code, or are in violation of the standards for pre-treatment provided in Chapter 1, EPA Rules and Regulations; subchapter D, Water Programs Part 128 - Pre-treatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, or which in the judgment of the District may have 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 District may:

1. Reject the wastes;

2. Require pre-treatment to an acceptable condition for discharge to the public sanitary sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require a surcharge payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, pursuant to the applicable fees and charges of this Code.

K. The owner of any property serviced by a building sewer carrying industrial wastes, water or any wastes enumerated in Section 5.06, shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the District or regulatory agencies having jurisdiction over the discharge.

The number, type and frequency of laboratory analyses to be performed by the owner shall be established by the District. 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 federal, state and District standards are being met. The owner shall report the results of measurements and laboratory analyses to the District at such times and in such manner as prescribed by the District. The owner shall bear the expense of all measurements, analyses and reporting required by the District. At such times as deemed necessary, the District reserves the right to make measurements and samples for analyses by an outside laboratory service. Costs and expenses incurred by the District relative to said laboratory services shall be reimbursed by the owner or user, upon demand by the District.

L. If the District permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District and subject to the requirements of all applicable agreements, codes, ordinances and laws.

5.07 FAT, OIL GREASE (FOG) and SAND TRAP INTERCEPTORS

A. Definitions: In addition to those definitions in Appendix A of this Code, the following definitions, whether capitalized or not, are applicable to this Section 5.07.

Food: Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food Processing Establishment: A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store or commissary.

Food Sales Establishment: Retail and wholesale grocery stores, retail seafood stores, food processing plants, bakeries, confectionaries, fruit, nuts and vegetable stores and places of

business, and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

Food Service Establishment: Any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. It also includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles and operations connected therewith; and similar facilities by whatever name called. Food service establishment shall not mean a food sales establishment, as defined in this Section 5.07, which does not provide seating or facilities for consumption of food on the premises.

Grease: The rendered animal fat, vegetable shortening and other such oily matter used for the purposes of and resulting from cooking and/or preparing foods.

GI: Grease interceptor.

Grease Trap (GT): A device designed to separate and retain fats, oils, sand and grease from liquid waste and permit the liquid waste to discharge into the sewer system.

Mobile Food Unit: A self-propelled vehicle or mounted unit intended to be used as a food service establishment and is not regulated by this Section 5.07.

Permit: The written authorization granted by the District to the owner or authorized agent to operate a food service establishment and indicates satisfactory compliance with this Section 5.07.

Temporary Food Service Establishment: A food service establishment which operates at the same location for a period of time of not more than 14 consecutive days in conjunction with a single event, such as a fair, carnival, circus, exhibition or similar temporary gathering, and is not regulated by this Section 5.07.

B. Food Processing, Sales and/or Service Establishment (Grease Trap) Regulations/New Installation:

1. Permit required: For new construction the owner or operator (hereinafter called the user) of a food processing, sales or service establishment which discharges wastewater into the District's sewer system shall obtain a food service wastewater discharge permit from the District.
2. There will be an annual permit fee of \$600 for a food service wastewater discharge permit.
3. Permit conditions may include, but are not limited to, the following:

- a. Permit duration;
 - b. Permit fee;
 - c. Permit transfer;
 - d. Frequency of inspections;
 - e. Pretreatment requirements;
 - f. Maintenance requirements;
 - g. Limitations on time or rate of discharge;
 - h. Compliance schedules;
 - i. Requirements for maintenance of records and submission of reports;
 - j. Statement of permission to the Manager and other duly authorized agents of the District to enter upon the user's property without prior notification for the purposes of inspection, observation, photography, records examination and copying, measurement, sampling or testing; and
 - k. Other conditions deemed necessary by the Manager to ensure compliance with this article or other applicable ordinances, laws, or regulations.
4. Grease Trap Requirements: All establishments described herein shall be approved by the Manager and the applicable Building Commissioner.

C. Food Service Establishment (Grease Trap) Regulations/Existing Installations:

- 1. Permit required: The owner or operator (hereinafter called the user) of a food processing, sales or service establishment which discharges wastewater into the District's sewer system, installed before the adoption of this Section 5.07, shall obtain a food service wastewater discharge permit. This permit shall be obtained prior to the issuance of any business license issued by the District.
- 2. The annual permit fee for a food service wastewater discharge permit shall be \$600.

3. Permit conditions may include, but are not limited to, the following:
 - a. Permit duration;
 - b. Permit fee;
 - c. Permit transfer;
 - d. Frequency of inspections;
 - e. Pretreatment requirements;
 - f. Maintenance requirements;
 - g. Limitations on time or rate of discharge;
 - h. Compliance schedules;
 - i. Requirements for maintenance of records and submission of reports;
 - j. Statement of permission to the Manager and other duly authorized agents of the District to enter upon the user's property without prior notification for the purposes of inspection, observation, photography, records examination and copying, measurement, sampling or testing; and
 - k. Other conditions deemed necessary by the Manager to ensure compliance with this article or other applicable ordinances, laws, or regulations.

D. Frequency of Maintenance by the Owner:

1. Maintenance of an Outdoor Grease Trap: Maintenance shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of grease and oils, as required by the 25% Rule as defined in paragraph 4 below, and at intervals no less than once every 90 days.
2. Maintenance of Indoor Grease Trap: Maintenance shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of grease and oils, as required by the 25% Rule as defined in paragraph 4 below. Indoor grease traps must be cleaned at inter-

vals no less than once every 14 days.

