

CITY OF EAST ST. LOUIS

OPERATIONAL PLAN FOR COMBINED SEWERS

Prepared for:

**City of East St. Louis
301 River Park Drive
East St. Louis, IL 62201**

Prepared by:

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City of East St. Louis Operational Plan for Combined Sewers

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1.0 GENERAL INFORMATION

The information presented below represents the City's current procedures to operate and maintain its combined sewer system in order to minimize discharges to the Mississippi River and Frank Holten State Park. Once the LTCP is approved and new facilities are constructed, the plan will be modified to incorporate necessary updates to the existing procedures. It is anticipated that future operations will include the following:

- Elimination of combined sewer flows entering the trunklines, thereby increasing capacity in the trunklines and ensuring maximum transport to the wastewater treatment plant
- Removal of cross connections and overflow connections that may be contributing to CSO discharge to surface waters and routing into the trunklines for full treatment at the wastewater treatment plant.
- Retrieving flow data at the CSO locations to assess performance of the installed facilities.
- Performing maintenance of other installed equipment (pumps, bar screens, etc.)

1.1 Collection System Description

The City of East St. Louis's existing wastewater collection system is comprised of both separate sanitary sewers and combined sewers. The separate sanitary sewer system services an approximate tributary area of 1,820 acres located primarily in the Eastern portion of the City limits from approximately 47th Street to 89th Street and the area east of 89th Street known as Loisel Hills. The separate sanitary system is also downstream of sewers that enter the City from Cahokia Heights in the vicinity of 83rd Street and Ridge Avenue. It is not known how much area this tie-in serves. The combined sewer system serves an approximate tributary area of 5,500 acres located in large part in the area between approximately 47th Street west to the Mississippi River. In general, most of the separate sanitary sewers were built after 1945 while the majority of the combined sewer system was built prior to 1945. The pipes that are part of the collection system range in size from 8-inch diameter up to a 12.5' x 12.5' box. There are several pumping stations associated with the combined sewer system. Table 1 is a listing of the pump stations in operation.

American Bottoms Regional Wastewater Treatment Facility (ABWWTF) is located in Sauget, Illinois. The plant provides preliminary, primary, and secondary treatment for wastewater from the cities of East St. Louis, Cahokia Heights, and Sauget. The plant also provides secondary treatment

for all industrial and residential wastewater from the Village of Sauget, which has undergone preliminary and primary treatment at the Sauget Physical/Chemical Wastewater Treatment Plant. The American Bottoms Wastewater Treatment Facility was constructed in 1986 and is designed to treat an average of 27 million to a maximum of 52 million gallons of wastewater each day. Prior to entering into an agreement with ABWWTF, the City owned and operated a wastewater treatment plant (WWTP) and the City's ordinance conditions were written to govern wastes to be treated at this facility.

The City is served by two trunk lines that are both tributary to the ABWWTF. The primary conveyance line is a 12.5' box that is over 11,200 feet long and terminates at the old East St. Louis Treatment Plant. The box originates in the far northern part of the City as a 42' pipe. This box was constructed in approximately 1940 and is under the control of the Metro East Sanitary District (MESD).

The second trunk line is a 10.5' pipe that originates in the north part of the City as a 24" pipe and is over 21,000 feet long and merges into the 12.5' box at the intersection of 14th Street and Gay Avenue. The 10.5' diameter pipe was constructed in approximately 1920. During dry weather flows, the old East St. Louis Treatment Plant serves as a pump station to convey the flow directly to the ABWWTF. There is a weir at this location with a height of five feet. When the flow exceeds this depth, typically only during rain events, the weir is topped and the diluted overflow is discharged directly to the Mississippi River at CSO#001 at 38.611North and 90.182 West. At the 14th Street and Gay Avenue location previously mentioned, the dry weather flow in the 10.5' pipe is merged into the 12.5' box via a 24" weir that directs the dry weather flow to the 12.5' box. During rain events, the weir may be topped, and the diluted overflow is discharged directly to the Mississippi River at CSO #002 at 38.610 North and 90.182 West.

Currently the City of East St. Louis does not have any monitors or flow meters at the CSO Outfalls to quantify the volume of the flows from the outfalls. On a monthly basis, ABWWTF provides the dates and times that the level of the flow in the 12.5' box is greater than the five feet, indicating a CSO occurrence at Outfall 001.

TABLE 1 - EAST ST. LOUIS PUMP STATIONS

Station Name	Location	Description
Fair Brothers Lift Station	38.58781; -90.05482	Flygt CP 3085 (2)
22 nd & Baker Lift Station	38.60008; -90.14845	Flygt CP 3085 (2)
17 th & Baker Lift Station	38.60627; -90.15592	Flygt CP 3085 (2)
16 th & Central Ave. Lift Station	38.60594; -90.15592	Flygt CP 3127 (2)
16 th & Lawrence Lift Station	38.60443; -90.16212	Flygt CP 3085 (2)
LePleins Lift Station	38.59368; -90.04928	FLygt NP 3153 (2)
70 th & Shipley Lane Lift Station	38.59737; -90.08127	Myers Pumps (2)
52 nd Street Lift Station	38.60932; -90.09821	Flygt NP 3085 (2)
62 nd Street Lift Station	38.60371; -90.08783	Myesr Pumps (2)
14 th & Falling Springs	38.60683; -90.16435	Flygt NP 3153 (2)
17 th & Gay Lift Station	38.60318; -90.31577	Flygt NP 3102.181 (2)
6300 State Street Lift Station	38.60259; -90.08713	Fairbanks-Morse Dry Pit Pumps (3)
4700 State Street Lift Station	38.60980; -90.10462	Fairbanks-Morse Dry Pit Pumps (3)
Falling Springs Lift Station	38.60752; -90.16663	Flygt NP 3085 (2)
Woesboul Lift Station	38.59013; -90.04771	Flygt CP 3152 (2)
Call for Help Lift Station	38.58707; -90.04588	Flygt CP 3127 (2)
8 th Street Underpass Lift Station	38.61552; -90.16692	Flygt NP 3301 (2)
River Park Drive Lift Station	38.62721; -90.16430	Flygt PL 7035 Axial Flow Vert.

1.2 Water Pollution Control

Several redevelopment projects have been completed or are planned that will affect the infiltration and inflow and are summarized below. The redevelopment projects and various drainage studies have presented an opportunity to decrease the amount of flow to the trunklines and thereby reduce the number of CSO's. It is anticipated that the completed redevelopment projects as well as any efforts as a result of the drainage studies will decrease the amount of CSO's to the River by reducing flows in the trunklines. The number of occurrences will be evaluated as required by the NPDES Permit and data provided to the IEPA and USEPA as required.

Table 2 – Project Summary

<u>LOCATION</u>	<u>DESCRIPTION</u>
State Street and 47 th Street	Ameren Solar #1 redevelopment project.
25 th Street & Gross Ave. Area	Lansdowne Development – New housing development.
17 th Street & Gross Ave.	Ameren Solar #2 – redevelopment.
35 th Street & Converse Ave.	Drainage study for flood control.
32nd Street & Geitz Ave	Drainage study for flood control.
53rd Street & Summit Ave.	Drainage study for flood control.
Marybelle Avenue floodplain	Drainage study for flood control and storm water management.
8th Street & Broadway Ave.	Ameren pole storage yard.

The following paragraphs contain a specific project-by-project discussion of how the City of East St. Louis redevelopment and infrastructure evaluations will help with the decrease in flows and begin the upgrading and separation of the existing systems. These improvements achieve pollution prevention by minimizing the discharge of pollutants from CSOs while maximizing the storage of wastewater in the collection system, increasing stormwater storage, and reducing groundwater infiltration by infrastructure replacement/upgrade.

Ameren Solar #1

This project included the construction of a new solar farm near the intersection of 47th Street and State Street near East St. Louis Senior High School. The project did not need sanitary sewers. As a result, the existing sewers were removed or plugged which will decrease the flows from this 14.5 acre site as this is in an area of combined sewers.

25th Street & Gross Avenue

This project was a redevelopment of approximately 19 acres. This site will be a new affordable housing development in a combined sewer neighborhood when completed. The area was regraded and a dedicated stormwater system was installed with an oversized detention basin. A large portion of the existing combined sewers were removed and replaced. This project will decrease the infiltration through the joints in the old structures and pipe joints and remove the majority of the stormwater that previously entered the combined system by holding it in a detention basin and allowing the water to infiltrate into the ground over time.

Ameren Solar #2

This project includes the construction of a new solar farm near the intersection of 18th Street and Natalie Avenue near the Gordon Bush Alternative Center. The project will not need sanitary sewers. As a result, the existing sewers were removed or plugged which will decrease the flows from this 8.25 acre site as this is in an area of combined sewers. As this is a private project, we are unsure of the timeline at the time of writing this plan.

35th Street & Converse Avenue

A drainage study will be conducted to determine the causes of persistent flooding in this area. The flooding consists mainly of major roadway flooding over several blocks. This area is in the City's combined sewer area. The study will consist of surveying the existing storm drainage system and determining the configuration, capacity, illegal tie-ins, existing discharge point and structural integrity. Once the system has been studied, a solution to the flooding issues will be determined. This could result in construction of a new sewer system, pump station, larger pipes and structures, and/or alternate discharge points. The solution will be focused on lessening the flow of storm drainage into the combined system in addition to the flooding. This study will be completed by the end of 2023.

32nd Street & Geitz Avenue

A drainage study will be conducted to determine the causes of persistent flooding in this area. The flooding consists of roadway flooding and basement backups. This area is in the City's combined sewer area and consists of several blocks of the neighborhood. The study will consist of surveying the existing storm drainage system and determining the configuration, capacity, illegal tie-ins, existing discharge point and structural integrity. Once the system has been studied, a solution to the flooding issues will be determined. This could result in construction of a new system, pump station, larger pipes and structures, and/or alternate discharge points. This area is in the combined sewer area of the City and the solution will be focused on lessening the flow of storm drainage into the combined system in addition to the flooding. This study will be completed by the end of 2023.

53rd Street & Summit Avenue

A drainage study will be conducted to determine the causes of persistent flooding in this area. The flooding consists mainly of major roadway flooding. This area is in the City's separated sewer area and consists of several blocks. The study will consist of surveying the existing storm drainage system and determining the configuration, capacity, illegal tie-ins, existing discharge point and structural integrity. Once the system has been studied, a solution to the flooding issues will be determined. This could result in construction of a new system, pump station, larger pipes and structures, and/or alternate discharge points. The solution will be focused on lessening the flow of storm drainage into the combined system. In addition to the flooding. This project is on-going and will be completed by Summer of 2024.

Marybelle Avenue Floodplain

A drainage study will be conducted to determine the causes of major flooding in this area. The area is bounded by Harding Ditch to the east, Metrolink tracks to the north, Kingshighway to the west and a large residential area to the south. The study area covers approximately 80 acres of land prone to flooding. The residence in this area were bought out many years ago by FEMA. The subsurface infrastructure was left in place and neighboring properties use the system for conveyance of their sewage. The infrastructure consists of brick manholes and clay sewer pipes. The joints in the structures and pipe are subject to deterioration and therefore increase infiltration and inflow. This project will be completed by Summer 2024.

The flooding consists of major overland flooding. The study will consist of surveying the existing sewer system and determining the configuration, capacity, existing discharge point(s) and structural integrity. Once the system has been studied, a solution to the flooding issues will be determined. This could result in land clearing and regrading to facilitate improved drainage to Harding Ditch, construction of a new system, pump station, larger pipes and structures, and/or alternate discharge points. The solution will be focused on lessening the flow of storm drainage into the sanitary system in addition to the flooding.

Ameren Pole Storage Yard

This proposed project consists of redevelopment of vacant land for the storage of utility poles. This area is in a combined sewer area. The project consists of regrading the lot and installing a storm water detention pond for controlled release of storm water into the combined sewer. This discharge can then be diverted to a dedicated storm sewer system when one is available/constructed, thereby lessening the flow of water into the combined sewer system. As this is a private project, we are unsure of the timeline at the time of writing this plan.

1.3 Administrative Controls

East St. Louis's administrative controls include its NPDES Permit, sewer ordinance and sewer use code. The Permit, as issued, covers discharge limitations, monitoring and reporting requirements and controls the general parameters and conditions under which the collection system operates.

National Pollution Discharge Elimination System Permit (NPDES)

East St. Louis's NPDES permit (No. IL0033472) is issued by the Illinois Environmental Protection Agency. It may be modified to include alternative or additional final effluent limitation pursuant to an approved Total Maximum Daily Load (TMDL) study or upon completion of an alternate Water Quality Study. Special conditions in the permit contain requirements for administrative compliance, requirements for the City's combined sewer discharges, sensitive areas, reporting requirements, operational and maintenance plans, long-term control planning, and sewer use ordinances. A copy of the permit is included in Appendix C.

Sewer Use Ordinance

The City of East St. Louis Sewer Use Ordinances included in Appendix D, and the City's Sewer Code, included in Appendix E, are in place to address the following:

- Regulate the use of public sewers and drains,
- Private and semi-public sewage disposal,
- Discharge of waters and wastes into the public sewer or drainage systems,

- Prohibits the discharge of sewage from real property into a facility other than a sanitary sewerage facility of the City or other approved outlets,
- Requires the connection of real property to the sanitary sewerage facilities of the City,
- Provides a schedule or schedules of charges and surcharges to be collected from all the real property, whether public or private, for permits to use such facilities and for the use thereof,
- Prescribes the manner in which and time at which such charges are to be paid, and providing for the collection and enforcement of collection of such charges,
- Providing penalties for violation,
- Containing an emergency clause and repealing existing ordinance pertaining to the above items,
- Establish sewer rates,
- Provide standards for the construction and connection of sewers, and
- Indicate the types of waste that sewers can carry.

Of particular importance to the Operation and Maintenance of the City's sewers the ordinances:

- Prohibit connections of downspouts, footing tiles, open drains, or other sources of surface runoff or ground water to the sanitary sewer system; and
- Specify that inflow sources on a combined sewer system shall be connected to a storm sewer, within a reasonable amount of time, if a separate storm sewer becomes available.

The Sewer Use Ordinances also controls the types of wastes that industries can discharge into the sewer system. The ordinances require that the discharge from all industrial users meet specific requirements and that significant industrial users obtain permits to discharge into the sewer system. The purpose of the ordinances is to maintain proper operation of the sewer system and ultimately the ABWWTF, to prevent pollutants from passing through ABWWTF and being discharged into receiving waters, to protect the City's and ABWWTF personnel, to enable the City to comply with its NPDES Permit, and to equitably distribute the cost of operation, maintenance, and improvements.

2.0 MAINTENANCE, INSPECTIONS, AND MONITORING

2.1 Street Cleaning Schedule

The Public Works Department uses a City owned vacuum sweeper to sweep City owned streets. The sweeper is used primarily in the business/commercial districts of the City. This unit runs regularly weather permitting. During certain periods, such as heavy leaf accumulation in the fall, additional street sweeping is performed.

2.2 Inlet/Catch Basin Cleaning Schedule

The City maintains a significant number of inlets/catch basins. These exist in both the separate and combined sewer areas. The Public Works Department owns and operates two Vactron sewer vacuum/jetting trucks for cleaning storm inlets and catch basins. One truck is the primary unit and the other is a back-up. The sewer vacuum/jetting equipment is often being utilized on emergency operations but, when available, this equipment follows a maintenance schedule or frequents areas with known drainage issues. In addition, inlet/catch basin tops are cleaned during and after a storm event when resources are available. During late winter/early spring, inlet/catch basin tops are cleaned to provide for snowmelt runoff.

Records of cleaning and inspection at specific locations are maintained whenever a citizen request has been received. Records of routine inspection and/or cleaning are maintained by drainage area only rather than specific locations.

2.3 Cleaning of Trunk and Interceptor Sewers

Sewers are not cleaned unless there is an issue reported by a resident or in an area with reoccurring backups. This is due to equipment and manpower available. Small diameter pipes, 8 inches to 12 inches, are only cleaned when an issue arises. Larger pipes, 15 inches and larger are cleaned as needed. Sewers over 36 inch in size, depending on flow velocity, will normally not accumulate large grit deposits and do not require cleaning.

The City also utilizes hired contractors if needed for manpower or equipment reasons. Records of complaints are maintained by the Public Works Department.

2.4 Maintenance and Inspection of CSO Facilities

The entire length of the 12.5' x 12.5' box is owned and maintained by the Metro East Sanitary District. MESD inspects this outfall on their schedule.

In addition to physical inspection by MESD, the City, at a minimum, checks all of the CSOs on a quarterly basis. The City is provided information from the ABWWTF telemetry system on a monthly basis. Follow-ups in the field are made as needed, based on the telemetry information. This could include inspecting the CSO locations for flow, failure, deterioration or continued failure of the structures.

The pump stations within the CSO area are inspected on a regular basis by Public Works staff. In addition to the inspections, the stations are monitored 24 hours a day by a remote dialer system. The operators have real time data on portable devices and are notified when any issue arises that results in an alarm condition. This could be a power outage, pump failure, high water, etc. If a service outage situation occurs at any station, Public Works personnel respond with portable pumps to keep the station operational for the upstream users

2.5 Solids Deposition Reduction in the Combined Sewer System

The procedures outlined in Section 2.1 and 2.2 are intended to reduce the amount of solids entering the combined sewer system. The area served by the combined sewer is the older part of the City. During the Fall, the full emphasis of the street sweeping effort is on leaf pickup in the areas served by combined sewers. Prioritization is based on complaints and observations by City personnel.

2.6 Description of Procedures for Finding and Eliminating Illegal Sewer Connections and Dry-Weather Overflows

Within the Code of the City of East St Louis are certain prohibitions:

Section 114-36 – Unlawful Discharge Generally

Section 114-151 – Prohibited Discharge Generally

Section 114-152 – Unlawful Discharge into Storm Sewers

In addition, sewer connection permits are required for all connections and building plans are required to show sewer connection locations. When discovered, illegal connections are

disconnected, and the property owner is made aware that the connection is not allowed per the ordinance.

