

public by the POTW except in accordance with the Illinois Freedom of Information Act.

- (E) The POTW shall implement measures to prevent the negligent release of confidential information; however, neither the POTW nor its employees shall be held legally responsible for release of information if they have acted in good faith.

## **PART 5: ENFORCEMENT PROCEDURES AND PENALTIES:**

### **ARTICLE 1: PUBLIC NOTIFICATION OF SIGNIFICANT VIOLATIONS:**

The POTW shall annually publish in the largest daily newspaper published in the municipality in which the POTW is located, a list of Industrial Users who committed significant violations of any Pretreatment Requirement or Standard during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against those Industrial Users during the same twelve (12) months.

### **ARTICLE 2: COMPULSORY COMPLIANCE PROCEDURES:**

#### **(A) Notice of Violation and Compliance Meeting**

Should a violation of this Chapter by an Industrial User occur, whether or not a Significant Industrial User, the POTW shall notify the offending User, in writing, through a "Notice of Violation" as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "Compliance Meeting") to be attended by representatives of the POTW and the Industrial User. The purpose of such a meeting shall be to establish such procedures, investigations, studies and compliance measures as the POTW deem necessary and desirable to control and prevent violation of this Chapter. The Industrial User shall cooperate fully with the POTW in making such investigations and studies.

#### **(B) Order**

1. Following the completion of any procedures, investigations or studies as described in Part 5, Article 2(A) above, the POTW may issue an Order which may:
  - (a) Require compliance with applicable Pretreatment Standards and Requirements;

- (b) Control the contribution to the POTW to ensure compliance with applicable pretreatment standards and requirements;
  - (c) Require: (A) the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and (B) the submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required by 40 CFR Section 403.12.
2. If the POTW has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an Order directing and requiring the Industrial User to take such action, including pretreatment, without further investigation or study.
  3. Failure to comply with the Order of the POTW shall be deemed a violation of the Chapter and may be grounds for revocation of the Industrial User's Wastewater Discharge Permit and grounds for such other actions as may be authorized for violation of this Chapter.

### **ARTICLE 3: REVOCATION OR SUSPENSION OF PERMIT:**

#### **(A) Conditions for Revocation or Suspension**

Any Significant Industrial user who violates this Chapter, an Order issued pursuant to Part 5, Article 2(B) of this Chapter, the Illinois Environmental Protection Act, or the Federal Act, or regulations promulgated under either act, or does any of the following, is subject to having its Wastewater Discharge Permit revoked or suspended in accordance with the procedures of this Article 3:

1. Fails to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by the Industrial User's or POTW's analysis;

2. Fails to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;
3. Refuses reasonable access to the Industrial User's premises by POTW representatives for the purpose of inspection or monitoring;
4. Tampers with, disrupts, or destroys POTW equipment;
5. Fails to report an accidental discharge of a pollutant;
6. Fails to report an Upset of the Industrial User's treatment facilities; or
7. Violates any condition of the Wastewater Discharge Permit.

(B) Procedures for Revocation or Suspension

1. The POTW may order any Industrial User who causes or allows any action which is subject to revocation or suspension under Part 5, Article 3(A) above to show cause before the Village Board why its Wastewater Discharge Permit should not be revoked or suspended. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Village Board regarding violation, the reasons why the action is to be taken, the proposed action, and directing the Industrial User to show cause before the Village Board why its Wastewater Discharge Permit should not be revoked or suspended. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
2. The Village Board may itself conduct the hearing and take the evidence, or may designate any of its members or its attorney to:
  - (a) Issue in the name of the Village Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - (b) Take the evidence;

- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
3. At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefore.
  4. After the Village Board has reviewed the evidence, it may issue an order to the Industrial User responsible for the discharge directing either: (a) that the Wastewater Discharge Permit be revoked or suspended and the service be disconnected, or (b) that following a specified time the Wastewater Discharge Permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit, or (c) direct the user to cease the unauthorized discharge effective after a specified period of time, or (d) that such other action as deemed necessary by the Village Board to abate the discharge be done by the Industrial User. Further orders and directives as are necessary may be issued.
  5. Following an order of revocation or suspension of its Wastewater Discharge Permit, the Industrial User shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

