



ORDINANCE NO. 09-03

AN ORDINANCE REGULATING, INSTALLATION, OPERATION, AND ENFORCEMENT OF REGULATIONS ASSOCIATED WITH THE USE OF SEWERS, DRAINS, PRIVATE SEWAGE DISPOSAL, BUILDING SEWERS, AND THEIR DISCHARGES WITHIN THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT, COUNTIES OF LAKE AND MCHENRY, STATE OF ILLINOIS.

BE IT ORDAINED AND ENACTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT, STATE OF ILLINOIS AS FOLLOWS:

SECTION 1 - Definitions

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

1.1 "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

1.2 "BOD" – biochemical oxygen demand which is defined as the quantity of oxygen used in the biochemical oxidation of organic matter in five (5) days at 20 degrees C., determined by standard laboratory test procedures and expressed in mg/l.

1.3 "Building Drain" – 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 a building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

1.4 "Building Sewer" – the extension from the building drain to the public sewer or other place of disposal.

1.5 "Control Manhole" – a structure specifically designed and constructed for sampling and metering industrial wastes discharged to a public sewer.

1.6 "Director" means the Director of the Illinois Environmental Protection Agency.

1.7 "District" – the Northern Moraine Wastewater Reclamation District of Lake and McHenry Counties, Illinois.



1.8 “Easement” – an acquired legal right for the specific use of land owned by others.

1.9 “Federal Act” – means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended (Public Law 95-217).

1.10 “Garbage” – solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

1.11 “Industrial Waste” – 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 employees’ wastes or wastewater from sanitary conveniences.

1.12 “mg/l” – means milligrams per liter weight to volume concentration of water or wastewater constituent. It is approximately equivalent to parts per million.

1.13 “Natural Outlet” – any outlet into a water course, pond, ditch, lake or other body of surface water.

1.14 “NPDES Permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

1.15 “Ordinance” – means this ordinance.

1.16 “Person” – any and all persons, natural or artificial, including any individual, firm, company, public or private corporation, association, society, institution, enterprise, governmental agency or other entity.

1.17 “pH” – the logarithm (base 10) of the reciprocal of the hydrogenated concentration expressed in gram molecular weight (moles) per liter.

1.18 “Population Equivalent” is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

1.19 “Pretreatment” – the treatment of wastewaters from sources before discharge into the public sewer.

1.20 “Properly Shredded Garbage” – garbage wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles



will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

1.21 “Public Sewer” - a sewer provided by or subject to the jurisdiction of the District which is owned, operated and maintained by the District.

1.22 “Sanitary Sewer” – a sewer that conveys sewage or industrial wastes or a combination of both, and to which stormwater, surface drainage, and groundwaters or polluted industrial wastes are not intentionally admitted.

1.23 “Sewage” – a combination of liquid and water-carried wastes from residential, commercial, industrial and institutional buildings together with such groundwater infiltration, surface water inflow, and stormwater that may be in the sewers.

1.24 “Sewer” – a pipe or conduit for conveying sewage or any other wastewater, including stormwater, surface water and groundwater drainage.

1.25 “Sewer System” – all facilities for collecting, transporting and pumping of sewage.

1.26 “Shall” – means mandatory; “May” – means permissive.

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

1.28 “State Act” – the Illinois Environmental Protection Act effective July 1, 1970 (Illinois Revised Statutes, Chapter 111 1/2, Sections 1001-1051).

1.29 “Storm Sewer” or “Storm Drain” – a sewer that conveys stormwater runoff, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

1.30 “Stormwater Runoff” – that portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.

1.31 “Superintendent” – the Superintendent of the District or his duly authorized deputy or representative.

1.32 “Suspended Solids” – solids that either float on the surface of, or are in suspension in water, sewage, industrial wastes, or other wastewaters; the quantity of



which is determined by standard laboratory filtering test procedures and referred to as nonfilterable residue expressed in mg/l.

1.33 “Unpolluted Water” – water that would not cause any violation of water quality standards of the Water Pollution Regulations of Illinois when discharged to a natural outlet or watercourse.

1.34 “Wastewater” - wastewater is used interchangeably with sewage.