3. It is specifically prohibited to maintain grease traps by bacteriological, chemical, or enzymatic addition or treatment.
4. The 25% Rule requires that the depth of oil and grease (floating and settled) in a trap shall not be equal to or greater than 25% of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap. In application of this rule, the depth of floating oil and grease shall not be greater than 20% of total operating depth of a trap since 5% of the oil and grease is generally settled at the bottom of the trap.
5. The user shall be responsible for the proper removal and legal disposal of the grease trap waste. All waste removed from each grease trap must be disposed of at a facility permitted to receive such waste. In no manner shall any grease trap pumpage be discharged to the District's system.

Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludge and solids. Top skimming of outdoor grease traps, decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume to be hauled is prohibited. Further, the discharge of liquid, semi-solids or solids into a grease trap from vehicles after servicing is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.

It is specifically prohibited to maintain grease traps by bacteriological, chemical or enzymatic addition or treatment.

6. Record Keeping Requirement: The user shall be responsible for maintaining records (manifests) as to the dates of service, quantity of waste removed, end disposal site of waste, and waste hauler. These records shall be kept on site at the user's location for a period of three years and subject to the Manager review without prior notification. The records shall also be submitted for annual permit renewal as required by the Manager.

The manifest shall contain the information listed below:

For a food service establishment:

Name
Address
Phone

Food Service Establishment Wastewater Discharge Permit number

Trap type and size

Authorized signature (verifying that grease trap was cleaned and in operable condition) and date of service

For a service company information (waste hauler):

Name

Address

Phone

Hauler permit number

Total gallons removed from grease trap

Disposal method

Authorized signature and date of service

For a disposal site:

Name

Address

Phone

Facility permit number

Total gallons received

Authorized signature and date of disposal

E. Frequency of Inspections by the District:

1. In order to achieve compliance with this Section 5.07, certain food service establishments located in designated portions of the District which have a small diameter public sewer system (i.e., 8, 10 and 12 inches), shall be inspected a minimum of three times per year. Such inspection frequency shall be indicated on the permit.
2. Inspection of a grease trap shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of grease and oils, as required by the 25% Rule as defined in Section 5.07-E4 herein.
3. Once a grease trap fails an inspection, the inspector notifies the owner that the grease trap must be cleaned out within three days. After three days, the inspector will inspect the grease trap. If the grease trap is found to be in compliance, the inspector shall schedule the next inspection within 90 days for outside grease traps and 14 days for inside grease traps. If upon reinspection the grease trap is found to be in compliance, the inspection schedule shall revert to that time period found on the food service estab-

ishment's permit.

Upon the reinspection, if the grease trap is found to still be in violation a Notice of Non-Compliance will be issued and the grease trap user must clean the grease trap immediately.

Any grease trap which receives three Notices of Non-Compliance with a 24-month period shall be deemed a nuisance by the Manager and shall require such corrections necessary to abate the nuisance.

Any mechanically operated grease trap found in non-compliance shall be deemed a nuisance by the Manager and must be upgraded to the new installations requirements of this Section 5.07.

F. Notice of Non-Compliance: Whenever the Manager discovers a violation of the 25% Rule, or of the plans or specifications submitted and approved thereunder, or of a permit issued thereunder, a written notice or order shall be served by the Manager upon the person responsible for directing discontinuance of such illegal action and the remedying of the condition that is in violation of this Code.

G. Disregard of Notice: If a person served with a notice or order to remove existing unsafe conditions from systems, appliances or equipment or discontinue the use of same, should fail within a reasonable time as set by the Manager to comply with the requirements thereof, the Manager shall institute an appropriate action under this Code to compel a compliance.

H. Plan Review:

1. New restaurants/food processing facilities shall have segregated waste piping. The following should discharge to a grease interceptor, no smaller than 1,000 gallons with two access covers and a monitoring clean-out on the discharge line (see the specification drawings at the end of this Chapter 5):
 - a. 3-compartment sink
 - b. mop sink
 - c. floor drains
 - d. dishwasher
 - e. hub drains
 - f. open receptacles
2. A clean out must be present on the effluent (downstream) side of the grease interceptor. (See the drawing of a typical clean out at the end of this Chapter 5.)

3. A larger grease interceptor may be required for large installations. (See the attached sizing criteria at the end of this Chapter 5).
4. The following should not be discharged to the grease interceptor (outdoor and indoor):
 - a. garbage disposal
 - b. vegetable prep sinks
 - c. wastewater with a temperature higher than 150 degrees F.
 - d. acid or caustic trap cleaner
5. The following fixtures may be plumbed to the grease interceptor at the discretion of plumber:
 - a. ice maker discharge
 - b. walk-in cooler/freezer discharges
6. Restaurants in Existing Building With Non-Segregated Waste Piping:
 - a. Any 3-compartment sink must discharge thru a minimum 25-gpm/50 pound capacity undersink grease trap. A clean out must be present on the effluent (downstream) side of the grease trap. (See the specification drawing of a 3-compartment sink setup at the end of this Chapter 5.)
 - b. Other fixtures should be evaluated. (See the sizing criteria at the end of this Chapter 5.)
7. Outdoor Drains at Dumpsters/Can Wash (Food Service Facilities):
 - a. The drain must be protected from stormwater acceptance. This must be plumbed thru the facility grease interceptor to sanitary only sewer.
 - b. The drain may be eliminated.
8. Photo/X-Ray Processors: A clean out shall be provided immediately downstream of the discharge point for monitoring access. (See the specifications drawing at the end of this Chapter 5.)
9. Car/Truck Wash Facilities:
 - a. Each bay should have a sand trap. (See the specifications drawing at the end of this Chapter 5.)