**ARTICLE 4: ORDER TO SHOW CAUSE REGARDING DISCONNECTION:** The POTW may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to interfere with the operation of the POTW, immediately issue an order to the responsible Industrial User to show cause before the Village Board why the POTW should not disconnect service, revoke or suspend the Industrial User's Wastewater Discharge Permit or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW. Procedures to be followed by the Village Board in said show cause hearing shall be in

accordance with Part 5, Article 3(B) of this Chapter. After said hearing, the POTW may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW.

**ARTICLE 5: IMMEDIATE DISCONNECTION OF SERVICE:**

**(A) Conditions for Immediate Disconnection of Service:**

Any Industrial User is subject to immediate disconnection of service under either of the following conditions:

1. Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the Superintendent of Public Works to present an imminent endangerment to the health or welfare of persons; or
2. Whenever the Industrial User's Wastewater Discharge Permit is revoked.

**(B) Procedures for Immediate Disconnection**

1. Notwithstanding Article 2, 3, or 4 of Part 5 of this Chapter, the Superintendent of Public Works shall have the authority, after informal notice to the Industrial User, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Superintendent of Public Works determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the Industrial User stating the problem and requiring immediate cessation of the discharge. The Superintendent of Public Works' actions may include disconnection of wastewater collection service. The Superintendent of Public Works shall obtain the concurrence of the POTW attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the Industrial User and POTW employees, telephone calls, letters, hand delivered messages or notices posted at the Industrial User's premises or point of discharge.

**ARTICLE 6: ELIMINATION OF DISCHARGE/REINSTATEMENT:** Any Industrial User notified of a disconnection of wastewater treatment service under Article 4 or 5 of Part 5 and/or revocation or suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the disconnection or revocation or suspension order, the POTW shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Superintendent of Public Works exercises his authority under Part 5, Article 5(A)(1), the Superintendent of Public Works shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

**ARTICLE 7: INJUNCTIVE RELIEF:**

- (A) The POTW may institute a civil action for an injunction to restrain violations of this Chapter.
- (B) The POTW may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Moultrie or Douglas County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given informal notice of the POTW intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted, but shall not be condition precedent to the POTW petitioning for and obtaining a temporary restraining order.

**ARTICLE 8: ADDITIONAL REMEDIES:**

- (A) In addition to remedies available to the POTW set forth elsewhere in this Chapter, if the POTW is fined by the State of Illinois or USEPA for violation of the POTW NPDES permit or violation of water quality standards as the result of discharge of pollutants, then the fine, including all the POTW legal, sampling analytical testing

costs and any other related costs shall be charged to the responsible Industrial User. Such charge shall be in addition to, and not in lieu of, any other remedies the POTW may have under this Chapter, statutes, regulations, at law or in equity.

- (B) If the discharge from any Industrial User causes a deposit, obstruction or damage to any of the POTW wastewater facility, the POTW shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person or Industrial User causing such deposit, obstruction or damage.
- (C) The remedies provided in this Chapter shall not be exclusive and the POTW may seek whatever other remedies are authorized by statute, at law or in equity against any person or Industrial User violating the provisions of this Chapter.
- (D) In addition to any fine levied under Part 6, the POTW may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

## **PART 6: PENALTIES AND COSTS**

**ARTICLE 1: PENALTIES AND COSTS:** Any Industrial User who is found to have violated an Order of the POTW or who has failed to comply with any provision of this Chapter and the orders, rules and regulations and Wastewater Discharge Permits issued hereunder, shall be fined in an amount not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day in which any such violations shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in Part 3 of this Chapter found to exceed the limits established in this Chapter during any such day. In addition to the penalties provided herein, the POTW may recover reasonable attorney's fees, Court costs, Court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter of the orders, rules, regulations and permits issued hereunder.