1.35 “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

1.36 “Wastewater Treatment Plant” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymous with “waste treatment plant” or “wastewater treatment works” or “pollution control plant.”

1.37 “Watercourse” -- any stream, creek, brook, branch, natural or artificial depression, slough, gulch, ditch, reservoir, lake, pond, or other natural or man-made drainage-way in or into which stormwater runoff and surface water drainage flow either continuously or intermittently.

SECTION 2 – Use of Public Sewers Required

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

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

2.3 Except as hereinafter provided within Section 3, 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.

2.4 The owner of any house, building, structure or property used for human occupancy, employment, recreation or other purpose which is situated within the District and which abuts any street, alley, right of way, easement, or other property in which a public sanitary sewer of the District is located, is hereby required, at the owner’s sole



expense, to install suitable sanitary facilities therein and to connect such facilities directly to the public sanitary sewer in accordance with the provisions of this Ordinance; provided however, that the District's sanitary sewer line is within 300 feet of any point on the perimeter of the owner's property, notwithstanding the proximity of the house building or other structure to be connected to said public sanitary sewer. Notwithstanding the foregoing, the District's Board of Trustees may, upon the written request of any owner otherwise subject to the foregoing mandatory connection requirements, grant a waiver or deferral of the connection requirement in cases where the cost or difficulty of connecting to the public sanitary sewer is extraordinary and would be such as to create a severe financial hardship to the owner. The owner shall complete all requirements for the connection to the public sewer within 90 days after the date of Official Notice to do so, or by the date of the end of any extension granted by the District's Board of Trustees, whichever is later. The date of "Official Notice" shall be the date of mailing of any written notice from the District notifying the owner to connect to the public sewer system.

2.5 In the event any owner shall fail to complete all requirements for completion and inspection of a connection to the public sewer within the time period specified by this Ordinance, and as a result thereof, the applicable warranty expires on any grinder pump or other component designated to serve only said owner's property; then said owner shall be liable to the District for the cost to extend the manufacturer warranty or to repair or replace said grinder pump or other component to the extent that such cost would have been covered under the component's warranty had the owner connected to the public sewer within the time required by this Ordinance.

The cost of such repair or replacement shall be billed to the owner and paid within 30 days thereof. If not paid within said 30 days, the District may file and enforce a lien for the amount thereof against the owner's property or take any other action to collect payment thereof in the same manner as with delinquent sewer user service charges.

SECTION 3 – Private Sewage Disposal

3.1 Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this Section.

3.2 The applicant shall notify the District prior to any application to the County for the construction of any private sewer disposal system.

3.3 The owner of the system shall be responsible for acquiring all necessary permits for the construction and operation of the system(s).



3.4 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 and any other jurisdictional agency.

3.5 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.

3.6 At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2.4 of this Ordinance, the building sewer shall be connected to said public sanitary sewer within 90 days after the date of official notice to do so, and the private sewage disposal system shall be properly abandoned in conformance with NMWRD and County Health Department Standards by physically disconnecting it, cleaning it of sludge, cracking or crumbling the walls of the tank so that it will not hold water and filling it with porous granular material. If the tank is removed from the ground, the excavation shall be filled with soil.

The aforesaid 90 day period to connect to the public sanitary sewer may be extended by written approval of the District's Board of Trustees or by intergovernmental agreement between the District and another municipal entity.

3.7 No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the building or zoning authority having jurisdiction over said property.

SECTION 4 – Building Sewers and Connections

4.1 No authorized 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.

4.2 All disposal by any person into the sewer system is unlawful except those discharges in compliance with standards promulgated pursuant to the Federal Act, or the State Act, or any rules, regulations, ordinances or standards of the District.

4.3 There shall be two (2) classes of buildings 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 to the District utilizing the District approved procedure for application for service. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the District 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.

4.4 A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewage works, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

4.5 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The person installing the building sewer for said owner shall be a plumber or sewer contractor and he shall indemnify the District from any loss or damage that may directly or indirectly occur during said installation. Before a building sewer permit is issued, the plumber or sewer contractor shall file with the District Clerk an indemnity bond in the amount of \$10,000, with corporate surety licensed to do business in the State of Illinois, on bond form approved by the District. In addition thereto, the plumber or sewer contractor shall file with the District Clerk a certificate of insurance covering Public Liability Insurance in the amount of \$100,000/\$300,000 for bodily injury and \$50,000 covering property damage.

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

4.7 Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this ordinance and all interior plumbing has successfully passed an inspection by a licensed plumber.

4.8 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code, "Standard Specifications for Water and Sewer Main Construction in Illinois" as modified by the design standards of the District, and other applicable rules and regulation of the district.

4.9 Improvements by others to the public sanitary sewer other than an individual building sewer shall conform to the requirements of "Standard Specifications for Water and Sewer Main Construction in Illinois" and "Illinois Design Standards for Sewage Works" 35 Ill. Adm. Code Part 370 as modified by the design standards of the District, and other applicable rules and regulations of the District.



4.10 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted by approved pumping devices and discharged to the building sewer.

4.11 No person shall make or permit the connection of roof down spouts, exterior foundation drains, area weight drains, interior plumbing or other sources of surface run-off or ground water to a building sewer or a building drain which in turn is connected directly or indirectly to a public sanitary sewer. No person shall permit the connection of any building sewer which is composed of clay, terra cotta, or other water permeable material for exterior sanitary sewer or interior plumbing,, or which is cracked, damaged, or installed so as to permit the infiltration of any surface run-off or ground water directly or indirectly to a public sanitary sewer.

4.12 The applicant for the building sewer connection permit, his contractor or agent (hereinafter collectively referred to as the "Applicant") shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. If the premises were served by a private sewage disposal system, the Applicant must demonstrate proper abandonment of the private sewage disposal system at the time of inspection. The connection shall be made to the public sewer under the supervision of the superintendent or his representative. The inspection fee covers a single inspection or appearance to the site by the superintendent. The Applicant may cancel the inspection appointment upon no less than 24 hours notice. If the inspection appointment is cancelled within less than 24 hours notice, or if the inspection cannot be completed due to the required work not being done by Applicant, the Applicant's failure to appear, or any other reason, the Applicant shall pay an additional inspection fee for any and each subsequent inspection appointment at a rate of 150% of the preceding inspection fee. The superintendent may waive or reduce the fee or increase for subsequent inspections if the reason for such subsequent inspections is beyond the reasonable control of the Applicant (such as inclement weather), or other good cause shown.

4.13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and Village. Prior to any excavation, the plumber or sewer contractor shall notify, Joint Underground Utility Locating Service (J.U.L.I.E.) all public and private utility companies and Police and Fire Departments if the road will be closed temporarily.

4.14 The District owns and maintains the sanitary sewers including the building service wye, tee, or saddle on the sewer main. The owner of property served by a building sewer owns the building sewer from the building drain to the building service



wye, tee, or saddle. All costs and expenses incidental to the operation, maintenance and repair of the building sewer shall be borne by the owner.

4.15 Within low pressure sanitary sewer systems the District owns and maintains the low pressure sanitary sewer system components, the low pressure mains, grinder pump(s), including the fitting and piping used to make the connection between the grinder pump and the sewer main. The owner of the property served by the low pressure sanitary sewer system owns the building sewer from the building drain to the grinder pump, the control panel, alarms and electric service required to operate the pump. In the event that any part of the owner's portion of the low pressure sanitary sewer system requires modification or repair, all work shall be done in conformance with the local municipality's plumbing and electrical codes and the District's applicable standards and procedures. The District shall be notified of any repairs and modifications prior to the construction. The District also has the right to prohibit any modifications or repairs to the system that are not in direct conformance with the original improvements or then-existing applicable District standards. The District has the right to access or operate the control panel or any other pump related appurtenance regardless of ownership at any time to perform maintenance, repair, replacement or for interruption of service.

SECTION 5 – Use of Public Sewers

5.1 No person shall discharge or cause or permit to be discharged storm water, surface water, ground water, roof run-offs, subsurface drainage, contaminated cooling water or polluted industrial process waters to any public sanitary sewer.

5.2 Stormwater and all other unpolluted water shall be discharged to storm sewers or to a natural outlet approved by the proper jurisdictional agency. Industrial cooling water or unpolluted process waters may be discharged upon approval of the proper jurisdictional agency to a storm sewer or natural outlet.

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

5.3.1. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

5.3.2 Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.



5.3.3 Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facility.

5.3.4 Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the property operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5.4 No person shall discharge or cause to be discharged to a public sanitary sewer the following described substances, material, waters, or wastes if it appears likely in the opinion of the Superintendent that such waters or wastes can harm either the sewers, wastewater treatment process, or equipment; having 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 Superintendent will give consideration to such factors as the quantities of such waters or wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

5.4.1 Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 F), (65 C).

5.4.2 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), (0 and 65 C).

5.4.3 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 Superintendent.

5.4.4 Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plated solutions whether neutralized or not.

5.4.5 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 at the wastewater treatment plant exceeds the limits established by the District for such materials.



5.4.6 Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the 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.

5.4.7 Any radioactive wastes or isotope of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.

5.4.8 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.

5.4.9 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.

5.4.10 Materials which exert or cause:

- (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant;
- (4) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

5.4.11 Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

5.5 If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 5.4, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the District may have deleterious effect upon the



wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may reject the wastes; require pretreatment to an acceptable condition for discharge to the public sanitary sewers; require control over the quantities and rates over discharge; and/or require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 5.11. If the Superintendent permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

5.6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

5.8 Each industry shall be required to install a control manhole and, when required by the District, 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 others 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 District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

5.9 The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, test, and analyses of waters and wastes to demonstrate compliance with this ordinance 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 as stipulated by the District, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the District at such times and in such manner as prescribed by the District. At such times as deemed necessary, the District reserves the right to take measurements and samples for analysis by the District or by an outside laboratory. The owner shall bear the expense of all measurements, analyses and reporting required by the District.



5.10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "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 sewerage 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 sample or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite samples, whereas pH's are determined from periodic grab samples.)

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

SECTION 6 – Protection of Wastewater Facilities from Damage

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

SECTION 7 - Powers and Authority of Inspectors

7.1 The Superintendent and other duly authorized employees of the District, the Illinois Environmental Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent 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 facilities for waste treatment.



7.2 While performing the necessary work on private properties referred to in Section 7.1, the Superintendent or duly authorized employees of the District, the Illinois Environmental Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the District employees and the District shall indemnify the company against loss or damage to its property by District employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5.8

7.3 The Superintendent and other duly authorized employees of the District bearing proper credentials and identifications shall be permitted to enter all private properties through which the District 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 sewerage works lying within the 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.

SECTION 8 – Penalties

8.1 Any person found to be violating any provisions of this ordinance, except Section 6, shall be served by the District 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 District may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

8.2 Any person who shall continue any violation beyond the time limit provided for in Section 8.1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount of not less than Ten Dollars (\$10.00) nor more than Seven Hundred and Fifty Dollars (\$750.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

8.3 Any person violating any of the provisions of this ordinance shall become liable to the District by reason of such violation.

SECTION 9 – Validity

9.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.



9.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

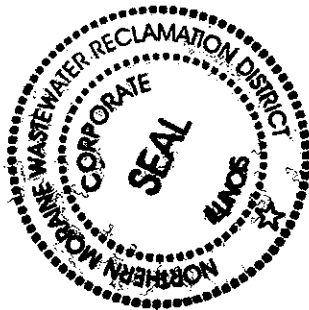
SECTION 10 – Ordinance in Force

10.1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

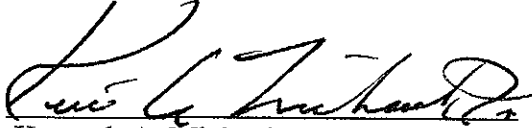
10.2 Passed and adopted by the Board of Trustees of the Northern Moraine Wastewater Reclamation District, Counties of Lake and McHenry, State of Illinois on the 10th day of February 2009, by the following votes:

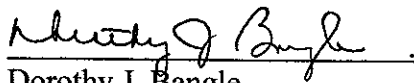
Ayes: 5
Nays: 0
Absent: 0

Approved this 10th day of February, 2009



SEAL


Kenneth A. Michaels Jr.
President


Dorothy J. Bangle
District Clerk