- b. The discharge from sand trap(s) shall be plumbed to a minimum 1,000-gallon oil/water separator with two access covers and a monitoring clean out on the discharge line. (See the specifications drawing at the end of this Chapter 5.)
- 10. Auto/Truck Repair Facilities (No Washing): Floor drains and trench drains should discharge thru a minimum 500-gallon double compartment oil/water separator with two access covers and a monitoring clean out on the discharge line.
- 11. Elevator Pits: They must discharge to the surface, not to storm or sanitary sewers.
- 12. Appendix B, Specification Drawings, at the end of this Chapter 5, shall be considered the minimum construction standards for the equipment that is the subject of this Chapter 5.

I. Grease Trap/Interceptor Sizing Guidelines: The following guidelines are for those individuals required to install grease traps/interceptors in the District. The purposes of this Section 5.07-I, fixture shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharging into a grease trap/interceptor by any provision of this Section 5.07, and facility shall refer to the entity required to install appropriate pretreatment.

- 1. Sizing Criteria for Outdoor Grease Interceptors (GI):
 - a. A minimum capacity of 1,000 gallons is required.
 - b. A sizing formula is provided below.
 - c. Toilets, urinals and other similar fixtures shall not waste through the GI.
 - d. Garbage disposals shall not waste through the GI.
 - e. All waste shall enter the GI through the inlet pipe only.
 - f. All GIs shall be constructed in accordance with the design approval by the District and shall have a minimum of two compartments with fittings designed for grease retention.
 - g. There shall be an adequate number of manholes to provide access for cleaning all areas of a GI: a minimum of one per 10 feet of

length and one per compartment. Manhole covers shall be gas tight in construction having a minimum opening dimension of 20 inches. They shall be brought to grade.

- h. In areas where traffic may exist, the GI shall be designed to have adequate reinforcement and cover.
- i. Each GI shall be installed and connected so at all times it shall be easily accessible for inspection, cleaning and removal of the interceptor grease. A GI may not be installed in any part of a facility where food is being handled. The location of the GI shall meet the approval of the District.
- j. A GI shall be placed as close as practical to the fixtures it serves except in the case of dishwashing machines, it is recommended that a dishwashing machine not be the last fixture on the line which is connected to the GI.
- k. Other non-grease bearing fixtures such as walk-ins and icemakers may be wasted through the GI.
- l. Each facility for which a GI is required shall have a GI, which shall serve only that facility.
- m. Each GI shall include a monitoring manhole or clean out that is installed immediately downstream from the interceptor.
- n. The final compartment of the GI, at a minimum, shall have a properly functioning elbow or baffle which extends to within 12 inches from the bottom of the GI compartment.

Table I, at the end of this Section 5.07-I, is used to determine the drainage equivalents used to compute the size of grease trap/interceptor required for a particular application.

NOTE: The drainage equivalent for floor drains shall be half of the drain fixture size. For example, a 4-inch floor drain would have a drain equivalent of 22.5 gpm.

Sizing equation for outdoor grease interceptors (GI):

Compartment Factor X Waste Flow Rate X Operation Time Storage Factor = Size of Interceptor

Where: Compartment Factor (CF) = 12

Waste Flow Rate (WFR) is in gallons per minute (gpm)
Operation (O) is in hours
Storage Factor (SF) = 0.125

The equation becomes: $(12) (WFR \text{ gpm}) [(O \text{ hrs.}) \times (0.125)] = \text{Size of GI}$

Example:

Hours of operation: 12 hours per day

Equipment:

Dishwasher with 2-inch fixture	=>	22.5 gpm
4-inch floor drain (use half fixture size)	=>	22.5 gpm
Floor sink with 3-inch fixture	=>	37.5 gpm
3-compartment sink with 2-inch fixture	=>	<u>22.5 gpm</u>
Waste Flow Rate	=>	105 gpm

CF = 12

WFR = 105 gpm

O = 12 hours

SF = 0.125

The size of the interceptor is determined below:

$$12 \times 105 \text{ gpm} \times [(12)(0.125)] = 1,890 \text{ gallons}$$

2. Sizing Criteria for Indoor Grease Traps ("GT"): An indoor grease trap is a pretreatment device installed inside the facility to retain grease from one to maximum of four fixtures. This type of pretreatment is discouraged unless the facility has a low risk of introducing grease into the system. It is allowed in those cases where lines are not segregated prior to exiting the facility.
 - a. No GT shall be installed which has an approved flow rate of more than 50 gallons per minute or less than 20 gallons per minute, except when specifically approved by the District.
 - b. Each plumbing fixture or piece of equipment connected to an GT shall be provided with an approved flow control or restricting device installed in a readily accessible and visible location in the tail piece or outlet of each fixture. Flow control devices shall be designed so the flow through such device(s) at no time be greater than the required rated capacity of the GT. No flow control device having adjusted or removable parts shall be approved.

- c. Each GT required shall have an approved rate of flow, which is not less than that give in Table I for the total number of fixtures. Any GT installed with the inlet more than four feet lower in elevation than the outlet of any fixture discharging into such GT shall have an approved flow which is not less than 50 percent greater than that in Table I. Not more than four separate fixtures be connected to or discharging into any one GT. Table I indicates the minimum required rate of flow gallons per minute (gpm) needed for up to four fixtures.
- d. Each fixture discharging into a GT shall be individually trapped and vented and approved by the Manager. An approved type GT may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the GT does not exceed four feet and the vertical tailpipe or drain does not exceed 2½ feet.
- e. GTs shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage or piping, or public or private sewer.
- f. Each GT shall have an approved water seal of not less than two inches in depth or the diameter of its outlet, which ever is greater.
- g. Each GT shall include a cleanout that is installed immediately downstream from the interceptor. The cleanout shall be accessible for sampling.
- h. Typical fixtures required to be plumbed to a fixture trap include but are not limited to: 3-compartment sinks, mop sinks and floor drains.
- i. Dishwashers are currently not required to be plumbed to a fixture trap.

Table I, which follows, is used in determining the size fixture trap required for the application.

Table I				
Sizing Criteria for Indoor Grease Traps				
Size in Inches	Compartments	Equivalent GPM	GPM	Pounds
1 1/4	1	7.5	20.0	40.0
1 1/2	2	15.0	20.0	40.0
2	3	22.5	25.0	50.0
2 1/2	4	30.0	35.0	70.0
3	5	37.5	50.0	100.0
4	6	45.0	50.0	100.0
Examples: a 3-compartment sink with a trap size of 2-inches would require a 50 pound indoor (fixture) grease trap (rated at 25 gallons per minute). A mop sink with a trap size of 3-inches would require a 100 pound indoor (fixture) grease trap (rated at 50 gallons per minute).				

J. Penalties:

1. Any person violating this Section 5.07 shall be fined not more than \$1,000 and be responsible for the District's cost of prosecution including reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense.
2. A violation shall be deemed a public nuisance and may be abated by the District as provided by law.
3. Food processing, sales, or service establishment grease trap users are subject to the following penalties for violating this Section 5.07:
 - a. First offense: a fine of \$1,000.
 - b. Second offense: If the business violates the grease discharge permit requirements of this Section 5.07 two times within a consecutive 12-month period, the permit will be revoked or suspended.
4. Additional Pretreatment: If additional pretreatment and/or maintenance is required to meet the provisions in this Section 5.07, the Manager may require that food processing, sales or service establishments in existence prior to the effective date of this Section 5.07 upgrade to the provisions

provided herein.

5. Abatement: The imposition of the penalties herein prescribed shall not preclude the District from instituting an appropriate civil action or proceeding to prevent an unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the use of any equipment, appliance or system covered by this Code.

5.08 GREASE TRAP SLUDGE

A. No person may cause or allow the discharge, deposit or disposal of any grease trap sludge into the treatment works or into any sewer tributary to a treatment works, except pursuant to the express authorization, by ordinance of license, of the District.

B. No person may cause or allow the transportation or acceptance of grease trap sludge for rendering, storage, treatment or disposal away from the site where the sludge was generated, unless the sludge is accompanied by a shipping paper containing, at a minimum, the information prescribed in Section 5.08-C. No specific form of shipping paper is required by this Section 5.08-B, but a form may be prescribed pursuant to Section 5.08-E.

C. Shipping Paper: Each shipping paper shall contain at a minimum the following information:

1. The name and telephone number of the generator of the sludge, the street address of the grease trap, the volume of grease trap sludge removed, the legible signature of an authorized representative of the generator and the date of the sludge removal.
2. The name, address and telephone number of the sludge transporter, an acknowledgment of receipt of the sludge, the legible signature of an authorized representative of the transporter and the date of sludge collection.
3. The name, street address and telephone number of the District, an acknowledgment of such receipt, the legible signature of an authorized District representative and the receipt date of the sludge.

D. The grease trap sludge generator, transporter and District shall each retain a copy of the shipping paper for a minimum of two years, and shall produce such documents upon request of the IEPA or the District.

E. The District is authorized, but not required, to establish a program to register or license the collection and transportation of grease trap sludge from grease traps within the District's jurisdiction, and to charge a fee therefor. The District is authorized, but not required, to develop and require the use of a particular form of shipping paper for use in effecting the

requirements of Section 5.08-B herein.

5.09 EXCESSIVE FLOW PROCEDURES

The following method and procedure shall be applied in the event of excessive flows in the District:

1. Damage resulting from the following circumstances outside of the control of the District shall not be the responsibility of the District:
 - A. Electric power failures that affect sewage lift station(s) and thereby allow sewage build up in the collection system;
 - B. Rainfalls that exceed the capabilities of the stormwater drainage system, thereby causing inflow or infiltration into the sanitary sewer system;
 - C. The entrance of foreign material in the collection system that is, by analysis, not part of the sanitary sewage to be collected by the District pursuant to Chapter 5 of this Code.
2. Damage resulting from circumstances other than those listed in paragraph 1 of Section 5.09 shall be submitted to the District in writing and shall be set forth in sufficient detail to explain the occurrence and damage caused thereby.

Upon submission of such a claim, the property owner making such claim shall allow the District and its agents and employees access to the damaged area to inspect the premises. Inspection shall also include confirmation that the user is in compliance with the ordinances of the District, which will include ascertaining that the system has no footing tile, downspouts, patio drains or other illegal connections to the sanitary system.

Upon submission of such a damage claim, and the assurance to the District that the sanitary sewer system of the claimant is in accordance with District standards and regulations, submission of the documentation will be made to the District's insurance carrier for disposition.

A general release form shall be executed by the claimant and property owner, if not the same person, where any payment is made by the District or its agent.

5.10 REVOCATION or SUSPENSION of PERMIT

A. Conditions for Revocation or Suspension: Any industrial user who violates this Code, the IEPA Act or the USEPA Act; regulations promulgated under either act; or the material terms of any written Discharge Agreement between the user and the District, is subject to having its Wastewater Discharge Permit revoked or suspended in accordance with the procedures of this

Section 5.10.

B. Procedures for Revocation or Suspension:

1. The District may order any Industrial User who causes or allows any action which is subject to revocation or suspension under Section 5.10-A to show cause before the Board of Trustees why its Wastewater Discharge Permit should not be revoked or suspended. Notice shall be given to the Industrial User specifying the time and place of a hearing to be held by the Board of Trustees regarding the alleged violation, the alleged reasons why the action is to be taken, the possible action to be taken, and directing the Industrial User to show cause before the Board of Trustees why its Wastewater Discharge Permit should not be revoked or suspended. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least five days before the hearing date. Service of the notice may be made on any agent or officer of a corporation.
2. The Board of Trustees may conduct the hearing and take the evidence, or may designate any of its members or the District Attorney to:
 - a. Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District for action thereon.
3. At any hearing held pursuant to this Code, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the public or any party to the hearing, upon payment of photocopying costs and transcribing fees.
4. After the Board of Trustees has reviewed the evidence, it may issue an order to the Industrial User responsible for the discharge directing either:
 - a. That the Wastewater Discharge Permit be revoked or suspended and the service be disconnected; or
 - b. That, following a specified time, the Wastewater Discharge Permit

shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit; or

- c. Direct the user to cease the unauthorized discharge effective after a specified period of time; or
- d. That such other action as deemed necessary by the District to abate the unauthorized discharge be done by the Industrial User.

Further orders and directives as are necessary may be issued.

- 5. Following an order of revocation or suspension of its Wastewater Discharge Permit, the Industrial User shall cease discharging to the sewerage works in accordance with the terms of said order. Failure to do so shall be prima facie evidence of continuing harm to District and provide grounds for the granting of injunctive relief or temporary restraining orders.

C. Order to Show Cause Disconnection: The District may, upon discovering an ongoing or potential discharge to the District which presents or may present a danger to the environment or which threatens to interfere with the operation of the District, immediately issue an order to the responsible Industrial User to show cause before the District why the District should not disconnect service, revoke or suspend the Industrial User's Wastewater Discharge Permit or seek injunctive relief to prohibit the Industrial User from making the discharge to the District. Procedures to be followed by the District in said show cause hearing shall be in accordance with Section 5.10-B of this Code. After the hearing the District may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial user from making the discharge to the District.

D. Immediate Disconnection of Service:

- 1. Conditions for Immediate Disconnection of Service: Any Industrial User is subject to immediate disconnection of service under either of the following conditions:
 - a. Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the District which reasonably appears to the Manager to present an imminent danger to the health or welfare of persons; or
 - b. Whenever the Industrial User's Wastewater Discharge Permit is

revoked.

2. Procedures for Immediate Disconnection: Notwithstanding Sections 5.10-A through 5.10-D of this Code, the Manager shall have the authority, after informal notice to the Industrial User, to immediately and effectively halt or prevent any discharge of wastewater pollutants to the District that reasonably appears to present an imminent danger to the health or welfare of persons. When the Manager determines that such an emergency situation exists, he shall issue a verbal order, followed by a written order, to the Industrial User stating the problem and requiring immediate cessation of the discharge. The Manager's actions may include disconnection of wastewater collection service. The Manager shall obtain the concurrence of the District Attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the Industrial User and District employees, telephone calls, letters, hand delivered messages or notices posted at the Industrial User's premises or point of discharge.

E. Elimination of Discharge/Reinstatement: Any Industrial User notified of a disconnection of wastewater treatment service under Section 5.10-C or Section 5.10-D and/or revocation or suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the disconnection or revocation or suspension order, the District shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the District's system or danger to any person. If the Manager exercises his authority under Section 5.10-D-1-a, the Manager shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

5.11 POWER and AUTHORITY of INSPECTORS

A. The Manager and other duly authorized employees and agents of the District, the IEPA, and the USEPA, 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 Code. The Manager shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind of source of discharge to the sewers or waterway or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in Section 5.11-A, the Manager or duly authorized employees or agents of the District, or the IEPA shall observe all safety rules applicable to the premises established by the company.

C. The Manager shall be permitted to enter all private properties, through which the District holds an easement, for the purposes of, but not limited to, inspection, observation,

measurement, sampling, repair and maintenance of any portion of the sewerage 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 easement pertaining to the private property involved.

5.12 DAMAGE to DISTRICT PROPERTY

No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works.

5.13 IDENTIFYING SANITARY SEWER MAINS

The District shall only be responsible for locating sewer mains. In the event a main needs to be located the District shall be notified at least 48 hours in advance, either through JULIE or the District office during regular business hours. It shall not be the responsibility of the District to locate sewer service lines.

5.14 SEPTIC WASTE DISPOSAL

A. Domestic septic tank waste generated within, or outside the District, but within McHenry County, pursuant to the terms of this Section 5.14, shall be permitted to be discharged at the District wastewater treatment plant. Any person desiring to discharge septic waste shall be licensed by the District. The fee for said license, which shall be valid from May 1 to April 30 of the following year, shall be \$50.

B. Licensed haulers may only deliver domestic sewage to the District wastewater treatment plant between the hours of 8 a.m. and 3 p.m., Monday through Friday under District personnel supervision. All deliveries shall be made in a closed tank mounted on a truck with suitable pumps, hoses and valves for transferring the septic waste to the District wastewater treatment plant.

C. Prior to delivery of its domestic sewage, the licensee shall provide to District personnel the source or sources of the domestic sewage. This information shall be provided on forms furnished by the District and certified by the licensee. In addition, prior to delivery of its domestic sewage, the licensee shall allow the District to obtain grab samples of the proposed sewage for testing to insure compliance with the terms of this Section 5.14.

D. Waste Characteristics: Only domestic sewage shall be delivered to the District wastewater treatment plant. Wastewater derived from other sources (non-domestic sewage) shall not be accepted or treated by the District.

E. A fee of 7 cents per gallon shall be charged by the District for all domestic sewage delivered to the District wastewater treatment plans. Delinquent payments shall include a late charge of 20 percent of the balance due. In the event a licensee incurs a delinquent bill, including late charges, said bill shall be paid in full before the District resumes septic waste

disposal service for the licensee.

F. The licensee shall purchase and maintain liability insurance for workmens' compensation, comprehensive general liability for bodily injury and property damage and comprehensive vehicle liability insurance covering all automobiles, trucks, trailers and any other motorized vehicles owned or leased by the licensee. The District shall be named as an additional insured on the comprehensive general liability and vehicle liability insurance policies. Copies of the liability insurance policies shall be furnished to and approved by the Manager prior to the start of sewage disposal service, and each policy certificate shall provide that the insurance coverage will not be terminated or changed without 30 days prior written notice to the District.

G. Each licensee hereby indemnifies and holds harmless the District, and its officials, agents and employees from and against all claims, damages, losses and expenses, including but not limited to, attorney's fees, engineering expenses and any other expenses of the District arising out of or resulting from the licensee's operations and sewage discharge as permitted herein. Such indemnification obligation shall include, but not be limited to, the amount of damages, compensation or benefits payable by or for the licensee under the Workers' Compensation Act, disability acts or other employee benefit acts.

H. The licensee shall not assign or transfer his rights under his license to any other party without the written consent of the District.

I. The licensee shall supply to the Manager a surety bond in the sum of \$5,000 to apply toward any damage caused to the District's wastewater treatment facilities as a result of the licensee's discharge into the District's treatment system. The form of this bond shall be approved by the District before execution of the permit and shall remain in affect throughout the license year.

J. The District shall accept for treatment the domestic sewage delivered by the licensee subject to the following conditions:

1. Licensee is in full, complete and satisfactory compliance with its obligations contained in Section 5.14 of this Code.
2. The District reserves the absolute right to reject treatment of the licensee's proposed discharge where such discharge would be prohibited pursuant to Section 5.06 of this Code.
3. The District further reserves the absolute right to reject treatment of the licensee's proposed discharge where, in the opinion of the Manager, the District's reserve capacity, pollutional or hydraulic load has been reached.

K. The licensee may terminate his license at any time prior to its natural expiration, upon seven days written notice to the District and payment in full of all sums due the District.

L. The District may terminate a license, upon its determination that the licensee violated one or more of the conditions set forth herein or, as otherwise provided for in the license.

M. In the event the District seeks enforcement of the provisions of this Section 5.14 by filing a lawsuit or otherwise, including payment of charges due, it shall be entitled to recover from the licensee all of its attorney's fees and expert witness fees incurred as a result of such enforcement action.

N. In the event a court of competent jurisdiction determines one or more clause or paragraph of the license and/or this Section 5.14 is/are found to be unenforceable or contrary to public policy, the remainder of the license and/or Section 5.14 shall remain in full force and effect.

O. The license shall represent the entire agreement between the parties. All prior agreements, representations, promises or statements are deemed to have merged with the written license.

5.15 INSURANCE REQUIREMENTS

The District Engineer shall determine the minimum acceptable amounts for the following types of insurance: (1) Bodily Injury Liability and (2) Property Damage Liability. There shall be no restrictions on occurrence limits. The Permittee shall cease, or cause to be ceased, operations, work and construction of an improvement if the insurance is canceled or reduced below the required minimum coverage as determined by the District Engineer.

1. Certificates of Insurance: Certificates of Insurance, as required by this Section 5.15, shall be provided to the District prior to the issuance of a public permit for the construction or reconstruction of all types of sanitary sewerage utilities/facilities as provided for in this Code. The Certificate of Insurance must include the Permit Application Number, the Project Name and location on the Certificate.

Certificates of Insurance acceptable to the District shall be filed with the District prior to the issuance of the permit. All Certificates of Insurance must be accompanied by a separate endorsement which designates as an additional insured, the District and its officers, agents and employees; and the District Engineer and his officers, agents and employees. This endorsement must be signed by an officer of the insurance company issuing the policy or by an authorized, designated agent of the insurance company.

Certificates of Insurance which include a statement to the effect that "this certificate is issued as a matter of information only and confers no rights upon the certificate holder, this certificate does not amend, extend or alter the coverage afforded by the policies below" are not acceptable and do not comply with the provisions of this Code.

The required certificate and the insurance policies shall contain a provision that coverages afforded under the policies will not be canceled, non-renewed, nor restrictive modifications added until at least 30 days after written notice has been given to the District. A mere intent to notify the District of cancellation is not acceptable. A certificate which includes a statement to the effect that “should any of the above described policies be canceled before the expiration date thereof, the insuring company will endeavor to mail 30-days written notice to the certificate holder named but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives” is not acceptable under this Code.

Insurance coverages which are to remain in force and effect after completion of the construction will require an additional certificate evidencing continuation of such coverages. Such additional certificate(s) shall be submitted upon completion and acceptance of the construction improvements and upon one year thereafter. If any information concerning reduction of coverage is not furnished by the insurer, it shall be furnished by the permittee with reasonable promptness in accordance with the permittee’s information and belief. Any acceptance of insurance certificates by the District shall in no way limit or relieve the permittee of the duties and responsibilities assumed by the permittee. Acceptance of insurance certificates not in compliance with the provisions of these requirements by the District shall not effect a waiver of these requirements.

Responsibility for Damage Claims: The permittee shall indemnify, save harmless and defend the District, its officers, agents and employees, and the District Engineer and his officers, agents and employees, against all loss, damage or expense that it or they may sustain as a result of any suits, actions or claims of any character brought on account of property damage, injury to or death of any person or persons, including all persons performing any work under the permit, which may arise in connection with the work to be performed under the permit.

The permit is not intended by any of the provisions of any part of the permit to make the public or any member thereof a third party beneficiary of the permit, or to authorize anyone not a party to the permit to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the permit. The duties, obligations and responsibilities of the parties to the permit with respect to third parties shall remain as imposed by law.

2. **Workers’ Compensation Insurance:** Prior to the issuance of a permit by the District, the permittee shall furnish to the District certificates of insurance covering workers’ compensation, or satisfactory evidence that this liability is otherwise taken care of in accordance with the Workers’ Compensation Act, 820 ILCS 305/4, as amended.
 - A. **Duration of Coverage:** Such insurance, or other means of protection as herein provided, shall be kept in force until all work under the terms of the permit has

been completed and accepted by the District, and it is hereby understood and agreed that the maintenance of such insurance or other protection, until accepted by the District, is part of the permit. Failure to maintain such insurance, cancellation by the Industrial Commission of its approval of such other means of protection as might have been elected, or any other act which results in lack of protection under the Workers' Compensation Act may result in the revocation of the permit.

- B. Insurance Conditions: Any deductible and/or self-insured retention shall be the responsibility of the permittee.
- 3. Permittee's Liability Insurance: The permittee shall purchase from and maintain in a company or companies lawfully authorized to do business in the State of Illinois, with an A.M. Best's Rating of at least A- Class VIII, such insurance which will protect the permittee from claims set forth below which may arise out of or result from the permittee's operations under the permit and for which the permittee may be legally liable, whether such operations be by the permittee or by a contractor or subcontractor or by anyone directly or indirectly employed by any of them, or for anyone for whose acts any of them may be liable.
 - 4. Commercial General Liability Insurance: The permittee shall obtain and maintain commercial general liability insurance on an occurrence basis as provided by the Commercial General Liability Coverage Form CG 00 01 10 93, Insurance Services Office, Inc., or its equivalent. No restrictive endorsements pertaining to premises/operations insurance, contractual liability insurance, products and completed operations insurance or independent contractor's coverage shall apply. The policy should respond to claims for damages because of bodily injury, sickness or disease, or death for any person other than the permittee's employees, as well as claims for damages insured by usual personal injury liability coverage which are sustained (a) by a person as a result of an offense directly or indirectly related to employment of such person by the permittee, or (b) by another person and claims for damages, other than to the work itself, because of injury to or destruction of tangible property, including loss of use therefrom.
 - A. Duration of Coverage: The insurance described in paragraph 4 of this Section 5.15 shall be maintained for the duration of the operations performed by or on behalf of the permittee. In addition, the permittee shall continue to carry complete operations liability insurance for at least two years after the construction is complete. The permittee shall furnish the District evidence of such insurance at completion of construction and one year thereafter after its acceptance by the District.
 - B. Insurance Conditions: The District and its officers, agents and employees and the District Engineer and his officers, agents and employees shall be named as additional insured's under the policy described in paragraph 4 of this Section 5.15, and an additional insured endorsement shall be provided under ISO (Insurance

Services Office) additional insured endorsement CG 20 26, edition date 1093 or its equivalent. Said insurance shall be written on an occurrence basis. The permittee's insurance shall be primary and non-contributory. Any deductible and/or self-insured retention shall be the responsibility of the permittee. The policy shall contain the standard separation of insured's condition. The policy shall be endorsed to allow the general aggregate limit under limits of insurance of the policy to apply separately to each project and each location.

5. Employer's Liability: The permittee shall obtain and maintain employer's liability insurance to respond to claims due to bodily injury, occupational sickness or disease or death of the permittee's employees.
 - A. Duration of Coverage: The insurance described in paragraph 5 of this Section 5.15 shall be maintained for the duration of the operation performed by or on behalf of the permittee.
 - B. Insurance Conditions: Any deductible and/or self-insured retention shall be the responsibility of the permittee.
6. Automobile Liability: The permittee shall obtain and maintain business auto liability insurance as provided by the Business Auto Coverage Form CG 00 01 12 93, Insurance Service Office, Inc., or its equivalent. The policy should respond to claims for damages because of bodily injury, death of a person or property damage arising out of the ownership, maintenance or use of a motor vehicle. This policy shall be written to cover any auto whether owned, leased, hired or borrowed.
 - A. Duration of Coverage: The insurance described in paragraph 6 of this Section 5.15 shall be maintained for the duration of the operations performed by or on behalf of the permittee.
 - B. Insurance Conditions: The District and its officers, agents and employees and the District Engineer and his officers, agents and employees shall be included as insureds under the "who is an insured" provisions as "anyone liable for the conduct of 'insured' described above but only to the extent of the liability," any deductible and/or self-insured retention shall be the responsibility of the permittee. The policy shall contain the Standard Severability of Interests provisions.
7. Minimum Limits of Liability:
 - A. Workers' Compensations:
 - I. State: statutory
 - II. Applicable Federal: statutory
 - III. Employer's Liability: \$100,000 per occurrence

B. Comprehensive General Liability:

I. Bodily injury (including complete operations and product liability):

\$5,000,000: each occurrence
\$2,000,000: annual aggregate

Property Damage:

\$1,000,000: each occurrence
\$ 500,000: annual aggregate

or a combined single limit of \$2,100,000

II. Property damage liability insurance shall provide explosion, collapse and underground coverages where applicable.

III. Personal injury, with employment exclusion deleted: \$5,000,000: annual aggregate

C. Comprehensive automobile liability:

I. Bodily injury:

\$5,000,000: each person
\$5,000,000: each occurrence

II. Property damage: \$1,000,000: each occurrence

D. The contractual liability shall provide coverage for not less than the following amounts.

I. Bodily injury: \$5,000,000: each occurrence

II. Property damage

\$1,000,000: each occurrence
\$1,000,000: annual aggregate

8. Owner's protective liability: Additional insured parties shall be the District and its officers, agents and employees and the District Engineer and his officers, agents and employees.

5.17 SPECIAL SERVICE AREA

A Special Service Area (SSA), by other than the District, if directed by the Board of Trustees, will be reviewed by the Manager, the District Attorney and the District Engineer. The Special Service Area will encompass only public sanitary sewerage located in public right-of-ways, public property or recorded easements. No service lines shall be included. Adding service lines will not be the responsibility for operation and maintenance by the District. A Special Service Area will be allowed only upon approval by the Board of Trustees.

5.18 DEFINING RESPONSIBLE BIDDER *Ord. 335*

The responsible bidder for District construction contracts shall mean a bidder who meets all of the job specifications, the following applicable criteria and submits evidence of such compliance:

1. All applicable laws prerequisite to doing business in Illinois.
2. Evidence of compliance with:
 - a. Federal Employer Tax Identification Number or Social Security Number (for individuals); and
 - b. Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
3. Certificates of insurance indicating the following coverages: general liability, worker's compensation, completed operations, automobile, hazardous occupation and product liability. In addition, the Lake in the Hills Sanitary District shall be listed as an Additionally Insured.
4. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical, hospitalization insurance and retirement for those trades covered in the Act and submittal of certified payrolls.
5. The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract.

6. Follow all provisions of the Employee Classification Act, 820 ILCS 185/1 *et seq.*
7. All contractors and sub-contractors must be prequalified with the Illinois Department of Transportation for the trades that are contemplated under the awarded contract which would fall under the purview of the Illinois Department of Transportation.
8. All bidders must provide three projects of a similar nature as being performed in the immediate past five years with the name, address and telephone number of the contact person having knowledge of the project along with three references (name, address and telephone number) with knowledge of the integrity and business practices of the contractor.
9. All bidders shall have adequate financial resources for performance; the necessary experience, organization, technical qualifications and facilities; or a firm commitment, arrangement or ability to obtain such (including proposed subcontracts).
10. All bidders shall be able to comply with the required completion schedule for the project.
11. All bidders shall have a satisfactory record of integrity, judgment and performance, including in particular, any prior performance for the District.
12. All bidders shall have an adequate financial management system and audit procedure that provides efficient and effective accountability and control of all property, funds and assets.
13. All bidders shall, based upon the District's judgment, correctly complete the bid forms, bid security and meet the schedule for the submission of a bid.