The City typically is alerted to the presence of dry-weather overflows from residents that are experiencing a problem with the sewer in their area. This results in a work order created by the Public Works Department and the crew is dispatched to the area. The sewers are investigated and cleaned to attempt to resolve the problem. If cleaning does not resolve the problem, the sewer may be televised. Once the issue is known, a solution can be determined. This may result in further cleaning or possible replacement of the City's sewer.

2.7 River Backflow Protection

CSO 001 and CSO 002 are the only overflows that discharge to the Mississippi River. These two discharge points do not have any physical protection in place at the outflow location. During wet weather flows when the weirs in the two main trunklines may be topped and river water could flow back into the trunklines, gates on the 12.5' box and the 10.5' pipe are closed by MESD to prevent the Mississippi River from backflowing into the trunklines. This occurs at a flood stage of 11 feet. During design, the backflow prevention gates were set to provide flood protection and to transport maximum flow without causing basement backups or excessive street flooding.

3.0 PUBLIC NOTIFICATION PROGRAM

3.1 Overview

The City of East St. Louis has developed an expanded public notification program to inform the public when combined sewer overflows occur and where the overflows are located. The program is consistent with the requirements contained in the NPDES permit and federal guidance documents.

The program contains three major elements:

1. Posting signs at all significant overflow locations and public access areas.
2. Sending an email to residents, who voluntarily sign up for them, through the Code Red system when an overflow occurs and maintaining instructions on how to sign up on the City's web page.

Each of these components is discussed in more detail below.

3.2 CSO Signs

The city has three permitted combined sewer overflow (CSO) discharges. Outfalls 001 and 002 are along the Mississippi River. Outfall 003 is at Frank Holten State Park. Signs have been erected at all three locations to alert the public of a possible discharge. Signs have been posted as close to the outfall as reasonably practical.

The text shown below appears on each sign:

Notice: CSO ###
CITY OF EAST ST. LOUIS COMBINED
Untreated stormwater & sewage may
discharge during and after rainfall.
May contain harmful bacteria.
P u b l i c W o r k s
6 1 8 - 4 8 2 - 6 7 3 7
www.cesl.us

(Appendix D shows the actual installation of the signs)

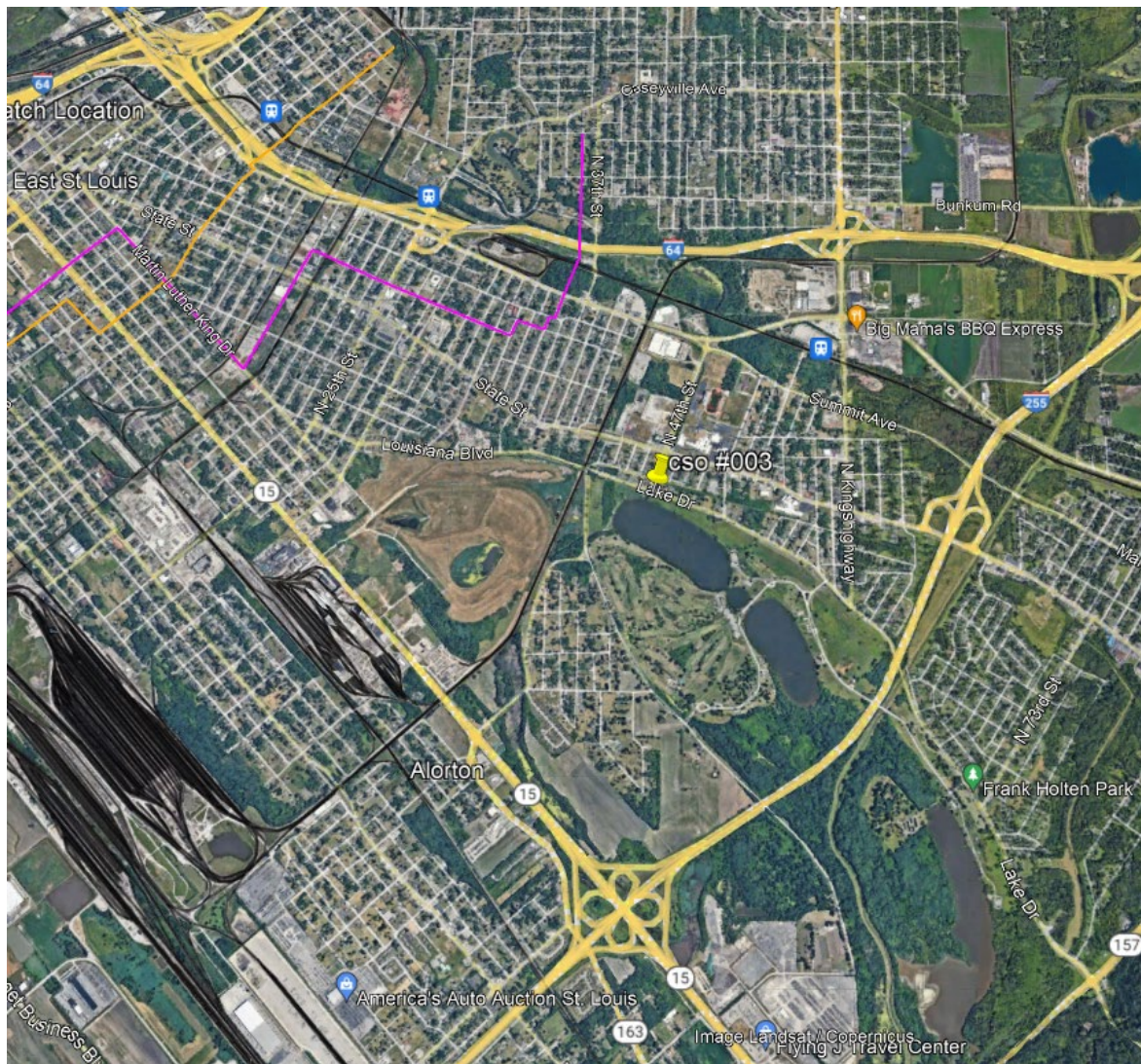
CSO Map

A copy of the existing CSO location map is attached at the end of this section. It shows the location of every permitted CSO discharge. The numbers on the river correspond to the NPDES permitted outfall numbers.

CITY OF EAST ST. LOUIS COMBINED SEWER OVERFLOWS AT THE MISSISSIPPI RIVER



CITY OF EAST ST. LOUIS COMBINED SEWER OVERFLOWS AT FRANK HOLTEN PARK



APPENDIX A

1977 Regional Agreement Between City of East St. Louis and ABWWTF & 1982 Amendment to Agreement

1977 Regional Agreement

<i>Village of Sauget</i>	<i>Paul Sauget</i> <i>Mayor</i>
<i>2897 Monsanto Avenue</i> <i>Sauget, Illinois 62206</i>	<i>(618) 337-5267</i>

September 6, 1977

City of East St. Louis
Village of Cahokia
Commonfields of Cahokia Public Water District
Metro-East Sanitary District
County of St. Clair
County of Madison

Dear Sirs:

Under dates of October 25, 1976, July 11, 1977 and July 12, 1977, the Village of Sauget (hereinafter called Sauget) made offers to the City of East St. Louis (hereinafter called East St. Louis), the Village of Cahokia (hereinafter called Cahokia), the Commonfields of Cahokia Public Water District (hereinafter called Water District) and the previously existing East Side Levee and Sanitary District (hereinafter called Levee District) and the now existing Metro East Sanitary District (hereinafter called Sanitary District). Those offers pertained to the ownership, operation and funding by Sauget of a proposed sewage treatment plant to treat sewage from Sauget, East St. Louis, Cahokia and Water District.

Those offers were not accepted and are hereby cancelled and terminated.

The Village of Sauget hereby makes the following offer in respect to its ownership, operation and funding of such a plant, to be designed as recommended in the Metcalf/Eddy-Hurst/Roche Facilities Plan dated December 20, 1976. The principal terms and conditions of this offer are as follows:

1. If this offer is accepted, the resulting agreement shall supercede in their entireties the following prior agreements:

a. the agreement among Sauget, East St. Louis and the Levee District under which an application for a Step I grant was made by East St. Louis to the US EPA and the REITA study was made (the so-called "Merta" agreement); and

b. the agreement among Sauget, East St. Louis, the

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Levee District and the two (2) Counties under which an application for a Step I grant was made by the County of St. Clair to the US EPA and the Metcalf/Eddy-Hurst/Roche study was made.

Nevertheless, rights to be reimbursed for funds advanced and duties to pay shares of such funds, all as provided in such prior agreements, shall continue until reimbursement is received or funds are paid.

In this connection, it must be noted that the County of St. Clair has not received any grant funds on account of otherwise apparently grant-eligible expenditures by East St. Louis and also that East St. Louis has not paid its share of the Metcalf/Eddy - Hurst/Roche fee to the County of St. Clair.

Furthermore, Sauget has not been fully reimbursed for its payment of the fees of the RETA study.

2. This offer is contingent upon the conditions that it be acceptable to US EPA and also to Illinois EPA for the purpose of receiving US EPA grants for Step II and Step III.

3. If this offer is accepted, any resulting agreement shall be terminated in the event that US EPA does not award Sauget a Step II grant or in the later event that US EPA does not award Sauget a Step III grant, each such grant to be at least 75% of grant-eligible costs.

4. This offer assumes that sewage from the area of the Sanitary District presently served by its "Lansdowne" plant will be transported to, and be treated by, the City of Granite City. None of the funds to become available to Sauget under this offer, by US EPA grants to Sauget or by the sale of revenue bonds of Sauget or otherwise to Sauget, are to be made available for that project. Sauget assumes that funds for that project will be provided by the Sanitary District or some other entity or entities from bonds, grants or otherwise. Further reference is, however, made to #28.

5. For the purpose of this offer, "region" shall be defined to be the area of East St. Louis (subject to the provisions of #28) plus the area of Sauget and plus the area of Centreville Township (which includes the areas of Cahokia and the Water District). "Region" shall not be defined to include, except as provided in #28, the area presently served by the "Lansdowne" plant of the Sanitary District.

6. This offer also assumes that the storm water holding/treatment facility for East St. Louis will not be required by US EPA or Illinois EPA as part of the proposed regional treatment plan. In the event such a facility is required, Sauget shall assist East St. Louis and shall, if requested, issue regional revenue bonds for the planning, design and construction thereof. However, all of the costs thereof and of operating and maintaining the same shall be, under the then applicable user rate structure, charged to East St. Louis users.

7. This offer also assumes that advance refunding of the presently outstanding East St. Louis revenue bonds issued as of April 1, 1965 for the construction of its primary sewage treatment plant and of the presently outstanding Levee Board revenue bonds issued as of March 1, 1964 for the construction of its "Cahokia" primary sewage treatment plant will not be required. However, if such advance refunding is required by bond holders or bond counsel, Sauget shall issue additional regional bonds for such purposes. If advance refunding of either of said outstanding bond issues is required, both of said outstanding bond issues shall be advance refunded. All annual charges (principal, interest, required reserves, etc.) for such additional regional bonds shall be pro-rated among all users in the region in the same manner and form as all other capital charges.

8. A perpetual Technical Committee shall be created to consist of:

a. two voting (2) members and an alternate member for each such voting member appointed annually by the Mayor of the City of East St. Louis;

b. one voting (1) member and one (1) alternate member appointed annually by the President of the Board of Trustees of Sauget;

c. one voting (1) member and one (1) alternate member appointed annually by the President of the Board of Trustees of Cahokia;

d. one voting (1) member and one (1) alternate member appointed annually by the President of Water District; and

e. one (1) non-voting member and one (1) non-voting alternate member appointed annually by the President of Sanitary District.

9. If Cahokia hereafter conveys its sewer collection system to the Water District, the Water District shall be entitled to two voting (2) members and an alternate member for each such voting member on said Technical Committee (to be appointed annually by the President of the Water District) and Cahokia none.

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10. If the Water District hereafter conveys its sewer collection system to Cahokia, Cahokia shall be entitled to two voting (2) members and an alternate member for each such voting member on said Technical Committee (to be appointed annually by the President of the Board of Trustees of Cahokia) and the Water District none.

11. Except for the alternate member of the Sanitary District, who shall not vote in any event, an alternate member may vote or otherwise act only if the voting member for whom he is the alternate is not present. The non-voting member of the Sanitary District and all alternate members shall receive notices of all meetings; shall be entitled to be present at all meetings; shall have the right of the floor at all meetings; and shall receive copies of the minutes of all meetings.

12. A quorum of said Technical Committee shall consist of three (3) members without counting those from the Sanitary District; provided that at least one (1) of the East St. Louis members and at least one (1) of the members from Cahokia and/or the Water District and at least one (1) of the Sauget members be present. An alternate member shall be counted for determining a quorum only if his particular voting member is absent. If two (2) consecutive regular monthly meetings cannot be held due to the lack of a quorum because of the absence of the members from the same municipality at both such meetings, the next succeeding regular monthly meeting may be held even in the absence of any member from that municipality.

13. All decisions of the Technical Committee shall be made by the vote of a majority of its members then entitled to vote who are present and voting at the meeting, assuming a quorum is present.

14. Regular meetings of the Technical Committee shall be held at least as often as monthly. Special meetings will be held upon the call of the Chairman or any two voting (2) members, with at least 96 hours notice by mail or 24 hours notice by telephone.

15. Said Technical Committee shall annually elect its own Chairman, from among its members. The position of Chairman shall be annually rotated among East St. Louis, Sauget, Cahokia and the Water District, in such order.

16. Said Technical Committee shall also annually appoint its own Secretary who need not be a member of the Committee. However, until the initial operator of the regional plant is selected and so long thereafter as such operator is the Village of Sauget Sanitary Development and Research Association (hereinafter called Association), the Secretary shall be annually appointed by the President of the Association. Unless he is

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a voting member of the Technical Committee, such Secretary shall be a non-voting member of the Technical Committee; shall receive notices of all meetings; shall be entitled to be present thereat; shall be entitled to the right of the floor at such meetings; shall receive copies of the minutes of all such meetings; but he shall not be entitled to vote.

17. Said Technical Committee shall advise and assist the President and Board of Trustees of Sauget in connection with the design, construction and operation of the regional treatment plant and related facilities; in connection with obtaining funds therefor; and in connection with setting and collecting users' charges therefor. Neither Sauget nor said Technical Committee shall alter, change or amend the provisions of this offer or any agreement growing out of this offer except with the consent of all of East St. Louis, Sauget, Cahokia and, until the regional plant is completed and ready for operation, with the consent of the Sanitary District.

18. Except as otherwise provided in this offer, specifically included within the duties of said Technical Committee, but without limiting the generality of the provisions of #17, shall be advice and assistance to Sauget in respect to the following:

a. all matters pertaining to the treatment, disposal, control and regulation of sewage and industrial wastes;

b. all matters pertaining to designs for, and construction of, the regional plant, any and all additions and improvements thereto and any and all other regional plants and related facilities to be constructed for the treatment and disposal of sewage and industrial wastes;

c. all matters pertaining to designs for, and construction of, any and all related facilities (such as pumping station, force mains, storm water holding/treatment facilities, etc.) and any and all additions or improvements thereto, any of which may have an effect upon the use and operation of the regional plant;

d. all matters pertaining to ordinances, rules and regulations relating to the regulation, treatment and discharge of sewage and industrial wastes and relating to the operation of the regional plant and all of the related facilities;

e. all matters in respect to management and operation of the regional plant and related facilities directly or indirectly pertaining to performance of services or furnishing of labor or materials;

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f. all matters pertaining to surveys, studies and testing necessary or advisable in connection with the use of the regional plant and related facilities;

g. all matters pertaining to the setting and fixing of sewage treatment rates to be charged to users and amounts to be paid by, or on behalf of, users;

h. all matters pertaining to annual budgets for operation, debt service, reserves and capital expenditures;

i. all matters pertaining to the issuance and sale of bonds;

j. all matters pertaining to application for grants; and

k. all matters pertaining to the employment of architects, engineers and the operator of the regional plant and related facilities.

19. In respect to setting users' rates, Sauget shall, upon the recommendation of the Technical Committee, retain an independent engineer who shall not be the engineer of any of the four (4) municipalities or of the Association or the operator. All users' rates in effect at any time shall be approved by US EPA and Illinois EPA. However, all users' rates in effect at any time must produce, at a minimum, all payments required to be made under the provisions of the Sauget ordinance or ordinances under which regional revenue bonds are issued.

20. In the event that the governing body of East St. Louis, Cahokia or the Water District believes that a decision by Sauget in any one of the following regards:

a. setting rates to be paid by users; or

b. requiring the other party to expend its funds without reimbursement from the other parties;

is improper, such aggrieved party may demand arbitration by a neutral third-party Arbitrator to be selected as herein-after provided.

If made, such arbitration demand must be made in writing received by Sauget within twenty-one (21) calendar days after the aggrieved party has received written notice of the decision complained of; otherwise, the decision of the governing body of Sauget shall be final and binding upon all parties.

The President of the Board of Trustees of Sauget and the presiding officer of the aggrieved municipality shall select the Arbitrator within twenty eight (28) calendar days of the receipt by Sauget of the arbitration demand. If they

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fail so to do, the presiding officer of the aggrieved municipality may request the American Arbitration Association to furnish to both Sauget and the aggrieved municipality a list of not less than five (5), nor more than nine (9), proposed arbitrators. The presiding officers of Sauget and the aggrieved municipality shall meet within fourteen (14) calendar days of their receipt of such list and shall alternately strike one of the names thereon (the aggrieved municipality striking first) until only one (1) name remains. The person whose name remains shall be the Arbitrator.

The Arbitrator shall hold the first hearing within twenty-eight (28) calendar days of his selection and shall thereafter conclude the hearing as soon as possible. The Arbitrator shall render his decision within thirty-five (35) calendar days of the conclusion of the hearing.

Insofar as applicable and insofar as they do not conflict herewith, the procedural rules of the American Arbitration Association shall govern the hearing conducted by the Arbitrator.

The Arbitrator's fee and expenses shall be paid as follows: 50% by Sauget as cost of operation and maintenance and the remaining 50% by the party against whom the Arbitrator recommends. If the Arbitrator recommends against both parties, each shall pay 1/2 of such 50% of such fees and expenses.

Prior to demanding arbitration as aforesaid in respect to users' charges, the aggrieved municipality must request the Illinois EPA (or its successor or successors) to review the decision of Sauget. If the review of Illinois EPA is adverse to the aggrieved municipality or Sauget, either the aggrieved municipality or Sauget may thereafter demand arbitration in accordance with the foregoing; such demand to be made in writing by one party received by the other party within twenty-one (21) calendar days of its receipt of the Illinois EPA statement of its review.

Pending completion of the review-arbitration process specified aforesaid, the decision of Sauget pertaining to users' rates shall remain in full force and effect subject to retroactive adjustment and refund of such rates. Any other grievable decision of Sauget shall not become effective unless and until the arbitration process is completed, except in an emergency.

The Arbitrator shall not have any power to add to, or subtract from, the provisions of the agreement, but shall have the authority solely and only to interpret the provisions of the agreement under the factual situation then obtaining.

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The Arbitrator must render an opinion under which users' rates are sufficient to pay all sums which are required to be paid under the provisions of the ordinance or ordinances of Sauget under which the revenue bonds are issued and sold. The decision of the Arbitrator must not diminish Sauget's duties to any holder of any regional revenue bond, as such duties are specified in the ordinance or ordinances under which such bonds were issued.

No user or group of users shall have any right of arbitration hereunder.

The parties recognize that bond counsel may require further limitations on the powers of the Arbitrator or may require that, in certain cases, the Arbitrator's opinion be only advisory in nature.

21. Sauget will make an application for a Step II US EPA grant; will retain an engineer for Step II work; and will advance and pay the local share of Step II costs; such local share being presently estimated at \$400,000 to \$500,000. If and when revenue bonds are issued and sold by Sauget under the provisions hereof, such bond proceeds shall include funds to reimburse Sauget for such expenditure.

22. In making such application for a US EPA Step II grant, Sauget will include a request for maximum permissible reimbursement to East St. Louis and to the Sanitary District (as successor to Levee District) of the costs incurred and paid by each of them in causing their respective engineers to design their respective secondary treatment plants for East St. Louis and "Cahokia", prior to the point at which Illinois EPA directed that such design cease because of the regional treatment possibility.

23. If and when revenue bonds are issued and sold by Sauget under the provisions hereof, such bond proceeds shall include funds to reimburse;

a. East St. Louis for its costs incurred and paid in causing its own engineers to design its own secondary treatment plant (except for such costs reimbursed by Federal grants);

b. Sanitary District (as successor to the Levee District) for its costs incurred and paid in causing its own engineers to design its "Cahokia" secondary treatment plant (except for such costs reimbursed by Federal grants);

c. Sauget for its costs incurred and paid (through SIMAPC) in causing RETA to perform the first part of Step I (except for such costs reimbursed by Federal grants);

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d. Each of East St. Louis, Sanitary District (as successor to the Levee District) and Sauget for its respective costs, if any, incurred and actually paid (through St. Clair County) in causing Metcalf/Eddy-Hurst/Roche to perform the second part of Step I work (except for its such costs reimbursed by Federal grants); and

e. Sauget for its costs incurred and actually paid in causing the Step II engineer to design the regional plant and related facilities and doing all other Step II work other than sewer system evaluation studies (except for such costs reimbursed by Federal grants).

24. The regional revenue bonds issued by Sauget shall include sufficient funds to reimburse East St. Louis, Cahokia, Water District and Sanitary District (in its own right and as successor to Levee District) for fees which such party has paid or become contractually obligated to pay to its attorney or attorneys on or after December 1, 1972 as the direct and proximate result of the regional treatment proposition, the negotiations which resulted in this agreement and the issuance of the regional revenue bonds.

The reimbursable amount due to any one of said parties shall not exceed four-tenths of one percent (0.4%) of the initial amount of regional revenue bonds issued by Sauget.

The regional revenue bonds issued by Sauget shall include sufficient funds to reimburse it for its expenses incurred on and after December 1, 1972 as the direct and proximate result of the regional treatment proposition, the negotiations which resulted in this agreement, applications for grants and in the issuance and sale of regional revenue bonds, including, among other things, bond counsel's fees and expenses, fiscal agent's fees and expenses, local counsel's fees and expenses, etc.

The revenue bonds shall also include funds to reimburse East St. Louis, Cahokia, the Water District, and the Sanitary District (in its own right and as successor to Levee District) for its independent engineers' and fiscal agents' fees incurred or paid on or after December 1, 1972 as the direct and proximate result of the regional treatment proposition and the negotiations in respect thereto and in respect to the issuance and sale of revenue bonds by Sauget.

25. Each of East St. Louis, Sauget, Cahokia and Water District shall continue to own, operate, construct, manage and maintain and, when necessary, repair and improve its own present and future sewage collection system; shall remain subject to, and liable for, bonds heretofore and hereafter issued for any of such purposes; and shall repair, improve or expand such system when requested so to do by Sauget, upon the advice of the Technical Committee, if such repairs, improvements and expansion are necessary and advisable for the efficient operation of the regional plant and related facilities or for pollution control and abatement within the region. Also such party shall, upon the request of Sauget at the recommendation of the Technical Committee, adopt and enforce such ordinances as may be reasonably required for the proper operation of the regional treatment facility. Each of said parties may assess its users a charge for operating and maintaining its sewage collection system, which charge shall be in addition to the charge for any outstanding revenue bonds issued to construct such system and also in addition to any charge for regional treatment.

26. As part of the Step II engineering work, Sauget shall cause the Step II engineer to make a Sewer System Evaluation Study (SSES) of the sewage collection systems of East St. Louis, Sauget, Cahokia, Water District and the "Centreville Trunk Line" of the Sanitary District; shall apply for a US EPA 75% grant therefor; and shall pay the local 25% share thereof, subject to reimbursement for such local share, plus interest thereon at 7% per annum, when the regional revenue bonds are issued.

The SSES engineering fees shall be kept separate and apart from other Step II engineering fees and shall be kept separate and apart for each such area.

However, users in each such area, but not the entire region, shall pay additional users' fees on account of the principal, interest and reserves on the regional treatment bonds issued to reimburse Sauget for the local 25% share of such area's SSES engineering fees, plus interest, all under the then applicable rate structure.

Each party shall be responsible for making and paying the cost of the repairs to its own sewage collection system recommended in the SSES report if such repairs are necessary to abate pollution or if such repairs are more feasible than increasing the size of the regional treatment plant. All parties recognize that, with the possible exception of Sauget, none of the parties presently has the funds necessary to pay the probable cost of such repairs, but that authority to obtain such funds, and such funds, must hereafter be obtained by each such party.

The regional treatment plant and the related facilities shall be designed upon the assumption that such repairs will be made.

27. The present agreement between East St. Louis and the Water District (under the provisions of which East St. Louis accords primary treatment to sewage from incorporated and unincorporated areas of the Town of Centreville) shall be, if necessary, renegotiated so as to conform with the provisions hereof. Also, the present agreements between the Sanitary District and Cahokia and Water District or the underlying cities, villages and townships shall otherwise be terminated or renegotiated to conform with the provisions hereof.

28. It should be noted that, under a contract between the Sanitary District and East St. Louis, sewage from part of the "Lansdowne" area of East St. Louis has been and is presently being primarily treated at the Sanitary District's "Lansdowne" plant. Sauget has been advised by East St. Louis that it desires that such sewers be disconnected from the Sanitary District's "Lansdowne" system and that such sewage be thereafter treated in the same manner and form as sewage from the rest of East St. Louis. Whatever solution is negotiated between East St. Louis and the Sanitary District is acceptable to Sauget; provided that East St. Louis, not the region, is liable for the sums, if any, due from East St. Louis to the Sanitary District for treatment services rendered by the Levee District and the Sanitary District prior to disconnection; and also provided that East St. Louis, not the region, pays the expenses of disconnection and new sewer lines.

29. Effective upon completion and readiness for operation of the regional treatment plant, Sanitary District shall convey its "Cahokia" primary treatment plant and site and necessary easements to Illinois State Trust Company, Trustee, and said Trustee shall lease the same to Sauget perpetually under the following terms and conditions:

a. So long as any revenue bonds issued by Levee District as of March 1, 1964 to acquire and construct such plant and site are outstanding, Sauget shall, as rental and at the beginning of each fiscal year, pay said Trustee the amount of principal and interest due on such bonds in such fiscal year;

b. For each of the first (1st) thirty (30) fiscal years, Sauget shall, as additional rental and at the beginning of each such fiscal year, pay said Trustee the sum of \$12.00 for each domestic user then connected to the sewer collection system served by the "Cahokia" plant;

c. After the first thirty (30) fiscal years, Sauget shall, as additional rental and at the beginning of each such fiscal year, pay said Trustee the sum of \$1.00 per annum;

d. Rental paid by Sauget to Trustee under the provisions of #29 shall, for the purpose of establishing user rates within the region, be deemed to be a cost of operation and maintenance; and

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e. Said Trustee shall use said rental to pay the maturing principal and interest on said bonds as and when the same become due during said fiscal year; it shall hold the balance of said rental until the end of said fiscal year; if, at the end of said fiscal year, either Cahokia or the Water District has failed to pay Sauget all amounts then due, said Trustee shall use the balance of said rental to pay said sums then due; if any balance of said rental still remains, said Trustee shall pay the same to Cahokia and the Water District in proportionate shares.

Notwithstanding the foregoing provisions of this #29, Sanitary District may, at its option, retain ownership of, and not lease to the Trustee, so much of its "Cahokia" site as is not reasonably required for operation and maintenance of the plant as a pumping station or any lines or mains leading thereto or therefrom, or ingress thereto or egress therefrom.

30. Effective upon completion and readiness for operation of the regional treatment plant, East St. Louis shall convey its primary plant and site and necessary easements to Illinois State Trust Company, Trustee, and said Trustee shall lease the same to Sauget perpetually under the following terms and conditions:

a. So long as any revenue bonds issued by East St. Louis as of April 1, 1965 to acquire and construct such plant and site are outstanding, Sauget shall, as rental and at the beginning of each such fiscal year, pay said Trustee the amount of principal and interest due on bonds in such fiscal year;

b. For each of the first (1st) thirty (30) fiscal years, Sauget shall, as additional rental and at the beginning of each such fiscal year, pay said Trustee the sum of \$12.00 for each domestic user then connected to the sewer collecting system served by the East St. Louis plant;

c. After the first thirty (30) fiscal years, Sauget shall, as additional rental and at the beginning of each fiscal year, pay said Trustee the sum of \$1.00 per annum;

d. Rental paid by Sauget to Trustee under the provisions of #30 shall, for the purpose of establishing user rates within the region, be deemed to be a cost of operation and maintenance; and

e. Said Trustee shall use said rental to pay the maturing principal and interest on said bonds as and when the same become due during said fiscal year; it shall hold the balance of said rental until the end of said fiscal year; if, at the end of said fiscal year, East St. Louis has failed to pay Sauget all amounts then due, said Trustee shall use the balance of said rental to pay said sums then due; if any balance of said rental still remains, said Trustee shall pay the same to East St. Louis.

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Notwithstanding the foregoing provisions of this #30, East St. Louis may, at its option, retain ownership of, and not lease to Trustee, so much of its site as is not reasonably required for operation and maintenance of the plant as a pumping station or any lines or mains leading thereto or therefrom or ingress thereto or egress therefrom.

31. Sauget shall set aside and use approximately 80 acres of its presently owned real estate for the purpose of constructing and operating thereon the regional treatment plant and some of the related facilities. If and when revenue bonds are issued and sold by Sauget under the provisions hereof, such bond proceeds shall include funds to reimburse Sauget for the lesser of:

(i.) its actual purchase cost of such real estate;
or

(ii.) the present appraised value thereof;

in all events to be reduced by any and all Federal or Illinois grants heretofore or hereafter received by Sauget in respect thereto.

32. All municipalities consent and agree that Sauget may own, lease, or otherwise use or control, within their respective corporate limits, real estate, easements, and rights-of-way in order to construct, operate, maintain and repair related facilities. Without cost, each of the Sanitary District and East St. Louis shall grant Sauget any necessary easements and rights-of-way for such purpose across their own respective property.

33. Sauget shall continue to own and operate its present physical/chemical treatment plant and its non-domestic users shall continue to be liable for the principal and interest on, and the reserves for, the revenue bonds issued to construct the same. However, if required by bondholders or bond counsel, said bonds shall be advance refunded out of the proceeds of bonds to be issued hereunder. In all events, Sauget non-domestic users, but not users in the remainder of the region, nor Sauget domestic users, shall be liable for all costs and expenses arising out of the provisions of this #33.

34. So long as it desires to do so and so long as it does so without any profit to its members, the Association shall operate the system. Sauget may, however, terminate the Association's right to operate the plant for cause upon giving the Association 12 months advance written notice. In the event that the Association is not the operator, Sauget shall cause the same to be operated by an independent third-party chosen by Sauget, upon the recommendation of the Technical Committee, after taking and receiving sealed bids at least as often as every thirty-six (36) months.

35. Sauget shall require the initial operator to hire, to the extent that qualified operators of each class are required, the persons who are on July 12, 1977 and who still are then employed as qualified operators by East St. Louis at its primary plant and by the Sanitary District at its Cahokia and Lansdowne plants.

A Sanitary District qualified operator at its Lansdowne plant may retain his rights enumerated in this #35 even if Sanitary District has ceased operating that plant before the regional plant starts operating, so long as he was employed by the Sanitary District when it ceased operating its Lansdowne plant.

Hiring shall be by class of operator's license then held by such person and by his then seniority with East St. Louis or the Sanitary district. A Sanitary District qualified operator at its Lansdowne plant shall continue to accrue seniority for the purposes of this #35 even if Sanitary District has ceased operating that plant before the regional plant starts operating, so long as he was employed by the Sanitary District when it ceased operating its Lansdowne plant.

The Mayor of East St. Louis and the President of Sanitary District shall determine, by lot, whose qualified operator with the most seniority shall be hired first and whose second. Thereafter, filling of the remainder of the vacancies in each class shall be alternated, in the same order, between East St. Louis and Sanitary District qualified operators until all necessary operators in any class have been hired or until there are no remaining East St. Louis qualified operators in that class or until there are no remaining Sanitary District employees in that class.

If a higher class is filled and the Sanitary District and East St. Louis operators in that class have not been hired, they shall be hired in the next lower class or the next lowest classes in accordance with their seniority.

For the purpose of this #35, a "qualified operator" shall be defined to be a person who holds, on July 12, 1977, a license as an operator issued by Illinois EPA, regardless of the class of that license on July 12, 1977. He may, after July 12, 1977, upgrade the class of his license without losing his rights under this #35.

Nothing herein shall be construed to require the initial operator to hire initially any minimum number of qualified operators in any class or classes or to require it to hire initially all qualified operators of East St. Louis and Sanitary District. However, the initial operator shall not initially hire any qualified operators in any class unless and until it has initially hired all East St. Louis and Sanitary District qualified operators in that class or any higher class.

Nothing herein shall be construed to give any such qualified operator so hired any guarantee of his then applicable wages, fringe benefits, seniority or other terms and conditions of employment.

In addition to the foregoing requirements, any such East St. Louis or Sanitary District employee must successfully pass the standard physical examination then in effect for all employees of the operator.

36. Sauget shall require any regional plant operator to employ persons without regard to race, color, creed, religion or sex and, except for technical, administrative and management personnel, to attempt to employ persons who reside in the region.

37. Except for non-domestic users who shall be billed by, and pay directly to, Sauget (or its designee), each of East St. Louis, Sauget, Cahokia and the Water District shall be responsible for billing and collecting users' charges from its own domestic users. On account of its losses in collection and its costs and expenses of billing and collecting, each such municipality may retain 10% of billings to its domestic users. Also, if such municipality contracts with the utility furnishing water to its domestic users to bill its domestic users, such party may, on account of its costs and expenses of such billings to its domestic users, may retain an additional 6% of billings to its domestic users. Such costs and expenses shall be deemed to be costs of operation and maintenance for the purpose of setting users' rates.

38. Treatment rates (exclusive of sewer collection system rates) for domestic users shall be based solely and only upon quantity of water used and shall be based upon each 1000 gallons, or part thereof, of water used, but with a monthly minimum per household to be set by the Step II engineer. The rates for the first fiscal year shall be estimated in advance by the Step II engineer, with advice of the Technical Committee. After the first fiscal year, the rate will be determined from actual costs plus anticipated increases in costs and will not be changed more often than every two (2) fiscal years.

39. Treatment rates for all domestic users shall be uniform throughout the region. However, as hereinbefore provided, certain groups of domestic users may have to pay additional rates growing out of their sewage collection system or out of the East St. Louis stormwater holding/treatment facility or out of the SSES costs.

40. Treatment rates for all non-domestic users shall be fixed based upon quantity of water used and upon BOD and suspended solids (SS). The rate for the first fiscal year shall be estimated in advance by the Step II engineer, with advice of the Technical Committee. After the first fiscal year, the rate will be determined from actual costs and usage plus anticipated increases and will not be changed more often than every fiscal year.

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41. Treatment rates for all non-domestic users shall be uniform throughout the region for each factor of treatment. However, as hereinbefore provided, any non-domestic user may have to pay an additional rate growing out of its sewage collection system or out of the East St. Louis stormwater holding/treatment facility or out of the SSES costs. Furthermore, as hereinbefore provided, non-domestic users in Sauget shall have to pay additional rates growing out of Sauget's existing physical/ chemical treatment plant. In addition, some non-domestic users in Sauget and elsewhere in the region will be liable for additional rates as the result of the "industrial cost recovery" requirements of the Federal regulations.

42. At the beginning of each three (3) month period, the number of domestic users connected to each sewer collection system during such period shall be determined (by the utility supplying water service) and each of Sauget, Cahokia, the Water District and East St. Louis shall, within 30 days after the close of such three (3) month period, pay Sauget the sums then due for such number of domestic users for such three (3) month period, less the allowances for losses and costs hereinbefore provided in #37.

43. All users' rates shall contain a factor sufficient to fully fund a depreciation reserve by equal annual charges in each of the first ten (10) fiscal years. The amount of such reserve shall be the maximum amount of principal and interest due on the revenue bonds in any fiscal year.

44. The proceeds of the regional revenue bonds issued and sold hereunder by Sauget shall, in addition to all other reserves required by the bond underwriter, contain sufficient funds to:

a. pay all interest accruing on said bonds during the period of construction;

b. provide sufficient cash to operate the plant during its first three (3) months of operation, as estimated by the Step II engineer, with advice of the Technical Committee; and

c. provide a debt service reserve equal to the maximum amount of principal and interest due on the revenue bonds during any fiscal year;

d. provide an operating reserve equal to the estimated cost of operation during its first (1st) fiscal year, as estimated by the Step II engineer, with advice of the Technical Committee; and

e. pay the discount, if any, on the sale of the bonds.

45. All regional revenue bonds issued and sold by Sauget hereunder shall be retired in not less than twenty (20), nor more than thirty (30), years substantially equal annual installment payments of principal and interest. (Equal annual installments are desirable, but not possible because the revenue bonds must be issued in denominations of not less than \$1,000.00.)

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46. At and upon completion of the regional plant and its readiness for operation and at and upon completion of repairs to the "Centreville Trunk Line", such repairs to be acceptable to Cahokia and the Water District, Sanitary District shall convey its "Centreville Trunk Line" in equal shares, share and share alike, to Cahokia and the Water District or in such shares as Cahokia and the Water District may agree. Thereafter the same shall be part of their or its sewage collection system. The regional plant shall be designed upon the assumption that such repairs shall be made. The parties acknowledge that the Sanitary District does not have the present funds and may not have the present power or authority to obtain the funds needed to make the repairs, but that provisions are contemplated and must be made for the Sanitary District to obtain the power and authority to obtain such funds, and to obtain such funds, to make such repairs.

47. Sauget shall own the regional plant, the site upon which the regional plant is located and also all related facilities except those leased to it by Illinois State Trust Company, Trustee.

48. Sauget reserves the right to acquire insurance against a possible default in the payment of principal or interest on the regional revenue bonds. If it purchases such insurance, the amount of revenue bonds issued shall contain sufficient funds to pay the premium cost of such insurance.

49. Notwithstanding any other provision hereof, all users' treatment rates shall be subject to approval from time to time by Illinois EPA and US EPA.

50. Notwithstanding any other provision hereof and regardless of how rates may be allocated between domestic users and non-domestic users, the rates in effect for any fiscal year must produce, at a minimum, sufficient funds to operate and maintain the regional treatment plant, to pay all maturing bond principal and interest and to fund all required reserves.

51. Illinois State Trust Company, Trustee, may invest and reinvest any funds held by it in investments as are permitted under Illinois law for municipal funds. All of its fees shall be paid, first, out of investment income. The balance of its fees, if any, shall be paid by Sauget as a cost of operation and maintenance. If, after the payment of the Trustee's fees, any balance of investment income remains, it shall be added to the fund which it holds.

52. Approval hereof by you shall constitute ratification of the recommendation of the majority of the previously existing, unofficial technical committee that Sauget retain Russell & Axon as the Step II engineer.

53. At and upon completion of the regional plant and its readiness for operation, Sanitary District shall assign and convey to Illinois State Trust Company, Trustee, any and all balances in any and all accounts, funds and reserves established in connection with the bonds issued for the "Cahokia" plant as of March 1, 1964. Said Trustee shall hold such moneys for the purposes set out in the Levee District Ordinance under which such bonds were issued and sold. When such bonds are retired, said Trustee shall convey such moneys to Cahokia and the Water District, as their respective interests may then appear.

54. It is contemplated that the regional revenue bonds to be issued and sold by Sauget under the provisions hereof shall not be issued and sold until the Step II engineer completes his work and until construction bids have been received.

55. If, under the provisions of the ordinances of East Louis and the Levee District under which their primary treatment plant revenue bonds described above were issued and sold, funding of any reserves is required, Sauget shall pay the monthly amount or amounts of such reserve funding during each fiscal year after the regional plant has been completed and is ready for operation and until such reserves are fully funded. Such payments shall be deemed to be a cost of operation and maintenance for the purpose of setting users' rates. However, Sauget shall not be liable for making up any funding deficiencies existing on the date when the regional plant is completed and ready for operation. The provisions hereof shall be applicable only so long as any of said East St. Louis or Levee District revenue bonds are outstanding. The applicable Levee District ordinance requires funding of depreciation at \$400.00 per month until \$50,000.00 is on hand and funding of bond and interest reserve at \$400.00 per month until \$43,200.00 is on hand. On December 31, 1976, the Levee Board had \$10,438.09 on hand in the depreciation fund and \$30,601.00 on hand in the bond and interest reserve fund. The applicable East St. Louis ordinance requires funding of depreciation at \$1,500.00 per month until \$200,000.00 is on hand and funding of bond reserve at \$1,500.00 per month until \$200,000.00 is on hand. On December 31, 1976, East St. Louis had \$0.00 on hand in the depreciation fund and \$0.00 on hand in the bond reserve fund.

56. Sauget shall invest any reserve, construction or other funds in its hands to the extent that such funds are not immediately needed for expenditure. Income derived from such investments during the construction period shall be used to fund: first, the operating fund reserve; second, the debt service reserve; and third, interest payable during construction. After the construction period, income derived from such investments shall be used to reduce users' rates. All such investments shall be in such investments as are permitted under Illinois law for municipal funds.

57. In the event that Sauget collects US EPA grant funds on account of expenditures by another party or issues regional revenue bonds to reimburse another party for its expenditures, Sauget shall pay over such funds to such other party within fifteen (15) calendar days of its receipt thereof.

58. All parties acknowledge that this agreement contains only the principal terms and conditions and that the final agreement may contain additional terms and conditions so long as they are not in conflict herewith.

59. So long as the Association is the operator, the members of the Technical Committee shall be non-voting members of the Board of Directors of the Association; shall receive notices of all meetings thereof; shall be entitled to be present at such meetings; shall have the right of the floor at such meetings; and shall receive the minutes of such meetings.

However, they shall not be entitled to be present when business not pertaining to the regional treatment plant is discussed, considered or acted upon and shall not receive the portion of the minutes applicable to such other business.

60. Sauget shall cause the operator to keep separate books and records of account in respect to this project; to furnish monthly statements of disbursements to members of the Technical Committee; and to cause such books and records of account to be annually audited by a certified public accountant licensed by the State of Illinois and selected by Sauget, upon the recommendation of the Technical Committee. A copy of each such annual audit report shall be furnished to each member of the Technical Committee. Unless such costs are required to be included in the operator's proposal ("bid"), the operator's costs in complying with the provisions of this #60 shall be costs of operation and maintenance for the purpose of setting users' rates.

61. Sauget shall indemnify each of East St. Louis, Cahokia, Water District and Sanitary District and hold it harmless against any fine or monetary penalty imposed by US EPA or the Illinois Pollution Control Board arising or growing out of an act or failure to act of Sauget, the operator or any of the officers, directors, employees or agents of Sauget or the operator. The provisions of this #61 shall not apply if the act or failure to act is that of such other party or its officers, directors, trustees, aldermen, commissioners, employees, agents or users.

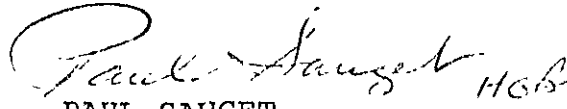
62. As used herein, "municipality" is defined to be East St. Louis, Cahokia or the Water District and "municipalities" is defined to be all of those bodies corporate and politic.

63. This offer supercedes any and all prior negotiations, agreements and understandings among the parties, or any two or more of them, pertaining to the subject matter hereof.

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,


PAUL SAUGET,
Mayor

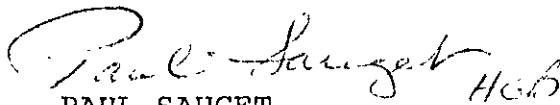
Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 9 day of SEPTEMBER, 1977.

Name of Body: Village of Cahokia
By: Michael King
Its Presiding Officer

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,


PAUL SAUGET,
Mayor


Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 12th day of September, 1977.

Name of Body: Commonfields of Cahokia
Public State District
By: Robert Bergman
Its Presiding Officer

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,

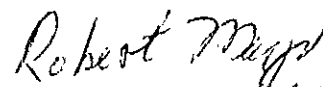

PAUL SAUGET,
Mayor

Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 14th day of September, 1977.

Name of Body: East St. Louis Aldermanic Council

By: William E. Mason
Its Presiding Officer

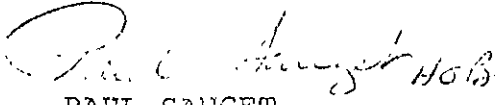
Attest:


By: Ethel Channon, Chief Deputy Clerk

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,


PAUL SAUGET,
Mayor

Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 7th day of September, 1977.

Name of Body:

Metro East Sanitary District

By:

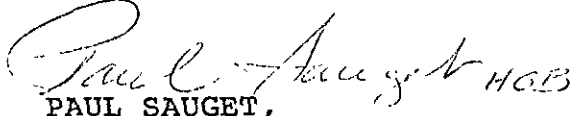

Its Presiding Officer

28

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

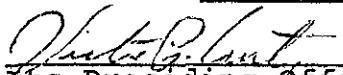
Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,


PAUL SAUGET,
Mayor

Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 20th day of September, 1977.

Name of Body: County of St. Clair, State of Illinois

By:  Chairman, County Board
Its Presiding Officer

Please indicate your acceptance of this offer by having your presiding officer date and return a copy hereof, after your governing body has approved. Your presiding officer's signature shall certify such approval by your governing body.

Approval by any addressee shall not be binding upon Sauget or any other addressee unless and until all addressees (other than the two (2) Counties) have approved.

Yours very truly,

Paul Sauget
PAUL SAUGET,
Mayor

Approved and accepted, under authority granted by the governing board of my body corporate and politic, on this 16th day of Sept., 1977.

Name of Body:

Village of Sauget

By:

Paul Sauget

Its Presiding Officer

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

December 7, 1982

City of East St. Louis
7 Collinsville Avenue
East St. Louis, Illinois 62201

RE: 1977 Regional Treatment Agreement

Dear Sirs:

As suggested by Messrs. Ross and Percy, this letter revises and, therefore, superceeds my letter dated December 3, 1982.

On September 6, 1977, the Village of Sauget (the "Village") made a written offer to the City of East St. Louis (the "City") and other units of local government concerning the design, construction, operation and financing of a new regional wastewater treatment system (the "Regional System") for the treatment of wastewater from all, or substantially all, of the Towns of East St. Louis and Centreville located in St. Clair County, Illinois (the "1977 Regional Treatment Agreement").

Pursuant to a resolution adopted by the Aldermanic Council of the City and approved by its Mayor, all on September 14, 1977, the City accepted such offer in writing on September 14, 1977. All other addressees also accepted the Village's offer in September, 1977.

As you know, design has been completed, construction "bids" received and the applicable US EPA grants awarded. The Village is about to sell its \$42,000,000 Regional Wastewater Treatment Revenue Bonds, Series 1982, (the "Bonds") to fund the "local" share of the project, to establish certain reserves and to pay the costs and expenses of issuance.

RECEIVED

DEC - 8 1982

APOLIAN, ROSS & FUNK P. C.
EAST ST. LOUIS

As the Village prepares to sell the Bonds and commence construction, it is necessary that the 1977 Regional Treatment Agreement be finalized and, where necessary due to recommendations by the Village's Financial Advisor and the four (4) corporations who are entering into a separate 1982 Treatment Agreement with the Village applicable to payment of the Bonds, be amended.

The Village, therefore, respectfully requests that the City, by signing and returning the enclosed copy of this letter, consent and agree to and approve the following:

A. From and after completion of construction of the Regional System (expected in December, 1985), the City will require that all of its then current and future users will discharge all of their wastewater to the Regional System for treatment; subject only to such exceptions as may be, from time to time, mutually agreed upon between the City and the Village.

B. The City's option to disconnect, at the City's expense, certain users in "Lansdowne" from the Metro East Sanitary District's Lansdowne treatment plant and to connect them to the Regional System shall hereafter continue.

C. Subject to pre-treatment, sewer use and user rate ordinances of the Village, it agrees to accept, treat and dispose of all of the wastewater referred to in paragraphs A and B from and after completion of construction of the Regional System.

D. From and after completion of construction of the Regional System, the City will neither operate, nor will the City grant any franchise to a third party to operate, a competing sewage treatment system.

E. Commencing no later than June 30, 1983, the Village may enforce against users in the City such pre-treatment and sewer use ordinances as may be reasonable and necessary or as may be required under applicable law and regulations. Commencing on December 1, 1984, the Village may enforce against users in the City such user rate ordinances as may be reasonable and necessary; subject, however, to the grievance rights under the 1977 Regional Treatment Agreement.

F. Notwithstanding the provisions of the 1977 Regional Treatment Agreement, the Bonds shall mature on or before May 1, 2000 and the annual debt service on the Bonds need not be level, but may escalate by an average of not more than 3% per annum.

G. In lieu of annual funding of the Depreciation Account at 10% of the annual debt service as provided in the 1977 Regional Treatment Agreement, the Village may add to the annual charge for debt service not more than 25% thereof and shall use \$480,000 of the funds derived therefrom to fund annually a Depreciation Account to a maximum of \$7,200,000, which maximum may be hereafter increased by the Village if and when necessary. The balance of such funds derived from such 25% rate covenant shall be deposited in the Special Bond Redemption Account (25%) and the Surplus Account (75%).

H. The \$60,800 which the Village paid the City in May, 1979; the \$84,700 which the Village will pay the City at closing of the Bond sale; and the \$1,325,100 which the Village will deposit at closing of the Bond sale in an escrow account for advance refunding of the City's \$2,225,000 outstanding revenue bonds dated April 1, 1965; all will be deemed payment by the Village to the City for, and consideration for, the Village's right to use the site of the City's present wastewater treatment facility as part of the Regional System, all in addition to the annual payments provided in the 1977 Regional Treatment Agreement, which are to commence at and upon completion of construction of the Regional System. Such right to use such site shall exist for a period of not less than 50 years commencing as of December 1, 1982.

I. As noted above, the City's \$2,225,000 outstanding revenue bonds dated April 1, 1965 will be advanced refunded at closing of the sale of the Bonds. The Village will indemnify and hold the City harmless against any and all claims which might be asserted against the City growing out of such advance refunding.

J. The City consents and agrees to the addition of certain presently unsewered areas of the City of Centreville and the Village of Alorton to the area to be served by the Regional System.

K. The City consents and agrees that the \$42,000,000 of Bonds includes sums (\$510,000) for the repair of the "Cahokia Trunk Line" plus additional reserves and issuance costs related thereto; subject, however, to the provision that users in the City shall not be required to pay any annual debt service applicable thereto.

L. Notwithstanding any provision in the 1977 Regional Treatment Agreement, the Village, and not the City, will be responsible for billing and collecting users' charges from users in the City. Accordingly, the 10% and 6% allowances provided for in the 1977 Regional Treatment Agreement shall no longer be applicable. Nor shall the City be liable to

the Village for any user fees except those due from the City itself for its own uses of the Regional System, e.g., City Hall.

M. In billing users in the City, Sauget will add and attempt to collect sewer collection charges set by the City.

N. User charges may be adjusted more often than every other year if one or more of MONSANTO COMPANY, PFIZER, INC., EDWIN COOPER, INC. and/or CERRO COPPER PRODUCTS CO. defaults under the 1982 Treatment Agreement or otherwise for any other reason as required under the Village's ordinance issuing the Bonds.

O. The 1977 Regional Treatment Agreement, as changed and modified hereby, shall be, and remain, in full force and effect to and including November 30, 2032.

P. Except as changed or modified above, the 1977 Regional Treatment Agreement be, and it is hereby, ratified, approved and confirmed.

I am advised that the Mayor and City Clerk are authorized to sign, seal and execute the requested acceptance hereof under the provisions of a resolution adopted by the Aldermanic Council and approved by the Mayor, all on November 23, 1982. With your acceptance, please send us a certified copy of that resolution.

Very truly yours,


PAUL SAUGET
Mayor

AGREED AND ACCEPTED on this 9th day of December, 1982.

CITY OF EAST ST. LOUIS

By: 

Its Mayor

(SEAL)

ATTEST:


City Clerk

cc: Mr. Howard H. Percy
Mr. Harold G. Baker, Jr.
Mr. John R. Zelle

Mr. Paul C. Williams
Mr. Timothy V. McGree
Mr. Samuel F. Ross, Jr.

/mjm

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS, }
ST. CLAIR COUNTY, }
City of East St. Louis, }

FRANK C. SMITH

City of East St. Louis, Illinois, do hereby certify that the above and foregoing is a true and correct copy of
RESOLUTION #82-20108. A RESOLUTION BY THE CITY OF EAST ST. LOUIS REAPPROVING
THE REGIONAL WASTEWATER TREATMENT AGREEMENT AND AMENDMENTS THERETO.

PASSED AT THE RECONVENED MEETING OF THE EAST ST. LOUIS ALDERMANIC COUNCIL,
HELD ON NOVEMBER 23, 1982 IN COUNCIL CHAMBERS AT CITY HALL IN THE CITY OF
EAST ST. LOUIS, ILLINOIS.

And I further certify that the original RESOLUTION

of which the foregoing is a certified copy, is by law intrusted to my custody for safe
keeping, and is on file in my office.

WITNESS my hand and the corporate seal of said city, this 8th
day of December 1982

Frank C. Smith
City Clerk of East St. Louis, Illinois

for
CITY COUNCIL
RESOLUTION of ORDINANCE

RESOLUTION X ORDINANCE _____ (check)NO. 82-29108

TITLE: RESOLUTION BY THE CITY OF EAST ST. LOUIS REAPPROVING
THE REGIONAL WASTEWATER TREATMENT AGREEMENT AND
AMENDMENTS THERETO

DATE PREPARED: _____

EXPLANATORY STATEMENT: Vital reapproval and re-execution of contract "Regional
Wastewater Treatment Agreement" with Village of Sauget, to provide
sewer treatment facilities for treatment of effluent for residential,
commercial and industrial users, in order to prevent exodus of existing
industries, and to provide sewer treatment for future new industries ready
to relocate within the City's corporate limits.

*EXPENDITURES of FUNDS IF APPLICABLE

Is there an existing appropriation for this expenditure?

Yes _____ NO X

(A) If yes, give appropriate account codes _____

(B) If no, give explanation of funding source _____

To be provided by future ordinances and bond issuesORIGINATING DEPARTMENT: _____
Name of DepartmentALDERMANIC SPONSOR: _____
Signature - DateDEPARTMENT APPROVAL: _____
Director's Signature - DateCOORDINATION/OTHER DEPARTMENTS AFFECTED: _____
Director's Signature - DateCOORDINATION/MAYOR of ADMIN ASST: _____
Director's Signature - Date

ALDERMANIC COMMITTEE ACTIONS: ALDERMANIC BOARD ACTIONS:

Approved/Disapproved/Tabled

DATE: _____

**RESOLUTION BY THE CITY OF EAST ST. LOUIS REAPPROVING THE
REGIONAL WASTEWATER TREATMENT AGREEMENT AND AMENDMENTS THERETO**

WHEREAS, the City of East St. Louis is now engaged in a major industrial expansion program in expectation of re-establishing the City as a viable industrial community; and

WHEREAS, the City's present sewer facility for treating effluent of residential, commercial and industrial users is 25 to 30 years old and is in deplorable condition, requiring immediate replacement; and

WHEREAS, the sewer treatment facility has suffered chronic operational failures due to its physical condition and general inadequacies resulting in lawsuits being filed in 1981 by the Attorney General of the State of Illinois for EPA violations arising from the facility's inadequacies; and

WHEREAS, the City presently does not have the time, funds or resources, nor will it have in the immediate future, to build a replacement facility adequate to meet the required expected present and future requirements; and

WHEREAS, engineering studies made in 1976 in conjunction with the Regional Wastewater facility at Sauget, in which the City was a participant, conclusively showed the regional facility would adequately replace that of the City for the treatment of its effluent and that the fees to residential, commercial and industrial users would be substantially less than those resulting from a facility built by the City on its own; and

WHEREAS, in recognition of these facts, i.e., the City's interest would be better served by participation in the Regional Treatment Facility at Sauget (including the joinder in such project by other communities as participants), the Aldermanic Council passed a Resolution on September 14, 1977 approving the Wastewater Treatment Agreement, and in furtherance thereof, the City did sign and become a participant therein; and

WHEREAS, the State and Federal EPA, who have mandated the construction of the Regional Wastewater Facility, require certain amendments to the Wastewater Treatment Agreement, which must be reapproved and re-executed by the City as a participant; and

WHEREAS, the construction of the Regional Waste Facility has been long delayed because of technical problems and its proposed commencement of construction must be no later than December, 1982, as a result of which the City must take immediate action in reapproving and re-executing the Regional Wastewater Treatment Agreement, or otherwise the whole project will be in jeopardy to all participants; and

WHEREAS, if the Regional Wastewater Treatment Facility is not constructed as proposed, there will result an exodus of existing industry from the City and other participant communities, whereby the residents of the City will suffer future loss of jobs from major employers to be served by the project; and

WHEREAS, the City presently has numerous new industries ready to relocate within its corporate limits with the prospect being most favorable for substantial industrial growth and these new industries will not be able to operate and serve within the City without adequate sewer treatment facilities as would be provided by the proposed Regional Wastewater Facility at Sauget; and

WHEREAS, in addition to the economic loss of jobs, presently and in the future, the City is mandated by law, as it relates to public health and safety, to provide through its public works programs adequate sewer treatment capacity for all of its residents as well as industry, and the proposed regional facility will assure a continuation of the vital public services for the City and its residents;

WHEREAS, a Resolution is required by the Aldermanic Council to authorize the City to reapprove and re-execute the Regional Wastewater Treatment Agreement and to approve the changes as therein provided, as well as authorizing the appropriate City officials to execute the same on behalf of the City;

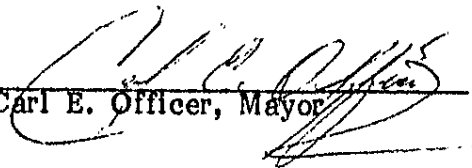
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE ALDERMANIC COUNCIL OF THE CITY OF EAST ST. LOUIS, AS FOLLOWS:

1. That the Regional Wastewater Treatment Agreement between the City of East St. Louis and the Village of Sauget, including proposed amendments thereto, is hereby approved in manner and form as submitted, including the initial Resolution of September 14, 1977.

2. In furtherance of the performance of the Regional Wastewater Treatment Agreement, the City expressly reaffirms all previous covenants and further agrees, presently and in the future, to deliver to Sauget all of its effluent and sewage from its users, except that from the area designated as "LANSDOWNE", which will be excluded and will be serviced and delivered from collateral sources, the foregoing agreement being conditioned upon the provision that Sauget will accept, treat and dispose of said effluent through the regional facility, in accordance with the Wastewater Agreement and the EPA requirements and such other regulations as may be applicable.

3. That Sauget may enforce, within the corporate limits of the City, such pre-treatment regulations and such sewer use regulations, including user fees as prescribed and provided by the Wastewater Agreement, subject to the City's grievance rights under the applicable provisions of the Regional Wastewater Treatment Agreement.

4. That the Mayor and the City Clerk, as may be required, are hereby authorized to execute the said Wastewater Treatment Agreement and amendments thereto, to effect a legally binding agreement between the City and all other parties participant thereto.



Carl E. Officer, Mayor

PASSED: November 23, A.D. 1982

SIGNED: November 23, A.D. 1982

FILED: _____, A.D. 1982

RECORDED: _____, A.D. 1982

ATTEST:



Frank C. Smith, City Clerk

SUMMARY OF PROPOSED ADDENDUMS IN THE
SAUGET WATER AGREEMENT
WHICH REQUIRE COUNCIL APPROVAL

- I. Change in maturity date of bonds because of financial market - changed from December 1, 2002 to May 1, 2000.
- II. To pay off existing sewer bond indebtedness of City of 2.3 Million Dollars (\$2,300,000.00), and after the Regional Plant is completed, the City would turn plant over to them.
- III. The City is to receive \$84,700.00 at closing and the escrow deposit on the cost of refinancing of their bonds.
- IV. To allow Centreville and Alorton to be added to the Region during the Project's construction.
- V. Authority to issue additional bonds by Sauget for repair of the Cahokia Trunk Line and to be paid for by Cahokia and Cahokia Water District users (at no expense to the City).
- VI. To authorize the collection of the sewer fees through Illinois American Water Company.
- VII. That "Lansdowne" shall be integrated into the Regional Wastewater Facility at Sauget at the earliest date it is legally possible and feasible.

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

December 3, 1982

Village of Cahokia
103 Main Street
Cahokia, Illinois 62206

RE: 1977 Regional Treatment Agreement

Dear Sirs:

On September 6, 1977, the Village of Sauget (the "Village") made a written offer to the Village of Cahokia ("Cahokia") and other units of local government concerning the design, construction, operation and financing of a new regional wastewater treatment system (the "Regional System") for the treatment of wastewater from all, or substantially all, of the Towns of East St. Louis and Centreville located in St. Clair County, Illinois (the "1977 Regional Treatment Agreement").

Pursuant to a resolution adopted by the President and Board of Trustees of Cahokia and approved by its President, all on September 7, 1977, Cahokia accepted such offer in writing on September 9, 1977. All other addressees also accepted the Village's offer in September, 1977.

As you know, design has been completed, construction "bids" received and the applicable US EPA grants awarded. The Village is about to sell its \$42,000,000 Regional Wastewater Treatment Revenue Bonds, Series 1982, (the "Bonds") to fund the "local" share of the project, to establish certain reserves and to pay the costs and expenses of issuance.

As the Village prepares to sell the Bonds and commence construction, it is necessary that the 1977 Regional Treatment Agreement be finalized and, where necessary due to recommendations by the Village's Financial Advisor and the four (4) corporations who are entering into a separate 1982 Treatment Agreement with the Village applicable to payment of the Bonds, be amended.

The Village, therefore, respectfully requests that Cahokia, by signing and returning the enclosed copy of this letter, consent and agree to and approve the following:

A. From and after completion of construction of the Regional System (expected in December, 1985), Cahokia will require that all of its then current and future users will discharge all of their wastewater to the Regional System for treatment; subject only to such exceptions as may be, from time to time, mutually agreed upon between Cahokia and the Village.

B. The option of the City of East St. Louis (the "City") to disconnect, at the City's expense, certain users in "Lansdowne" from the Metro East Sanitary District's Lansdowne treatment plant and to connect them to the Regional System shall hereafter continue.

C. Subject to pre-treatment, sewer use and user rate ordinances of the Village, it agrees to accept, treat and dispose of all of the wastewater referred to in paragraphs A and B from and after completion of construction of the Regional System.

D. From and after completion of construction of the Regional System, Cahokia will neither operate, nor will Cahokia grant any franchise to a third party to operate, a competing sewage treatment system.

E. Commencing no later than June 30, 1983, the Village may enforce against users in Cahokia such pre-treatment, sewer use and user rate ordinances as may be reasonable and necessary or as may be required under applicable law and regulations; subject, however, to the grievance rights under the 1977 Regional Treatment Agreement. However, user charges shall not commence before December 1, 1984.

F. Notwithstanding the provisions of the 1977 Regional Treatment Agreement, the Bonds shall mature on or before May 1, 2000 and the annual debt service on the Bonds need not be level, but may escalate by an average of not more than 3% per annum.

G. In lieu of annual funding of the Depreciation Account at 10% of the annual debt service as provided in the 1977 Regional Treatment Agreement, the Village may add to the annual charge for debt service not more than 25% thereof and shall use \$480,000 of the funds derived therefrom to fund annually a Depreciation Account to a maximum of \$7,200,000, which maximum may be hereafter increased by the Village when and if necessary. The balance of such funds shall be deposited in the Special Bond Redemption Account (25%) and Surplus Account (75%).

H. Cahokia consents and agrees to the addition of certain presently unsewered areas of the City of Centreville and the Village of Alorton to the area to be served by the Regional System.

I. Cahokia consents and agrees that the \$42,000,000 of Bonds includes sums for the repair of the "Cahokia Trunk Line" (\$510,000) plus additional reserves and issuance costs related thereto; subject, however, to the provisions that users in the City and in Sauget shall not be required to pay any annual debt service applicable thereto.

J. Notwithstanding any provision in the 1977 Regional Treatment Agreement and upon a written request from Cahokia, the Village, and not Cahokia, will become responsible for billing and collecting users' charges from users in Cahokia. Thereupon, the 10% and 6% allowances provided for in the 1977 Regional Treatment Agreement shall no longer be applicable. Nor shall Cahokia thereafter be liable to the Village for any user fees except those due from Cahokia itself for its own uses of the Regional System, e.g., Village Hall.

K. If and when billing users in Cahokia, Sauget will add and attempt to collect sewer collection charges set by Cahokia.


L. User charges may be adjusted more often than bi-annually if one of the four (4) corporations defaults under the 1982 Treatment Agreement or otherwise for any other reason as required under the Village's ordinance issuing the Bonds.

M. The 1977 Regional Treatment Agreement, as changed and modified hereby, shall be, and remain, in full force and effect to and including November 30, 2032.

N. Except as changed or modified above, the 1977 Regional Treatment Agreement be, and it is hereby, ratified, approved and confirmed.

With your acceptance, please send us a certified copy of the resolution of your President and Board of Trustees approving the provisions hereof and authorizing your officers to execute your acceptance hereof.

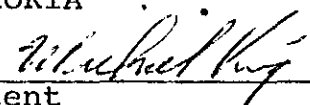
Very truly yours,


PAUL SAUGET
Mayor

AGREED AND ACCEPTED on this 7th day of December, 1982.

VILLAGE OF CAHOKIA

By:


Its President

(SEAL)

ATTEST:

Jessie Brown
Village Clerk

cc: Mr. Harold G. Baker, Jr.
Mr. John R. Zelle
Mr. Paul C. Williams
Mr. Timothy V. McGree
Mr. John R. Sprague, Sr.

/mjm

STATE OF ILLINOIS)
)
COUNTY OF ST. CLAIR)

CLERK'S CERTIFICATE

I, Jessie Brown, Village Clerk of the Village of Cahokia, Illinois, do hereby certify that I am the duly qualified and acting Village Clerk of said Village of Cahokia, Illinois, and as such official, I am the keeper of the records and files of the Board of Trustees of said Village of Cahokia.

I do further certify the foregoing to be a true, correct and complete copy of the Modifications to the 1977 Regional Treatment Agreement entered into by the Village of Cahokia, Illinois, the original of which aforesaid Modifications is now on file and of record in my said office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Village of Cahokia, Illinois, this 7th day of December, A.D. 1982.

Jessie Brown
Village Clerk, Village of Cahokia,
St. Clair County, Illinois

(SEAL)

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

December 3, 1982

Commonfields of Cahokia Public Water District
2525 Mousette Lane
Cahokia, Illinois 62206

RE: 1977 Regional Treatment Agreement

Dear Sirs:

On September 6, 1977, the Village of Sauget (the "Village") made a written offer to the Commonfields of Cahokia Public Water District (the "Water District") and other units of local government concerning the design, construction, operation and financing of a new regional wastewater treatment system (the "Regional System") for the treatment of wastewater from all, or substantially all, of the Towns of East St. Louis and Centreville located in St. Clair County, Illinois (the "1977 Regional Treatment Agreement").

Pursuant to a resolution adopted by the Chairman and Board of Trustees of Water District on September 12, 1977. Water District accepted such offer in writing on September 12, 1977. All other addressees also accepted the Village's offer in September, 1977.

As you know, design has been completed, construction "bids" received and the applicable US EPA grants awarded. The Village is about to sell its \$42,000,000 Regional Wastewater Treatment Revenue Bonds, Series 1982, (the "Bonds") to fund the "local" share of the project, to establish certain reserves and to pay the costs and expenses of issuance.

As the Village prepares to sell the Bonds and commence construction, it is necessary that the 1977 Regional Treatment Agreement be finalized and, where necessary due to recommendations by the Village's Financial Advisor and the four (4) corporations who are entering into a separate 1982 Treatment Agreement with the Village applicable to payment of the Bonds, be amended.

The Village, therefore, respectfully requests that Water District, by signing and returning the enclosed copy of this letter, consent and agree to and approve the following:

A. From and after completion of construction of the Regional System (expected in December, 1985), Water District will require that all of its then current and future users will discharge all of their wastewater to the Regional System for treatment; subject only to such exceptions as may be, from time to time, mutually agreed upon between Water District and the Village.

B. The option of the City of East St. Louis (the "City") to disconnect, at the City's expense, certain users in "Lansdowne" from the Metro East Sanitary District's Lansdowne treatment plant and to connect them to the Regional System shall hereafter continue.

C. Subject to pre-treatment, sewer use and user charge ordinances of the Village, it agrees to accept, treat and dispose of all of the wastewater referred to in paragraphs A and B from and after completion of construction of the Regional System.

D. From and after completion of construction of the Regional System, Water District will neither operate, nor will Water District grant any franchise to a third party to operate, a competing sewage treatment system.

E. Commencing no later than June 30, 1983, the Village may enforce against users in Water District such pre-treatment, sewer use and user charge ordinances as may be reasonable and necessary or as may be required under applicable law and regulations; subject, however, to the grievance rights under the 1977 Regional Treatment Agreement. However, user charges shall not commence before December 1, 1984.

F. Notwithstanding the provisions of the 1977 Regional Treatment Agreement, the Bonds shall mature on or before May 1, 2000 and the annual debt service on the Bonds need not be level, but may escalate by an average of not more than 3% per annum.

G. In lieu of annual funding of the Depreciation Account at 10% of the annual debt service as provided in the 1977 Regional Treatment Agreement, the Village may add to the annual charge for debt service not more than 25% thereof and shall use \$480,000 of the funds derived therefrom to fund annually a Depreciation Account to a maximum of \$7,200,000, which maximum may be hereafter increased by the Village when and if necessary. The balance of such funds derived from such 25% rate covenant shall be deposited in the Special Bond Redemption Account (25%) and the Surplus Account (75%).

H. Water District consents and agrees to the addition of certain presently unsewered areas of the City of Centreville and the Village of Alorton to the area to be served by the Regional System.

I. Water District consents and agrees that the \$42,000,000 of Bonds includes sums (\$510,000) for the repair of the "Cahokia Trunk Line" plus additional reserves and issuance costs related thereto; subject, however, to the provision that users in the City and in Sauget shall not be required to pay any annual debt service applicable thereto.

J. Notwithstanding any provision in the 1977 Regional Treatment Agreement and upon a written request by Water District, the Village, and not Water District, will become responsible for billing and collecting users' charges from users in Water District. Thereupon, the 10% and 6% allowances provided for in the 1977 Regional Treatment Agreement shall no longer be applicable. Nor shall Water District thereafter be liable to the Village for any user fees except those due from Water District itself for its own uses of the Regional System, e.g., its office.

K. If and when billing users in Water District, Sauget will add and attempt to collect sewer collection charges set by Water District.

L. User charges may be adjusted more often than bi-annually if one of the four (4) corporations defaults under the 1982 Treatment Agreement or otherwise for any other reason as required under the Village's ordinance issuing the Bonds.

M. The 1977 Regional Treatment Agreement, as changed and modified hereby, shall be, and remain, in full force and effect to and including November 30, 1982.

N. Except as changed or modified above, the 1977 Regional Treatment Agreement be, and it is hereby, ratified, approved and confirmed.

With your acceptance, please send us a certified copy of the resolution of your Chairman and Board of Trustees approving the provisions hereof and authorizing your officers to execute your acceptance hereof.

Very truly yours,


PAUL SAUGET
Mayor

AGREED AND ACCEPTED on this 8th day of December, 1982.

COMMONFIELDS OF CAHOKIA PUBLIC WATER DISTRICT

By: 
its Chairman

(SEAL)

Peggy Diesel
Its SECRETARY

cc: Mr. Harold G. Baker, Jr.
Mr. John R. Zelle
Mr. Paul C. Williams
Mr. Timothy V. McGree
Mr. John R. Sprague, Sr.

/mjm

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

December 16, 1982

MARKED UP COPY

Underlining shows changes

^ shows deletions.

Metro East Sanitary District
1801 Madison Avenue
Granite City, Illinois 62040

RE: 1977 Regional Treatment Agreement

Dear Sirs:

At the suggestion of your engineers, Horner & Shifrin, Inc., this letter revises and, therefore, supercedes my letter dated December 7, 1982.

On September 6, 1977, the Village of Sauget (the "Village") made a written offer to the Metro East Sanitary District ("MESD") and other units of local government concerning the design, construction, operation and financing of a new regional wastewater treatment system (the "Regional System") for the treatment of wastewater from all, or substantially all, of the Towns of East St. Louis and Centreville located in St. Clair County, Illinois (the "1977 Regional Treatment Agreement").

Pursuant to a resolution adopted by the President and Board of Commissioners of MESD on September 7, 1977, MESD accepted such offer in writing on September 7, 1977. All other addressees also accepted the Village's offer in September, 1977.

As you know, design has been completed, construction "bids" received and the applicable US EPA grants awarded. The Village is about to sell its \$42,000,000 Regional Wastewater Treatment Revenue Bonds, Series 1982, (the "Bonds") to fund the "local" share of the project, to establish certain reserves and to pay the costs and expenses of issuance.

As the Village prepares to sell the Bonds and commence construction, it is necessary that the 1977 Regional Treatment

December 16, 1982

Agreement be finalized and, where necessary due to recommendations by the Village's Financial Advisor and the four (4) corporations who are entering into a separate 1982 Treatment Agreement with the Village applicable to payment of the Bonds, be amended.

The Village, therefore, respectfully requests that MESD, by signing and returning the enclosed copy of this letter, consent and agree to and approve the following:

A. From and after completion of construction of the Regional System (expected in December, 1985), MESD will require that all of its then current and future users located in said Towns [except in the "Lansdowne" area of the City of East St. Louis (the "City")] will discharge all of their wastewater to the Regional System for treatment; subject only to such exceptions as may be, from time to time, mutually agreed upon between MESD and the Village.

B. So far as the Village is concerned, the option of the City to disconnect, at the City's expense, certain users in "Lansdowne" from the MESD's "Lansdowne" wastewater treatment plant and to connect them to the Regional System may hereafter continue, subject, of course, to your agreement with the City.

C. Subject to pre-treatment, sewer use and user rate ordinances of the Village, it agrees to accept, treat and dispose of all of the wastewater referred to in paragraphs A and B from and after completion of construction of the Regional System.

D. From and after completion of construction of the Regional System, MESD will neither operate, nor will MESD grant any franchise to a third party to operate, a competing sewage treatment system in said Towns (except for the "Lansdowne" area of the City if it still be connected to your "Lansdowne" plant).

E. Commencing no later than June 30, 1983, the Village may enforce against users in said Towns (except for the "Lansdowne" area of the City if it still be connected to your "Lansdowne" plant) such pre-treatment, sewer use and user rate ordinances as may be reasonable and necessary or as may be required under applicable law and regulations; subject, however, to the grievance rights under the 1977 Regional Treatment Agreement. However, user charges shall not commence before December 1, 1984.

F. Notwithstanding the provisions of the 1977 Regional Treatment Agreement, the Bonds shall mature on or before May 1, 2000 and the annual debt service on the Bonds need not be level, but may escalate by an average of not more than 3% per annum.

G. In lieu of annual funding of the Depreciation Account at 10% of the annual debt service as provided in the 1977 Regional Treatment Agreement, the Village may add to the annual charge for debt service not more than 25% thereof and shall use \$480,000 of the funds derived therefrom to fund annually a Depreciation Account to a maximum of \$7,200,000, which maximum may be hereafter increased by the Village when and if necessary. The balance of such funds shall be deposited in the Special Bond Redemption Account (25%) and Surplus Account (75%).

H. The \$89,000 which the Village paid MESD in May, 1979; the \$60,300 which the Village will pay MESD at closing of the Bond sale; and the \$365,000 which the Village will deposit at closing of the Bond sale in an escrow account for advance refunding of MESD's \$460,000 outstanding revenue bonds dated March 1, 1964; all will be deemed payment by the Village to the MESD for, and consideration for the Village's acquisition from the MESD of, the right to use the site of the MESD's present "Cahokia" wastewater treatment plant as part of the Regional System. Such right to use such site shall exist for a period of not less than 50 years commencing as of December 1, 1982. The annual payments provided in the 1977 Regional Treatment Agreement shall also be deemed payments and consideration for the Village's right to use said site, but, in lieu of such payments being made to MESD, they shall be made to the Village of Cahokia and the Commonfields of Cahokia Public Water District, as their respective interests may appear.

I. As noted above, MESD's \$460,000 outstanding revenue bonds dated March 1, 1964 will be advanced refunded at closing of the sale of the Bonds. The Village will indemnify and hold MESD harmless against any and all claims which might be asserted against MESD growing out of such advance refunding.

J. MESD consents and agrees to the addition of certain presently unsewered areas of the City of Centreville and the Village of Alorton to the area to be served by the Regional System.

K. The 1977 Regional Treatment Agreement, as changed and modified hereby, shall be, and remain, in full force and effect to and including November 30, 2032.

L. Except as changed or modified above, the 1977 Regional Treatment Agreement be, and it is hereby, ratified, approved and confirmed.

December 16, 1982

With your acceptance, please send us a certified copy of the resolution of your President and Board of Commissioners approving the provisions hereof and authorizing your officers to execute your acceptance hereof.

Very truly yours,

PAUL SAUGET
Mayor

AGREED AND ACCEPTED on this 28 day of December, 1982

METRO EAST SANITARY DISTRICT

By: [Signature]

Its President

(SEAL)

ATTEST:

[Signature]
Its Chief Clerk

cc: Mr. Harold G. Baker, Jr.
Mr. John R. Zelle
Mr. Paul C. Williams
Mr. Timothy V. McGree
Horner & Shifrin, Inc. (ATTN: Mr. George Sallwasser)

/mjm

APPENDIX B

City of East St. Louis Current NPDES Permit



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

September 11, 2019

City of East St. Louis

301 River Park Drive

East St. Louis, Illinois 62201

Re: City of East St. Louis
City of East St. Louis Combined Sewer
Bureau ID: W1630450002
NPDES Permit No. IL0033472
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically unless a waiver has been granted by the Agency. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>. If your facility has received a waiver from the NetDMR program, a supply of preprinted paper DMR Forms will be sent to your facility. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Jonathan Smith at 217/782-0610.

Sincerely,

Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

IEPA - DIVISION OF PERMITTING & COMPLIANCE
ILLINOIS

ALD:JDS:18102501.jds

OCT 16 2019

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Collinsville Region
Billing

REVIEWER: MED

NPDES Permit No. IL0033472

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: August 31, 2024

Issue Date: September 11, 2019

Effective Date: September 11, 2019

Name and Address of Permittee:

City of East St. Louis
301 River Park Drive
East St. Louis, Illinois 62201

Facility Name and Address:

City of East St. Louis Combined Sewer
Overflows along the Mississippi River
East St. Louis, Illinois 62201
(St. Clair County)

Receiving Waters: Mississippi River and Frank Holten State Park Lake

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the Permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

ALD:JDS:18102501.jds

IEPA - DIVISION OF RECORDS MANAGEMENT
RECEIVED

OCT 18 2019

REVIEWER: MED

Special Conditions

SPECIAL CONDITION 1. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations. The IEPA will public notice the permit modification.

SPECIAL CONDITION 2. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this Permit.

SPECIAL CONDITION 3. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302 and 303.

SPECIAL CONDITION 4. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

~~The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.~~

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attention: Compliance Assurance Section, Mail Code # 19
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SPECIAL CONDITION 5. The provisions of 40 CFR Section 122.41(m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 6. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study or upon completion of an alternate Water Quality Study

SPECIAL CONDITION 7. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees".

Special ConditionsSPECIAL CONDITION 8.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
001	American Bottoms Pump Station Bypass	Mississippi River
002	14 th and Gay Avenue Combined Sewer Overflow	Mississippi River
003	47 th Street and Lake Drive	Frank Holten State Park Lake

A. CSO Monitoring, Reporting and Notification Requirements

1. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

<u>Start Date</u>	<u>Rainfall Duration (hrs.)</u>	<u>Rainfall Amount (in.)</u>	<u>CSO Outfall #</u>	<u>Outfall Description</u>	<u>Estimated Duration of CSO Discharge (hrs.)</u>	<u>Estimated Volume of CSO Discharge (MG)</u>
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For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA (e.g., Form IL 532-2471, or updated form of same). These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency and volume), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

2. All Submittals listed in this Special Condition can be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East

B. CSO Treatment Requirements

1. All combined sewer overflows shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment consists of the following:
- Treatment as described in PCB R81-12 and dated March 8, 1984 shall be provided; and,
 - Any additional treatment, necessary to comply with all applicable water quality based requirements of this permit, including but not limited to, the requirement that discharges from CSOs not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters.
2. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.

Special Conditions

3. Overflows during dry weather are prohibited. Dry weather overflows shall be reported to the IEPA pursuant to Standard Condition 12(f) of this Permit (24 hour notice).
4. The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges and the treatment system, if applicable, shall be operated to maximize treatment of wastewater flows.

C. CSO Nine Minimum Controls

1. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized;
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs during dry weather;
 - f. Control of solids and floatable materials in CSOs;
 - g. Pollution prevention programs which focus on source control activities;
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts; and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls.

A CSO pollution prevention plan (PPP) shall be developed by the Permittee unless one has already been prepared for this collection system. Any previously-prepared PPP shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. The PPP (or revised PPP) shall be presented to the general public at a public information meeting conducted by the Permittee annually during the term of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-pol-prev.pdf>. Following the public meeting, the Permittee shall implement the pollution prevention plan and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan revisions shall be submitted to the IEPA one (1) month from the revision date.

D. Sensitive Area Considerations

1. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which include one or more of the following criteria: (1) designated as an Outstanding National Resource Water; (2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; (5) National Marine Sanctuaries; or, (6) within the protection area for a drinking water intake structure.

The IEPA has determined that outfall(s) 003 discharges to sensitive area(s). The Permittee shall revise the LTCP and submit a plan and schedule to eliminate or relocate these outfalls within three (3) months of the effective date of this Permit. If elimination or relocation is not economically feasible or technically achievable, the Permittee shall submit a plan and schedule for treating the discharge. The Permittee shall submit adequate justification as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy. The IEPA has determined that none of the other outfalls listed in this Special Condition discharge to sensitive areas. However, if information becomes available that causes the IEPA to reverse this determination, the IEPA will notify the Permittee in writing. Within three (3) months of the date of

Special Conditions

notification or other date contained in the notification letter, the Permittee shall revise the LTCP and schedule to eliminate or relocate, these outfalls. If elimination or relocation is not economically feasible or technically achievable the Permittee shall submit a revised plan and schedule for treating the discharge. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

E. CSO Operational and Maintenance Plans

1. The Permittee shall implement measures to reduce, to the greatest extent practicable, the total loading of pollutants and floatables entering the receiving stream to ensure that the Permittee ultimately achieves compliance with water quality standards. These measures shall include, but not be limited to developing and implementing a CSO O & M plan, tailored to the permittee's collection and waste treatment systems, which shall include mechanisms and specific procedures where applicable to ensure:
 - a. Collection system inspection on a scheduled basis;
 - b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
 - c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
 - d. Collection system replacement, where necessary;
 - e. Detection and elimination of illegal connections;
 - f. Detection, prevention, and elimination of dry weather overflows;
 - g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
 - h. The treatment and collection systems are operated to maximize treatment.

The IEPA reviewed and accepted a CSO operational and maintenance plan "CSO O&M plan" on May 9, 2000 prepared for this sewerage system. The Permittee shall fully implement the approved plan and review and revise, if needed, the CSO O&M plan to reflect system changes.

2. The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit or within nine (9) months of the CSO system being modified. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit or within three (3) months of the public meeting and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>. Following the public meeting, the Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works and made available to the public. The CSO O&M plan revisions shall be submitted to the IEPA one (1) month from the revision date.

F. Sewer Use Ordinances

1. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed, adopted, and implemented within six (6) months from the effective date of this Permit. Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one (1) copy with original signatures. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. The Permittee shall submit additional copies of the sewer use ordinance(s) to the IEPA upon written request. Sewer use ordinances must contain specific provisions to:
 - a. Prohibit introduction of new inflow sources to the sanitary sewer system;
 - b. Require that new sanitary sewer construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. Require that inflow sources on the combined sewer system be connected to a storm sewer, in accordance with any approved Long Term Control Plan;

Special Conditions

- d. Provide that any new building domestic sewage connection shall be distinct from the building inflow connection;
- e. Assure that CSO impacts from industrial and/or commercial sources are minimized and control by determining which industrial and/or commercial discharges, are tributary to CSOs; and,
- f. Assure that the owners of all publicly owned systems with sewers tributary to the Permittee's collection system have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph 9 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances:

G. CSO Long-Term Control Planning and Compliance with Water Quality Standards

- 1. a. Pursuant to Section 301 of the federal Clean Water Act, 33 U.S.C. § 1311 and 40 CFR § 122.4, discharges from the CSOs, including the outfalls listed in this Special Condition and any other outfall listed as a "Treated Combined Sewage Outfall", shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. In addition, discharges from CSOs shall comply with all applicable parts of 35 Ill. Adm. Code 306.305(a), (b), (c), and (d).
- b. The Permittee shall develop a Long-Term CSO Control Plan (LTCP) for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with Paragraph 1.a above and all applicable standards, including water quality standards. Three (3) copies of the LTCP shall be submitted to the IEPA within twenty-four (24) months of the effective date of this Permit. The LTCP shall contain all applicable elements of Paragraph 11.c below including a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. The LTCP shall be:
 - 1. Consistent with Section II.C.4.a.i of the Policy; or,
 - 2. Consistent with either Section II.C.4.a.ii, Section II.C.4.a.iii, or Section II.C.4.b of the Policy and be accompanied by data sufficient to demonstrate that the LTCP, when completely implemented, will be sufficient to meet water quality standards.
- c. Pursuant to the Policy, the required components of the LTCP include the following:
 - 1. Characterization, monitoring, and modeling of the Combined Sewer System (CSS);
 - 2. Consideration of Sensitive Areas;
 - 3. Evaluation of alternatives;
 - 4. Cost/Performance considerations;
 - 5. Revised CSO Operational Plan;
 - 6. Maximizing treatment at the treatment plant;
 - 7. Implementation schedule;
 - 8. Post-Construction compliance monitoring program; and
 - 9. Public participation.

Following submittal of the LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. Implementation of the LTCP shall be as indicated by IEPA in writing or other enforceable mechanism.

- 2. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. The sign's message should be visible from both shoreline and water vessel approach (if appropriate), respectively. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting within 60 days of holding the public meeting. The Permittee shall submit copies of the public notification program to the IEPA upon written request.

Special Conditions

3. If any of the CSO discharge points listed in this permit are eliminated, or if additional CSO discharge points, not listed in this permit, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

Summary of Compliance Dates in this CSO Special Condition

14. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise indicated):

Submission of CSO Monitoring Data (Paragraph A)	25th of every month
Submission of Revised CSO O&M Plan (Paragraph E)	1 month from revision date
Elimination of a CSO or Discovery of Additional CSO (Paragraph G.3)	1 month from discovery or elimination Locations
Control (or Justification for No Control) of CSOs to Sensitive Areas (Paragraph C)	3 months from the effective date of this Permit
Certification of Sewer Use Ordinance Review (Paragraph F)	6 months from the effective date of this Permit
Conduct Pollution Prevention and PN Public Information Meeting (Paragraphs C.2 and G.2) No Submittal Due with this Milestone	Annually
Conduct OMP Public Information Meeting (Paragraph E.2) No Submittal Due with this Milestone	9 months from the effective date of this Permit
Submit Pollution Prevention Certification and OMP Certification (Paragraphs C and E)	12 months from the effective date of this Permit
Submit PN Information Meeting Summary (Paragraph G.2)	60 days after public meeting
Submit CSO Long-Term Control Plan (Paragraph G.1)	24 months from the effective date of this Permit

All submittals listed in this Special Condition can be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

H. Reopening and Modifying this Permit

1. The IEPA may initiate a modification for this Permit at any time to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice of such modifications and opportunity for public hearing shall be provided.

Attachment H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records

- must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
 - (c) **Changes of Authorization.** If an authorization under (b)

is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
- (2) Any upset which exceeds any effluent limitation in the permit.
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).

- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) **Bypass.**

(a) Definitions.

- (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).

(c) Notice.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).

(d) Prohibition of bypass.

- (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
- (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).

(14) **Upset.**

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
- (4) The permittee complied with any remedial measures required under paragraph (4).

- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:

- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

- (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

APPENDIX C

Combined Sewer Overflow Signs





Notice: CSO 003

CITY OF EAST ST. LOUIS COMBINED

Untreated storm water & sewage may
discharge during and after rainfall.
May contain harmful bacteria.



Public Works
618-482-6737
www.cesi.us



Open
DEPA Permit
IL0033472



APPENDIX D

City of East St. Louis Sewer Use Ordinance No. 4591

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, PRIVATE AND SEMI-PUBLIC SEWAGE DISPOSAL, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER OR DRAINAGE SYSTEMS, PROHIBITING THE DISCHARGE OF SEWAGE FROM REAL PROPERTY INTO A FACILITY OTHER THAN A SANITARY SEWERAGE FACILITY OF THE CITY OR OTHER APPROVED OUTLETS; REQUIRING CONNECTIONS OF REAL PROPERTY TO THE SANITARY SEWERAGE FACILITIES OF THE CITY; PROVIDING A SCHEDULE OR SCHEDULES OF CHARGES AND SURCHARGES TO BE COLLECTED FROM ALL THE REAL PROPERTY, WHETHER PUBLIC OR PRIVATE, FOR PERMITS TO USE SUCH FACILITIES AND FOR THE USE THEREOF; PRESCRIBING THE MANNER IN WHICH AND TIME AT WHICH SUCH CHARGES ARE TO BE PAID; AND PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF COLLECTION OF SUCH CHARGES; PROVIDING PENALTIES FOR VIOLATION; CONTAINING AN EMERGENCY CLAUSE AND REPEALING EXISTING ORDINANCES PERTAINING TO THE ABOVE ITEMS.

WHEREAS, it is deemed necessary in the interest of public health and welfare to reasonably regulate the discharge of certain wastes, and that a program of inspection and regulation of all discharges of wastewater be inaugurated to protect the City's sewage system; and

WHEREAS, such regulation and inspection is necessary because certain wastes may damage the City's sewage system and related appurtenances or interfere with the sewage treatment processes if discharged into the City's sewage system, and it is deemed necessary, therefore, to preclude certain wastes from entering said sewage system to avoid damage to said system or to avoid undue pollution effects on the Water of the State.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF EAST ST. LOUIS, ILLINOIS:

PART A; ARTICLE I

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

B.O.D. (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., (68° Fahrenheit) expressed in milligrams per liter.

BUILDING SEWER shall mean the sewer extension from the building drain to the public sewer or other place of disposal.

COOLING WATER shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other, but shall be free from odor and oil. It shall contain no polluting substances which would produce B.O.D. or suspended solids each in excess of ten (10) milligrams per liter.

COMBINED SEWER shall mean a sewer designed and intended to receive and convey sanitary sewage, storm water including roof and street drainage, and unpolluted waste water and cooling water.

CITY shall mean Administrative Authority, Commissioner of Streets and Public Improvements, City Engineer, Director of Waste Water and Solid Waste Management of the City of East St. Louis, or their duly authorized representatives.

DISPOSAL SYSTEM shall mean any facility or combination of facilities for the collection, conveyance, pumping, treatment, or disposition of sewage.

DRAINAGE CHANNEL shall mean any artificially constructed open channel, ditch, swale, or flume whether lined or unlined, for the drainage of stormwater and groundwater.

GARBAGE shall mean every refuse accumulation of solid animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing in or storing of food and from the handling, storage and sale of produce.

INDUSTRIAL CONNECTION SEWER shall mean that portion of sewer line required to carry the sewage of any industrial or commercial establishment from the last point of sewage entry on the premises to a public sewer or to carry the discharge from any industrial pretreatment facility to a public sewer.

INDUSTRIAL WASTE shall mean the water borne wastes from industrial processes, as distinct from sanitary sewage.

INDUSTRIAL WASTE TREATMENT PLANT shall mean any treatment plant device or facility used or intended to be used for the specific treatment of industrial wastes in which other wastes may or may not be present.

MULTIFAMILY BUILDING OR STRUCTURE shall mean a dwelling under one roof for occupancy by more than one family, including but not limited to flats, apartments, and the like.

NATURAL OUTLET shall mean any outlet into a watercourse, stream, creek, river, pond, lake, or any other body of surface or groundwater.

NORMAL SEWAGE shall mean waters or wastes having (a) a five (5) day Biochemical Oxygen Demand not greater than 300 milligrams per liter; and (b) containing not more than 350 milligrams per liter of suspended solids.

PERSON shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all

particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the City of East St. Louis, Illinois.

SANITARY SEWAGE shall mean sewage discharging from the sanitary conveniences of dwelling (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water and industrial wastes.

SANITARY SEWER shall mean a sewer designed and intended to receive and convey only sanitary sewage as defined herein, together with such infiltration as cannot be avoided.

SEMI-PUBLIC SEWAGE DISPOSAL or SEWAGE TREATMENT FACILITY shall mean a device or facility for treating or disposing of sewage or industrial wastes from a school, public building, institution, church, hotel, motel, or other building or structure not classified as private.

SEWAGE shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground surface and stormwaters as cannot be avoided.

SEWAGE WORKS or SEWAGE SYSTEM shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SHALL is mandatory; MAY is permissive.

SINGLE FAMILY RESIDENCE shall mean premises used as a dwelling by one family only.

STORM SEWER or STORM DRAIN shall mean a pipe or conduit designed and intended to receive and convey only storm or unpolluted waters.

STORM WATER shall mean any water resulting from precipitation mixes with the accumulation of dirt, soil, and other debris or substances collected from the surfaces on which such precipitation falls or flows.

SUSPENDED SOLIDS shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

TREATMENT SYSTEM shall mean a facility, device, or equipment, or a combination thereof, used or intended to be used for removal of solids from sewage or for the reduction of water pollution or for any processing of sewage prior to final disposition thereof.

UNPOLLUTED WATER or WASTE shall mean any water or waste containing none of the following:

Free of emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; noxious or odorous gases. It shall contain not more than 1000 milligrams per liter, shall be as chloride, with permissible volume subject to review by the City; and not more than thirty (30) milligrams per liter each of suspended solids and B.O.D. The color shall not exceed fifty units. (The unit of color being that produced by one milligram per liter platinum, in the form of chloroplatinate ion). The pH shall be between 6.5 and 10.0. Discharges shall not elevate or depress the average cross sectional temperature of the water course by more than 5°F. after a 600' mixing zone.

WATER CONSUMED or WATER CONSUMPTION shall mean that quantity of water delivered to, received by or produced on premises which is discharged or presumed to be discharged from the premises as sewage.

WATERCOURSE shall mean a natural surface drainage channel for storm water and groundwater in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE shall mean all rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

ARTICLE II

Section One It shall be unlawful to discharge or deposit into any natural outlet, drainage channel, or watercourse within the City of East St. Louis any sewage, industrial wastes, garbage, or any other substance which constitutes a nuisance or hazard to the public health or welfare, except the effluent from a properly designed and approved sewage treatment facility or device which has been provided in accordance with the provisions of this Ordinance. ONLY unpolluted water as defined herein shall be acceptable for discharge to a natural watercourse within the City.

Section Two Except as hereinafter provided, it shall be unlawful to install any cesspool, septic tank, lagoon or other facility intended or used for disposal of sewage.

ARTICLE III

Section One At such time as a sanitary public sewer becomes available

to a property served by a private or semi-public sewage disposal system or treatment facility, as provided in Section Two, Article III of this Ordinance, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tank, cesspool, or similar private or semi-public sewage disposal or treatment facilities shall be abandoned and filled with suitable material. This Section shall not apply to any private sewer constructed, owned and operated by any industrial establishment in accordance with the rules and regulations of the City of East St. Louis, and which has a direct sewer connection to the Waters of the State.

Section Two Where a public sanitary sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to an approved private or semi-public sewer or sewage disposal system or sewage treatment facility complying with the provisions of this article. A sewer shall be considered available if it is within one-hundred fifty feet (150') of any part of the property to be connected to the sewer.

Section Three Before commencement of construction of a private or semi-public sewage disposal system or treatment facility where suitable public sewers are not available, or where the City approves such systems for treatment or for pretreatment of wastes before discharge to the public sewer, the owner shall first obtain a construction permit which shall be made on a form furnished by the City Engineer, the applicant shall supplement by plans, specifications and other data including the results of soil absorption tests performed as required and shall be approved by the City Engineer if subsurface disposal is proposed. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the City Treasurer at the time the application is filed. On and after the effective date of this ordinance the City shall exclusively issue permits for private and semi-public sewage disposal or treatment facilities.

Section Four The City shall be allowed to inspect the work at any stage of construction and in any event, permittee shall notify the City when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the City.

Section Five The type, capacities, location, and layout of a private, semi-public, or industrial sewage disposal system or treatment facility shall comply with all regulations of the Environmental Protection Agency of the State of Illinois, and with all rules and regulations of the City of East St. Louis pertaining thereto. All such rules and regulations shall become effective upon approval of the Mayor and City Council as a public record and shall be filed in the Office of the Secretary of State, State of Illinois and published

for distribution upon request.

Section Six The Owner shall operate and maintain any private, semi-public, or industrial sewage disposal or treatment facilities in an efficient and satisfactory manner at all times, at no expense to the City. Such facilities shall be subject to inspection by the City Engineer or his designated representatives at all times.

ARTICLE IV

Section One No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters into any sanitary sewer. Any connection, drain or arrangement which will permit any such waters to enter any sanitary sewer shall be deemed to be a violation of this Section and this Ordinance.

Section Two It shall be unlawful for any plumber, drainlayer, contractor or any other person constructing a sewer, a house or building connection, an industrial connection sewer connected to a sanitary sewer to leave such connection open, unsealed, or incomplete in such a manner that will permit storm or surface water to enter into any sanitary sewer within the City. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection.

Section Three Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers, or to a drainage channel or natural outlet approved by the Administrative Authority. Unpolluted cooling water or unpolluted process waters may be discharged, upon approval of the City Engineer, to a storm sewer, combined sewers, drainage channel or natural outlet.

ARTICLE V

Section One No person shall discharge or cause to be discharged to any public sewers any of the following substances, materials, waters, or wastes if it appears likely that such wastes will harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or will otherwise endanger life, limb, public property, or constitute a nuisance.

The substances are:

1. Any gasoline, benzine, naptha, fuel oil, or mineral oil or other flammable or explosive liquid, solid, or gas.

2. Any water or wastes that contain more than ten (10) milligrams per liter by weight of the following gases: Hydrogen sulfide, sulfur dioxide, nitrous oxide, or chlorine.

3. Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than $\frac{1}{2}$ inch in any dimension.

4. Any solid or substance in quantities capable of causing obstruction to the flow in sewers, or interference with the proper operation of the sewage works such as: Ashes, cinders, sand, bones, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime residues, beer or distillery slops, chemical residues, paint residues, cannery waste, bulk solids, shredded paper, cardboard or similar wastes.

5. Any noxious or malodorous gas or other substance such as detergent foam, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

6. Any waters or wastes containing in excess of two (2) milligrams per liter of cyanides as CN, provided any sample tested shall not release more than 2 mg/l of cyanide when tested at a pH of 4.5 and at a temperature of 150° for a period of 30 minutes.

7. Any water or wastes which contains any substance that will solidfy or become discernably viscous at temperatures between 32° to 150° Farenheit such as: Grease, oil, or any other viscous substance in quantities capable of causing obstruction to the flow in sewers or interference with the proper operation of any sewage works.

Section Two Unless approval has been obtained from the Administrative Authority, no person shall discharge or cause to be discharged to any public sewers any of the following:

1. Any liquid or vapor having a temperature higher than 150° Farenheit (65° Centigrade).

2. Any water or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structure, equipment and personnel of the sewage works. Free acids and alkalis of such wastes must be neutralized, at all times, within a permissible range of pH between 6.0 and 10.0.

3. Any water or wastes containing a toxic or poisonous substance in

sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows or the effluent of the sewage treatment plant.

4. Materials such as copper, zinc, chromium, and similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the Treatment Plant and at no time shall the hourly concentration at the Sewage Treatment Plant exceed three (3) times the average concentration given herein regardless of rate of sewage flow.

The following levels of contaminants shall not be exceeded by any effluent.

<u>Constituent</u>	<u>Concentration (mg/l)</u>
Arsenic (total) -----	0.5
Barium (total) -----	2.0
Cadmium (total) -----	2.0
Chromium (total hexavalent) -----	5.0
Chromium (total trivalent) -----	10.0
Copper (total) -----	2.0
Fluoride (total) -----	3.0
Iron (total) -----	20.0
Iron (dissolved) -----	15.0
Lead (total) -----	0.2
Manganese (total) -----	1.0
* Mercury (total) -----	0.05
Nickel (total) -----	2.0
Selenium (total) -----	1.0
Silver -----	0.5
Zinc (total) -----	2.0

* No effluent to any public sewer system shall include mercury or any of its compounds in excess of 0.05 mg/l as Hg at any time. The discharge of mercury shall be exempt from the limitations of this section if it meets all the following conditions:

(1) The total plant discharge totals less than five pounds as Hg in any year;

(2) The discharge is to a public sewer served by a sewage treatment facility handling no less than 25,000 population equivalents;

(3) The discharge does not alone, or in conjunction with other sources, cause the effluent from the sewage treatment plant to exceed 0.0005 mg/l as Hg;

(4) At least 95% of the mercury that would be discharged in the absence of control is removed from the effluent by December 1, 1973; and

(5) After June 1, 1974, the exemptions provided in this subsection shall terminate.

The discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of this section if all the following conditions are met:

(1) The total plant discharge is less than one half pound as Hg in any year;

(2) The discharge is to a public sewer system; and

(3) The discharge does not, alone or in conjunction with other sources, cause the effluent from the sewer system or treatment plant to exceed 0.05 mg/l of Hg.

** Note: Concentrations listed above are total metal (soluble plus insoluble) and with the contributions from individual establishments subject to control in volume and concentration by the Administrative Authority.

5. Any water or wastes containing the discharge of strong acids, iron pickling wastes or concentrated plating solutions.

6. Any radioactive wastes. The introduction of radio-active waste into the City's sewer shall be permitted only if a special permit is obtained prior to introducing such wastes. In general the decision of the City will be in accordance with the principles set out in the Atomic Energy Act of 1954 (68 Stat. 919), Part 20, Sub-Part D-Waste Disposal, Section 20, 313 on successor principles as established by the Atomic Energy Commission.

7. Any wastes which are highly colored such as concentrated dye wastes or spent tanning solutions, or wastes which are of unusual volume concentration of solids, or composition, as for example in total suspended solids of inert nature (such as Fuller's earth) and/or in total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate) or which have a Biochemical Oxygen Demand (B.O.D.) which exceeds the standards of NORMAL sewage, which are B.O.D. -- 300 mg/l and Suspended Solids -- 350 mg/l.

8. Any water or wastes which by interaction with other water or wastes in the public sewer system, releases obnoxious gases; or develops color of undesirable intensity; or forms suspended solids in objectionable concentration; or creates any other condition deleterious to structures and treatment processes.

9. Any water or wastes containing emulsified oil and grease exceeding, on analysis, an average of 100 milligrams per liter (833 pounds per million gallons) of hexane soluble matter.

* NOTE: The poundage permitted per day from any establishment may be subsequently limited depending upon hexane soluble content of the sewage delivered to the Sewage Treatment works.

10. Any water or wastes that contain phenols in excess of 0.50 milligrams per liter.

* (These limits may be modified so that the aggregate of contributions throughout the City of East St. Louis area of service do not cause treatment difficulties, or produce a plant effluent discharge to the receiving water, which may be prohibited).

To obtain permission for noncompliance with this section as required herein any person may file an application to the City of East St. Louis. If after examining the information contained in the application it is determined by the Administrative Authority that the characteristics of the proposed discharge will not damage the City's sewage system and related appurtenances or interfere with the sewage treatment processes, or will not cause undue pollutional effects on the Waters of the State, if discharged into the City's sewage system, then permission may be granted allowing the discharge of such wastes into the City's sewage system.

Section Three All persons or companies who discharge sewage, industrial wastes, water or other liquid to the sewerage system, or to a stream, or to both, and consume at least 200 ccf of water in a six month period shall file with the Water Pollution Control Center an industrial wastes questionnaire form furnished by the City which shall contain information concerning type of manufacturing or service activity, location of sewers, and other pertinent data, inclusive of quantity of flow and an analysis, based on Standard Industrial Classification requirements of such sewage, industrial waste, water or liquid so discharged. This shall be accomplished by the "person or company" in conjunction with the Water Pollution Control Center of the City of East St. Louis, and within 90 days after receipt of such questionnaire unless otherwise authorized.

Section Four When required by the City of East St. Louis, the owner of any property served by a building or plant sewer or sewers carrying industrial wastes shall provide a suitable manhole or manholes in the building sewer to facilitate observation, sampling and measurement of all of the wastes from his premises. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with the plans approved by the City Engineer and Industrial Waste Division. The manhole shall be provided by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section Five The basic standard for all measurements, tests and analysis 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", as prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, or some other method mutually agreed upon and approved by the Illinois Environmental Protection Agency.

Section Six Normal operation of any gaging and sampling manhole or point of discharge, shall be the time required, as approved by the City of East St. Louis to obtain representative samples of the effluent discharged in proportion to flow and to conclude the necessary analytical examinations of the samples obtained. To obtain representative samples the City may require that the owner install a standard or sampling manhole or manholes to facilitate sample collection. Samples shall be collected at intervals not less than fifteen (15) minutes and composited on an eight (8) hour basis. A twenty-four (24) hour composite sample will be required for every day of operation, per a specified number of days. PH and temperature shall be recorded for each sample taken.

Section Seven When in the opinion of the City verification data reported on the industrial waste surcharge questionnaire is required, wastewater discharges from an industry may be sampled for extended periods by the City. In any event, grab samples will be collected from the premise wastewaters on a semi-annual basis as a check on reported data. The analytical information obtained from such sampling if substantially different may be used in lieu of that information reported by the industry. If determined necessary to obtain additional wastewater data, an extended comprehensive sampling by the City may be conducted and the analytical results obtained also used in lieu of reported values for each wastewater discharge. In the event such comprehensive sampling by the City is deemed necessary all costs for such sampling to include installation of hydraulic flow measuring devices, personnel costs for on-site sampling of wastewaters, and laboratory work involved shall be borne by the plant or premise if sample results supplied by the industry are substantially different than those obtained by the City.

Section Eight Where a plant or premise discharges its effluent to a manhole or manholes used as gaging and sampling points, and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the plant or premise ceases its operation, by weekend closedown, the costs of making the installations, involving overtime pay, shall be borne by the plant or premise.

Section Nine The City of East St. Louis shall have the right to enter and set up, on company property, such devices necessary to conduct a gaging and sampling operation and to begin such operation upon presentation of proper identification on arrival without advance notice to the company. While performing the work, the samplers shall observe all Safety Rules applicable to the premises, established by the company and shall not disturb the regular daily operating routine of the company.

ARTICLE VI

Section One Plans, specifications and design criteria relating to treatment or pretreatment facilities, holding tanks, control and neutralization equipment or other facilities to be utilized in the treatment or control of wastes discharged to any natural outlet, drainage channel, public sewer or water course within the City of East St. Louis shall be submitted for the approval of the City Engineer and Industrial Waste Division, and no construction of such facilities shall be commenced until said plans are approved and a permit issued by the City of East St. Louis.

Section Two Where private or semi-public facilities are provided for the treatment, pretreatment, control or neutralization of waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to periodic inspection by the City of East St. Louis.

Section Three The owner shall maintain operating records and shall submit when requested to the City of East St. Louis in a form prescribed by the City a monthly summary report, of influent tests as needed and effluent tests to show the performance of the treatment facilities and in order to delineate background conditions.

Section Four Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the City Engineer and/or the Industrial Waste Division they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. Prior to the installation of any interceptors or traps, plans shall be submitted to the City Engineer and Industrial Waste Division for approval. All interceptors and drains shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water tight, unless otherwise authorized by the City Engineer and/or the Industrial Waste Division.

When installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient

operation at all times. Violation of this provision shall be referred to an Ordinance controlling grease and oils in the Sewer Systems. (See Ordinance No. 4452).

Section Five If the drainage from any gasoline filling station, garage, refining plant, chemical plant, packing house, slaughterhouse, lard rendering establishment, dairy, steam engine, steam boiler, steam plant or any other establishment shall cause a deposit or obstruction or damage to any public sewer, the City shall cause such deposit or obstruction to be removed promptly or cause such damage to be repaired, keeping an account of the cost of such work including materials, labor, and supervision and shall certify an account of such cost to the person from whose establishment or premises the material causing such deposit, obstruction or damage came and if such person shall fail, neglect or refuse to pay the sum specified to the Treasurer of the City of East St. Louis within thirty (30) days after demand has been made, the person shall be deemed guilty of a misdemeanor and denied use of the public sewers until payment is received.

ARTICLE VII

Section One It shall be the duty of every person, public utility, or institution holding a permit to operate a sewerage system or sewage treatment plant to furnish records for ascertaining compliance with this Ordinance as may be required by the City.

Section Two The City shall cause to be made such surveys, investigations, and studies of sewage, sewerage systems, watercourses, and streams receiving sewage and drainage as may be necessary to determine that all sewerage systems are installed, operated, and maintained in compliance with the provisions of this Ordinance.

ARTICLE VIII

Section One Any duly authorized employee of the City of East St. Louis bearing proper credentials and identification shall be permitted to gain access to such premises as may be necessary for the purpose of inspection and observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

ARTICLE IX

Section One It shall be unlawful to place any dam or other obstruction in any drainage facility or watercourse unless permission to do so is expressly granted in writing by the Administrative Authority.

Section Two It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, alter, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system of the City of East St. Louis.

PART B: ARTICLE I

Section One The City has found and hereby reaffirms and declares that the discharge of sewage from real property into a facility, place or outlet other than a sanitary sewer or sanitary sewer facility owned, operated, or approved by the City, under the provisions of this Ordinance and Amendments thereto, constitutes a public nuisance or a danger to public health or safety and is unlawful.

Section Two The owner or owners of any real property within the City from which or on which sewage is discharged shall connect with and use a sanitary sewer facility owned or operated by the City when such facility is situated within 150 feet of such real property, is of adequate capacity, and is a proper elevation to serve such real property, and in such case said real property shall be deemed to be capable of being efficiently served by such facility for all purposes of this Ordinance.

Section Three For the protection of the public health and safety, and for the purposes of providing adequate sanitary sewerage facilities and reasonably regulating the use thereof, effective upon passage of this ordinance and annually thereafter, the City shall collect a charge or annual charges in one or more installments according to the schedule or schedules hereinafter provided on all real property within the City, whether public or private, from which sewage is discharged directly or indirectly into a facility owned or operated by the City as a part of its sewerage system, or which is capable of being efficiently served by such facility.

Sewerage services shall be deemed to be furnished to the occupant, lessee, lesser, owner or agent of the owner. The sewer service charge or charges shall be billed to the person holding a permit for water service, or who is liable for water service as the case may be on each parcel of real property above mentioned. Such charge or charges shall constitute a personal obligation of the occupant and the owner of the premises (this includes the seller in a Bond for deed contract) as well as a lien against the property, as hereinafter provided.

Section Four Said charge shall be collected in accordance with the following schedules:

1. INDUSTRIAL

A. Type I:

This group of establishments constituting Type I classification must be statistically significant in the number of persons employed; the volume of business done; and water consumption. This covers heavy manufacturing industry. Charges will be based on water consumption; and surcharges for suspended solids and B.O.D. in excess of allowable limits.

B. Type II:

This group of Type II establishments covers light industry where there are few employees; a small volume of business; and light water use. Charges will be based on water consumption and surcharges for excess suspended solids and B.O.D.

2. COMMERCIAL

This category covers establishments generally in the services classification, such as restaurants, gas stations, taverns, also including churches, retail shops, grocery stores, dry cleaning plants, garages, (auto repair) etc.

Charges will be based on square footage as follows:

Commercial ---

- A. Under 5,000 square feet -- \$15.00/month
- B. Between 5,000 square feet and 10,000 square feet -- \$45.00/month
- C. 10,000 square feet to 30,000 square feet -- \$75.00/month
- D. 30,000 square feet to 50,000 square feet -- \$125.00/month

3. RESIDENTIAL

SCHEDULE A

Rate 1. For each single-family residence:

A minimum charge of \$2.00 per month regardless of the source of water supply and whether or not the water supply is metered.

Rate 2. For each family unit of a multi-family building or structure:

A minimum charge of \$2.00 per month per family unit regardless of the source of water supply and whether or not the water supply is metered.

Rate 3. Trailer Courts:

Each trailer constitutes a single-family residence.

PROVIDED: The City shall have power to enter on any premises for the purposes of examining the use made of its sewerage facilities, the number

and kind of plumbing fixtures connected with such facilities, and the number of persons served by such facilities. When such examination gives reason to believe that the consumption of water on premises places a burden on the sewerage system in excess of that which is placed by other premises in the same sewer service charge rate classification, then the Administrative Authority shall check water usage records or require measurement of the sewage discharged from the premises at the expense of the owner or occupant by a water meter or meters or by a sewage flow meter or meters. If such measurement shows that the sewage flow is excessive, sewer service charges for such premises shall be computed at Schedule B rates. If flow exceeds 200 c.c.f. in a six month period, charges will be computed using Schedule B.

SCHEDULE B

<u>Water Consumption</u>	<u>Rate</u>
Sewage treatment per c.c.f.	0.12

Section Five In the event a lot, parcel of land, building or premise discharging sewage, industrial wastewater or other liquids, either directly or indirectly into the City of East St. Louis' sewerage system, or which ultimately enters the sewerage system, is supplied either in whole or in part with water from wells or any other source other than a Public Water Supplier then such wells or other source of supply shall be registered with the Industrial Waste Division of the City of East St. Louis, within 90 days after receipt of notice and if the supply is not measured by a water meter, or is measured by a water meter not acceptable to the Industrial Waste Division, then in such case, the owner or other interested party, at his own expense shall install and maintain water meters meeting the standards of "The American Water Works Association", and otherwise satisfactory to the City on all supplies, and the quantity of water used to determine the sewerage service charge shall be the quantity as measured by the single meter or the sum of the quantities measured by the several meters.

Whenever a new well or another source of water other than a public water supply shall be put into use after the effective date of this Ordinance by any parcel of land discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the City of East St. Louis sewerage system such source of water shall be registered with the Industrial Waste Division of the City of East St. Louis within ninety (90) days.

Section Six Where it can be shown to the satisfaction of the Industrial Waste Division that a portion of the water as measured by the

water meter or meters does not enter the sewerage system, then and in that event the Industrial Waste Division is hereby authorized to determine, in such manner and by such method as the Director may deem practicable, the percentage of the water measured by the meter which enters the sewerage system. In such case the charges and rates shall be based upon the percentage of the metered water so determined by the Industrial Waste Division. The City may require or shall permit the installation of additional meters at the owner's or interested party's expense in such manner as to measure the quantity of water actually entering the sewerage system from the premises of such owner or interested party, and the quantity of water used to determine the sewer service charge shall be the quantity of water actually entering the sewerage system as so determined.

Applications from industries or businesses, requesting consideration for a reduction in the sewer service charge because of water not entering the sewerage system, shall be made to the Industrial Waste Division of the City of East St. Louis, in writing; giving name of account, firm, industry or business, the address, the particular water department or account number, the water meter number or numbers and supporting data for requesting reduction of the charge; together with a sketch to scale showing the plan of the property, water distribution, sewer layout, the existing meters in the scheme to determine the quantity of flow entering or not entering the sewerage system. This should be supplemented with a flow diagram to indicate the destination of the water supply and the wastes.

Section Seven It shall be unlawful for any person, firm or corporation to furnish any false reports or information to the City of East St. Louis which would tend to reduce their sewer service charge.

Section Eight The City of East St. Louis may establish collection offices at convenient locations throughout the City, and may change the location of such collection offices with the owners or operators of business establishments to provide collection service of sewer service charges at such locations that are selected, and may provide in such contracts for the payment by the City to the collecting agency for rendering such collection services a fee, in no event to exceed five cents per bill for each bill collected and remitted to the City. Such contracts shall provide that the collection agency, shall, at intervals in no case longer than on week, remit all collections to the City.

Section Nine If the sewer service charge and rates for the use and services of the sewerage system are not paid within thirty (30) days

after the date of any bill rendered therefore, a delayed payment charge in the amount of one and one-half percent of the unpaid balance of the bill rendered shall be imposed and collected.

Section Ten If the sewer service charge and rates for the use and services of the sewerage system are not paid within forty-five (45) days after the date of the bill rendered therefor such service charge together with the delayed payment charge shall be deemed to be delinquent and shall thereafter constitute liens upon the real estate for which the sewerage services are supplied.

Whenever a sewer service charge has been delinquent for more than ninety (90) days, the City may cause a notice to be sent which shall state the amount of the delinquent sewer service charge, and shall properly describe the property against which the lien is asserted. Such lien upon the real property served shall have priority over all other liens except taxes, deeds of trust then of record, and prior judgments. The City shall have the power to sue the occupant and the owner, jointly or severally, in a civil action to recover delinquent charges, plus a reasonable attorney's fee to be fixed by the court.

Section Eleven Where any sewer service charge has not been paid and has been delinquent for a period of six (6) months, the City of East St. Louis shall have the right to remove or close any sewer connections, until payment of the delinquent sewer service charge together with the actual costs involved in closing and reopening the sewer connection as the case may be, have been paid.

Before the sewer is disconnected, a written notice shall be sent to the individual, firm, or person liable for sewer service, with a copy forwarded to the Civil Rights Commission. After receiving notice, said individual shall have ten (10) days to file a written request for hearing.

The request for a hearing must be delivered to the Director of the Civil Rights Commission, East St. Louis, Illinois. The hearing will be held within thirty (30) days after receipt of the request.

The Civil Rights Commission shall receive evidence and testimony from the parties involved to determine if there is any delinquent payments due for sewer service. If the Civil Rights Commission finds that there is

no delinquent payments due, then it shall forward these findings in writing to the Commissioner of Public Works.

Section Twelve Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and no more than \$500.00 and each day's violation shall constitute a separate offense. The imposition of such penalty shall in no way restrict or deprive the City of its right to pursue any other remedy it may have for the collection of any delinquent bill for sewer charges.

Section Thirteen The City of East St. Louis hereby declares that if any section, part, sentence or clause of this Ordinance is held invalid, such invalidity shall not affect the remainder of this Ordinance, the City hereby declaring that it would have enacted the remainder of this Ordinance without regard to that part hereof that may be held invalid.

Section Fourteen This Ordinance shall not be so construed as to relieve any person, firm, or corporation (municipal or otherwise) from the payment of any sewer service charge which is due and payable under the provisions of any Ordinance, nor to bar the collection of same by any and all of the means provided for in other Ordinances.

Section Fifteen This Ordinance shall not be so construed as to relieve any person, firm, or corporation (municipal or otherwise) from any penalty heretofore incurred by the violation of any Ordinance, nor to bar the prosecution of any violation in the manner provided therein.

Section Sixteen All contracts for sewage charges which are in force at the time this Ordinance is adopted shall remain in force for the duration of the contract which is in force at that time.

PART C: ARTICLE I

Section One A surcharge is hereby levied on the person discharging or responsible for the discharge into the public sewerage system, suspended solids and B.O.D. in excess of the content of normal sewage. Such levy shall be ~~forty-six dollars~~ (\$46.00) per dry ton of excess suspended solids and forty-eight dollars (\$48.00) per ton of excess B.O.D. and shall be adjusted annually based on costs to the City for removal.

Section Two The person subject to surcharge is one whose average suspended solids concentration exceeds 350 mg/l and/or whose average B.O.D. concentration exceeds 300 mg/l.

Section Three Each person subject to surcharge shall submit to the City on forms supplied by the City, a certified statement concerning strength and volume of wastewaters discharged into the sewers or sewer works of the City or into any sewer connected thereto. This data shall be obtained by an independent testing agency that has been approved by the Industrial Waste Division, that will certify the results. The analytical data submitted thereby shall be based on "Standard Methods for the Examination of Water and Wastewater", and shall be obtained from composite samples collected in accordance with standard accepted procedures from the manhole or adequate place previously described at time periods representative of normal operational conditions and utilizing analytical procedures. Upon request of the City, the testing agency will be required to furnish copies of all data pertaining to the sampling program.

Section Four Analytical data reported by the person discharging subject wastewaters will be considered current for each subsequent billing period until such data is reported inaccurate and replaced by updated certified data by said person. The results of routine scheduled sampling and analyses by the City of East St. Louis may be used in lieu of data reported by said person if such data is found to be not current or in error. Charges for this sampling shall be borne by the owner.

Section Five The surcharge, calculated separately for each premise using wastewater flow proportioned average suspended solids concentration and/or average B.O.D. concentration and the adjusted water consumption figure, shall be determined semi-annually in accordance with standard billing procedures and using current reported analytical data. Said surcharge shall be calculated for each semi-annual billing period according to the following formulas, to wit;

Suspended Solids:

$$\text{Semi-Annual Change} = \frac{(\text{SS}-350) \times 8.34 \times F \times 182.5 \times P \times 46.00}{2,000}$$

B.O.D.:

$$\text{Semi-Annual Change} = \frac{(\text{BOD}-300) \times 8.34 \times F \times 182.5 \times P \times 48.00}{2,000}$$

Symbols mean:

SS = Average concentration of suspended solids in water or waste.

B.O.D. = Average concentration of 5-day B.O.D. in water or waste.

350 = Concentration of total suspended solids in "Normal" sewage.

8.34 = Weight in pounds of one gallon water.

F = Average flow of water or waste expressed in million gallons per day.

182.5 = The number of days in each semi-annual period.

P = Factor allowance for 60 percent degree of purification for primary treatment and 95 percent degree of purification for secondary treatment.

46.00 = The cost to the City in dollars per ton for removal of suspended solids (2.3 per pound).

48.00 = The cost to the City in dollars per ton for removal of 5-day B.O.D. (2.4 per pound).

2,000 = The number of pounds per ton.

PART D: ARTICLE I

Section One That hereafter no person, firm or corporation shall make any sewer connection to any sewer now constructed or that may hereafter be constructed in any street or alley in the City of East St. Louis, and shall not make any opening or excavation in any street or alley for any purpose whatever, without first obtaining a permit for so doing, issued by the City or any authorized representative of the City of East St. Louis, Illinois and anyone making such sewer connection or excavation in any such street or alley without first obtaining such permit shall be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each and every offense so committed.

Section Two That any person, firm or corporation desiring a permit for the purpose mentioned in Section One of this Article shall make application therefore to the City and shall deposit in the office of the City Treasurer of the City of East St. