

# CHAPTER 5-A

## SEWER

### .01 DEFINITIONS.

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

(a) Federal Government.

*Federal Act* means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq) as amended by the Federal Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243).

*Administrator* means the Administrator of the U.S. Environmental Protection Agency.

*Federal Grant* shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

(b) State Government.

*State Act* means the Illinois Anti-Pollution Bond Act of 1970.

*Director* means the Director of the Illinois Environmental Protection Agency.

*State Grant* shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act for making such grants as filed with the Secretary of the State of the State of Illinois.

(c) Local Government.

*Chapter* means this Chapter.

*City* means the City of Fairbury.

(d) *Person* shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(e) *NPDES Permit* means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

(f) Clarification of word usage: "Shall" is mandatory; "may" is permissible.

(g) Wastewater and its characteristics:

*Wastewater* shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

*Sewage* is used interchangeably with *wastewater*.

Effluent Criteria are defined in applicable NPDES Permit.

*Water Quality Standards* are defined in the Water Pollution Regulations of Illinois.

*Unpolluted Water* is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*ppm* shall mean parts per millions by weight.

*Milligrams per Liter (mg/l)* shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

*Suspended Solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

*BOD* (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

*pH* shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in *Standard Methods*.

*Standard Methods* shall mean the examination of analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

*Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

*Properly Shredded Garbage* shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

*Floatable Oil* is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

*FOG* shall mean fats, oils and greases. (2018-1)

*Slug* shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

*Industrial Waste* shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

*Industry* shall mean an industrial user of the publicly owned treatment works that: 1. Has a flow of 25,000 gallons or more per average calendar day; or 2. has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or 3. has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307 (a) of the Federal Act; or 4. is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(h) Sewer types, and appurtenances:

*Sewer* shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

*Public Sewer* shall mean a sewer provided by or subject to the jurisdiction of the City.

It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

*Sanitary Sewer* shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

*Storm Sewer* shall mean a sewer that carries storm, surface, and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

*Combined Sewer* shall mean a sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

*Building Sewer* shall mean the extension from the building drain to the public sewer or other place of disposal including any clean-outs and approved tap connections to said public sewer or other place of disposal. (2017-12)

*Building Drain* shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

*Stormwater Runoff* shall mean that portion of the precipitation that is drained into the sewers.

*Sewerage* shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

*Easement* shall mean an acquired legal right for the specific use of land owned by others.

(i) Treatment:

*Pretreatment* shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

*Wastewater Treatment Works* shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used a synonymous with *waster treatment plat* or *wastewater treatment plant* or *pollution control plant* and shall include the Fairbury Sewage Treatment Plant.

(j) *Wastewater Facilities* shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

(k) Watercourse and connections:

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

*Natural Outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(l) User types:

*User Class* shall mean the type of user either *residential or commercial* (non-industrial) or *industrial* as defined herein.

*Residential or Commercial or Non industrial* user shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

*Industrial User* shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division:

1. Division A—Agriculture, Forestry, and Fishing.
2. Division B—Mining.
3. Division D—Manufacturing.
4. Division E—Transportation, Communications, Electric, Gas and Sanitary Services.
5. Division I—Services.

A user in the Divisions listed may be excluded if it is determined by the city council that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

*Control Manhole* shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole” is to provide access for the city representative to sample and/or measure discharges.

(m) Types of charges:

*Wastewater Service Charge* shall be the monthly charge levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Section .08 and shall consist of the total of the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

*User Charge* shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

*Basic User Charge* shall mean the basic assessment levied on all users of the public sewer systems.

*Debt Service Charge* shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

*Surcharge* shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Section .09.

*Replacement* shall mean expenditure for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term *operation and maintenance* includes replacement.

*Useful Life* shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be 20 years from the date of start-up of any wastewater facilities constructed with a State grant.

*Sewerage Fund* is the principal accounting designation for all revenues received in the operation of the sewerage system.

## **.02 USE OF PUBLIC SEWER REQUIRED.**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Fairbury or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City of Fairbury, or in any area under

the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

- (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 purposes situated within the City and abutting on any street, alley, or right-of-way in which they may in the future be located any public sanitary (or combined) sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.
- (e) The requirements in this Section .02 shall not apply to any private sewage disposal system in use at the time this chapter is passed and adopted which private sewer system makes use of a septic tank and soil absorption system provided that if any such private sewage disposal system ceases to operate properly, then the owner or owners of the property of properties served by such private sewage disposal system shall be required at his or their expense to connect such property or properties directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

### **.03 PRIVATE SEWAGE DISPOSAL.**

- (a) Where a public sanitary (or combined) sewer is not available under the provisions of Section .02, paragraph (d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain and present to the City Clerk a written permit signed by the Livingston County Health Department. A permit and inspection fee of \$50.00 shall be paid to the City at the time the permit is filed with the City Clerk.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Livingston County Health Officer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Livingston County Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the Livingston County Health Officer.
- (d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Livingston County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer become available to a property served by a private sewage disposal system, as provided in Section .02, paragraph (d), a direct connection shall be made to the public sewer in compliance with this chapter within 60 days after such public sewer becomes available, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge, disconnected from the service sewer line, and filled with suitable clean bank-run gravel or soil; provided that this paragraph (e) shall not apply to any private sewage disposal system in use at the time this chapter is adopted which private sewage disposal system makes use of septic tank.
- (f) The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, and at no expense to the City.
- (g) No statement contained in this Section shall be construed to interfere with any additional requirements that may imposed by the Livingston County Health Officer.

### **.04 BUILDING SEWERS AND CONNECTIONS.**

- (a) No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or

disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Public Works. The Superintendent of Public Works shall be the city employee who is primarily responsible for the operation of the Fairbury Sewage Treatment Plant.

- (b) There shall be two (2) classes of building sewer permits: 1. for residential and commercial service, and 2. for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent of Public Works. A permit and inspection fee of \$50.00 for all sewer permits shall be paid to the City Clerk at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- (c) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilitates, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipate waste load.
- (d) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (e) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent of Public Works, to meet all requirements of this chapter. If these requirements are not met, said old building sewer shall be disconnected from the main sewer line of the City, and capped.
- (g) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9 and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- (h) Building sewers should be brought at an elevation above the basement floor, through the foundation wall, at a maximum of 3'6" below grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section .04, paragraph (b), and discharged to the building sewer. (2017-12)
- (i) No person(s) shall make connection of roof downspouts, sump pumps, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (j) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Connections to a City sewer shall be with a gasketed SDR 26 Y, tee or insertable tee. New and replacement resident sewer services shall be installed using gasketed 6" SDR 26 pipe and 6" SDR 26 fittings, 6" SDR 26 cleanout with a gasketed Y fitting 5' from foundation wall. Any deviation from the prescribed procedures and materials must be approved by the City Superintendent before installation. (2017-12)
- (k) The applicant for the building sewer permit shall notify the Superintendent of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of Public Works or his representative.
- (l) All excavations from building sewer installation shall be adequately guarded with barricades and

lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City Street Commissioner.

- (m) The property owner is responsible for said building sewer line in its entirety, from building to city main, including tap into main and all cleanouts. Any maintenance or repair costs are at the expense of property owner. (2017-12)
- (n) City does not maintain, repair, or replace any described building sewer. (2017-12)

#### **.05 USE OF THE PUBLIC SEWERS.**

- (a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged on approval of the City Engineer, to a storm sewer, combined sewer, or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - 3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
- (d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City Engineer that such wastes can harm either the sewer's sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
  - 1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
  - 2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), and (0 and 65°C).
  - 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the City Engineer.
  - 4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - 5. Any water or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic

substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Council for such materials.

6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City Council 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.
  7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Council in compliance with applicable State or Federal regulations.
  8. Any waters or wastes having a pH in excess of 9.5.
  9. Any mercury or any of its compounds in excess of 0.005 mg/l as Hg at any time except as permitted by the City Council in compliance with applicable State and Federal regulations.
  10. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City Council in compliance with applicable State and Federal regulations.
  11. Materials which exert or cause:
    - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
    - b. excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
    - c. unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
    - d. unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
  12. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated herein, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, sub-chapter D, Water Programs Part 128 - Pre-treatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the City Council may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Council may:
1. reject the wastes;
  2. require pretreatment to an acceptable condition for discharge to the public sewers;
  3. require control over the quantities and rates of discharge; and/or
  4. require payment to cover the added costs of handling and treating the wastes not covered by the existing taxes or sewer charges, under the provisions of paragraph (j) of this Section. If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Council and subject to the requirements of all applicable codes, ordinances, and laws.
- (f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.



- (h) Each industry shall be required to install a control manhole and, when required by the City Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessibly at all times.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)
- (j) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City of Fairbury and any industrial concern whereby an industrial waste of usual strength or character may be accepted by the City of Fairbury for treatment, subject to payment therefor, in accordance with Section .08 hereof, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recover System.

**.06 PROTECTIONS OF SEWAGE WORKS FROM DAMAGE.**

No person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

- (a) Any new, existing, upgraded or repaired interceptors will be subject to inspection and approval by the City Superintendent or an authorized designee. (2018-1)
- (b) Grease, oil and sand interceptors shall be provided at any establishment when they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand or any other harmful ingredients; except that such interceptors shall be required for private homes or dwellings. All interceptors shall be located so that they are readily accessible for cleaning and inspection (2018-1)
- (c) In addition to all other sections of this chapter, the following special provisions apply to establishments required to provide a grease trap, including but not limited to food service establishments. (2018-1)
- (d) Grease Trap Maintenance: (2018-1)
  1. Food service establishments are required to maintain the grease trap in satisfactory operating condition by the periodic removal of the entire contents of the grease trap. All costs for inspections, pumping, sampling, analysis, or other maintenance is the responsibility of the owner/operator of said establishment. Property owners of commercial properties are responsible for the installation and maintenance of a grease trap that serves multiple establishments that are located on a single parcel or development. (2018-1)
  2. Maintenance must include the complete removal of the entire contents of the grease trap, including floating materials, wastewater, settled solids, and grease accumulated on the sides of the device. (2018-1)
  3. The introduction of additives, such as bacteria, enzymes, emulsifiers, or similar chemicals designed for the purpose of emulsifying or controlling fats, oils, and grease discharge into grease traps or associated plumbing are prohibited. (2018-1)
  4. Decanting or discharging of removed waste or wastewater back into the grease trap from

which the waste or wastewater was removed or any other grease trap for the purpose of reducing volume to be disposed of is prohibited. No fats, oils, or grease that has accumulated in the grease trap is allowed into any sewer lateral, sanitary sewer, storm drain, or right-of-way during maintenance activities. (2018-1)

5. All food service establishments must ensure that all recovered contents from a grease trap be removed and disposed of by a permitted septage hauler. (2018-1)

(e) Self-cleaning grease trap maintenance: (2018-1)

1. Proper on-site material disposal methods shall be demonstrated and implemented (e.g., absorb liquids into solid form and dispose into trash, and collected grease is transported by a permitted septage hauler). (2018-1)
2. Grease and floatable solids must be removed at a minimum of once per week, and the entire contents of the grease trap removed from the grease trap and baffles at a minimum of once every thirty (30) days. (2018-1)

(f) Employee Training:

1. All employees are required to be aware of and trained on best management practices for preventing FOG (fats, oils and greases) from entering the sewer system. Employees must have a general knowledge of the function of the grease trap and how to perform maintenance on the grease trap. (2018-1)

- (g) The City Superintendent or an authorized designee has the right to inspect grease interceptors on a monthly basis or as needed. (2018-1)

**.07 POWERS AND AUTHORITY OF INSPECTORS.**

- (a) The City Engineer and other duly authorized employees of the City, bearing the 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 chapter. The City Engineer or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section .07, paragraph (a) above, the City Engineer or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owners and the owners shall be held harmless for injury or death to the employees and the City shall indemnify the owners against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owners and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the owners to maintain safe conditions as required in Section .05, paragraph (h).
- (c) The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**.08 WASTEWATER USER CHARGES.**

- (a) Basis for Wastewater User Charges: The wastewater user charge for the use of and for service supplied by the wastewater facilities of the City of Fairbury shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable.

The user charge shall be based on water usage as recorded by water meters for normal waste having the following strengths.

1. A five-day, 20 degree Centigrade (200 C) biochemical oxygen demand (BOD) of 200 mg/l.
2. A suspended solids (SS) content of 250 mg/l.

Water meter readings shall be assumed to equal sewage flow.

The user charge shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, and the debt service requirements.
2. Estimate wastewater volume discharged to the sewer system based on total water meter readings after appropriate adjustment for water not returned to the sewer and/or water from unmetered private sources which is discharged to the sewer system.
3. Compute costs per 1000 gallons for normal sewage strength wastes.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS, respectively. Section .08, paragraph (d) specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater user charge shall be revised periodically to reflect a change in operation and maintenance costs including replacement costs and adjusted as required. One of the purposes of the annual review shall be to maintain service charges in relation to cost and assure that all use classes are being charged an equitable share.

(b) Measurement of Flow: The volume of flow used for computing user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

1. If the person discharging wastes into the public sewers procures any part or all of his water from sources other than the City of Fairbury Water System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent of Public Works for the purpose of determining the volume of water obtained from these other sources.
2. Devices for measuring the volume of waste discharged to the sanitary sewer may be required by the Superintendent of Public Works if these volumes cannot otherwise be determined from the metered water consumption records.
3. Devices for measuring the volume of waste not discharged to the sanitary sewer may be required by the Superintendent of Public Works.
4. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City Council.
5. The Superintendent of Public Works shall be the city employee who is primarily responsible for operation of the Fairbury Sewage Treatment Plant.

(c) Within the Corporate Limits: For each user of sewer service of the combined waterworks and sewerage system within the corporate limits of the City of Fairbury, the current minimum charge shall be increased by 2% or CPI, whichever is greater, for each subsequent fiscal year starting with the first full billing period after May 1<sup>st</sup> each year, per monthly billing period to all users whose water consumption does not exceed 1,250 gallons per billing period. The CPI rate to be used is the "Consumer Price index for All Urban Consumers for all items" as published by the United States Department of Labor, which is also used by Livingston County for the Property Tax Extension Limitation Law (PTELL). In addition, the current charge per 1,000 gallons of water consumption metered in excess of 1,250 for all users who discharge normal strength wastes to the sewage system shall be increased by 2% or CPI whichever is greater, for each subsequent fiscal year, per billing period. The charges shall be applied to operation and maintenance of the sewage system, repayment of loans and interest and future replacement of equipment. In the event that the CPI is greater, the City Councils holds the right to increase any percent

less than the full CPI but no less than 2%. (2022-4)

(d) Outside the Corporate Limits: Users of the sewer service of the combined waterworks and sewerage system whose premises are located outside the corporate limits of the City shall be charged the rate established in paragraph (c) above plus 50% added to their bill based upon the service rendered. (2022-4)

(e) Surcharge rate: For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS, a surcharge of \$00.11 per pound BOD and \$00.05 per pound SS shall be applied. The surcharge for each Bi-monthly period shall be computed by the following formulae:

$${}^{\text{SC}}\text{BOD} - (X-200) \times A \times 0.00000834 \times \$00.11$$

$${}^{\text{SC}}\text{SS} - (Y-250) \times A \times 0.00000834 \times \$00.05$$

where:

${}^{\text{SC}}\text{BOD}$  = surcharge above the basic user rate of BOD concentration above 200 mg/l.

${}^{\text{SC}}\text{SS}$  = surcharge above the basic user rate of SS concentration above 250 mg/l.

X = average BOD concentration in mg/l during the bi-monthly billing period.

Y = average SS concentration in mg/l during the bi-monthly billing period.

A = bi-monthly metered water flow adjusted for appropriate losses in gallons.

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

Computation of Total Wastewater User Charge: The wastewater user charge shall be computed by the following formula:

$$\text{CW} = \text{MC} + \text{BC} + {}^{\text{SC}}\text{BOD} + {}^{\text{SC}}\text{SS}$$

where:

CW = total wastewater user charge.

MC = minimum charge as set out in Section .08, paragraph ©.

BC = basic user charge as set out in Section .08, paragraph ©.

${}^{\text{SC}}\text{BOD}$  = surcharge for BOD as computed in Section .08, paragraph (d).

${}^{\text{SC}}\text{SS}$  = surcharge for SS as computed in Section .08, paragraph (d).

#### **.09 INDUSTRIAL COST RECOVERY.**

(a) Industrial Cost Recovery Required: Each industrial user shall pay that portion of any State grant which has been obtained by the City of Fairbury for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component.

(b) Industrial Cost Recovery Charge: The charge for industrial cost recovery shall be based on a charge per unit volume of normal strength process flow. Normal strength flow shall be waste strength less than or equal to 200 mg/l BOD and 250 mg/l SS. The industrial cost recovery charge will be computed as follows:

1. Estimate the State grant amount allocable to those treatment units used to process dry weather sewage flow (which includes industrial waste flows).
2. Divide the allocable State grant amount by the industrial cost recovery period.
3. Determine the average annual design flow volume by multiplying the daily design flow average of

660,000 gallons/day by 365 days/year. (The result is 240.9 million gallons per year).

4. Divide the annual allocable grant amount determined in subparagraph 2. of paragraph (b), Section.09, by the average annual design flow volume of 240.9 million gallons.
5. The resulting charge of \$00.23 per 1000 gallons will be charged all industrial users having a process waste flow.

- (c) Total Charge to an Industrial User: The total industrial cost recovery charge for each billing period shall be determined by multiplying a user's industrial process flow volume discharged during the billing period by \$00.23 per 1000 gallons.

Industrial process flow volume shall be determined by measurement or estimation of all water flow through industrial plant processes. In absence of meter readings, process flow shall be estimated by using the following formula:

$$PF = TWF - DF - CF$$

where:

PF = process flow for billing period.

TWF = total water flow for billing period from meter reading, plus estimates of flow from private wells, if any.

DF = domestic flow from employees estimated by multiplying the average number of man-shifts worked for the billing period by an allowance of 25 gallons per man-shift worked.

CF= flow consumed or otherwise not returned to the sewer.

If, in the opinion of the City Clerk, the City's interest would best be served by making the above estimation on an annual basis, then the Clerk may elect to negotiate with each industry a percentage of the total water flow to estimate process flow each billing period.

- (d) Length of Industrial Cost Recovery Period: The industrial cost recovery period shall be equal to the useful life of the treatment works which shall be 30 years from 1978, not to exceed thirty (30) years.
- (e) Payments and Billing for Industrial Cost Recovery Period: Industrial cost recovery charges to industrial users shall be included with the regular billing for sewer use charges.
- (f) Adjustment of Charge Due to Introduction of High Strength Industrial Waste Discharges: If, at any time, during the industrial cost recovery period an industry begins discharging wastes with strengths greater than 200 mg/l BOD and 250 mg/l SS, a study shall be made under the direction of the City Council to revise the industrial cost recovery charge to include a high waste strength surcharge as well as a process flow volume charge. The revised charge factors shall be applied to process flow volume and measured waste strength quantities in excess of normal.
- (g) Adjustment of Charge Due to Plant Improvement Utilizing State Grant Funds: If there is an expansion or upgrading of the treatment works utilizing a State grant, each existing industrial user's share shall be adjusted accordingly.
- (h) No Charge for Unused or Unreserved Capacity: An industrial user's portion of any State grant shall not include any portion of the grant amount allocable to unused or reserved capacity.
- (i) Payment to the State of Illinois Required: The City shall retain fifty percent (50%) of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the State of Illinois Anti-Pollution Fund on an annual basis.
- (j) Disposition of Retained Amounts: Eighty percent (80%) of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act and the State of Illinois. The City, prior to commitment of the retained amounts, shall obtain written approval of the Illinois Environmental Protection Agency for any expansion or reconstruction. The remainder of the retained amounts may be used for such expenditures as the City deems appropriate.
- (k) Investment of Retained Amounts Required: Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: 1. obligations of the U.S. Government; or 2. obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or 3. shall

deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. government or any agency thereof.

- (l) City Clerk's Responsibility: The City Clerk shall maintain the necessary records for determination of services as required by Section .08, paragraph (a) and Section .09, paragraph (a).
- (m) City Treasurer's Responsibility: City Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery in accordance with Section .09, paragraphs (i), (j) and (k).
- (n) Monitoring Required: The Superintendent of Public Works shall maintain a program of monitoring industrial user discharges as the City Council deems necessary, provided that any industry shall be monitored no less than twelve (12) times annually.

## **.10 GENERAL PROVISIONS.**

- (a) Bills: Said user charges, industrial cost recovery charges, and bond cost charges for service shall be paid with the water bills. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable thereof to the City.

Services for each month shall be due and payable the 15<sup>th</sup> day of the following month.

A penalty of 10% shall be added to all bills not paid by the due date. (2016-4B)

- (b) Delinquent Bills: If the charges for water and sewer services are not paid within 30 days after the rendition of the bill for such services, water service shall be discontinued without further notice. All other continuing services other than water service, which is subject to disconnection procedures, will continue to incur a minimum charge. (2021-16)
- (c) In the event the charges for sewer service are not paid within 30 days after the rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such service is supplied, and the City Clerk is hereby authorized to file sworn statements showing such delinquencies in the Office of the Recorder of Deeds of Livingston County, Illinois, and filing of such statements in the pertinent offices shall be deemed notice for the payment of such charges for such service.

Such lien for delinquent charges for sewer service shall be in addition to the lien for delinquent charges for water service set forth in the preceding chapter. (2021-16)

- (d) Foreclosure of Lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as in the case in the foreclosure of statutory liens. Such foreclosure shall be done in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained unpaid sixty days in the case of a bi-monthly bill after it has been rendered.
- (e) Revenues: All revenues and monies derived from the operation of the sewerage system shall be deposited in the Water and Sewer Fund. All such revenues and monies shall be held by the City Clerk separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deduction whatever, shall be delivered to the City Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may, from time-to-time, be directed by the Mayor and the Council.

The City Clerk shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the City". Said Clerk shall administer such fund in every respect in the manner provided by statute of the Illinois Municipal Code

of 1961 effective July 1, 1961.

- (f) Accounts: The City Clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

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

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
  2. Billing data to show total number of gallons billed.
  3. Debt service for the next succeeding fiscal year.
  4. Number of users connected to the system.
  5. Number of non-metered users.
  6. A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.
- (g) Notice of Lien: A copy of this section, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Livingston County and shall be deemed notice to all owners of real estate of their liability for charges for service supplied to any user of the service of the sewerage system of said City on their properties.
- (h) Access to Records: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

#### **.11 BOND COST CHARGE.**

- (a) Basis for Bond Cost Charge: General obligation bonds were issued to pay for the City's share of the wastewater treatment plant construction. The debt service cost of these bonds are met through property tax levies annually. Issuance of these bonds and procedures for the levy are in accordance with Ordinance No. 774, dated September 3, 1975.

Tax exempt sewer system users shall be charged a bond cost charge, the revenues from which will be used to abate tax levies required to meet bond debt service costs.

The bond cost charge shall be based on water usage as recorded by water meters on the water service line to each tax exempt user.

Water meter readings shall be assumed to equal sewage flow except in cases where the tax exempt user may show that water passed through the meter is not returned to the sewer.

The bond cost charge shall consist of the average annual debt service costs and shall be computed as follows:

1. Estimate the average annual debt service cost to amortize the wastewater treatment construction bond issue.
2. Determine the average annual dry weather sewage flow for which the sewage treatment plant was constructed. This shall be done by multiplying 365 days per year times the design average flow of 660,000 gallons per day.
3. Compute the cost per 1000 gallons of design flow. This cost will be charge only tax exempt users.

Property tax paying users will be exempted from this charge since tax payments will be assumed to pay their fair share of debt service requirements. No adjustment in a user's property taxes will be made for changes in wastewater flow by that user.

- (b) Bond Cost Charge Rate: There shall be and there is hereby established a bond cost charge of \$.46 per 1000 gallons of metered water use less all volumes not returned to the city sewer by all significant tax-exempt users. A significant tax-exempt user shall be defined as a user of the city sewer system not subject to payment of city property taxes.

## **12. EFFECTIVE DATES OF RATES:**

The rate and service charges herein established for user charges, industrial cost recover charges, bond cost charges, and any other charges of any nature or description shall, if not now in effect, become effective as of the effective date of this ordinance.

## **13. PENALTIES:**

- (i) Any person found to be violating any provision of this ordinance, except Section .06, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The City may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- (ii) Any person who shall continue any violation beyond the time limit provided for in Section .13(i), shall be guilty of a Class C misdemeanor as provided in Illinois Revised Statutes, and on conviction thereof shall be penalized accordingly. Each day in which any such violation shall continue shall be deemed a separate offense.
- (iii) Any person or business establishment convicted of violating Section .06 of this ordinance shall be supplied written warning of violation. They will then have 10 days upon written notice to correct any violations. If after 10 days such violations have not been corrected, a fine in the amount not exceeding Five Hundred Dollars (\$500.00) will be levied. If the violation has not been corrected or fine issued not paid in full within 30 days of initial written warning then the City has the right to terminate water service until satisfaction is met. (2018-1)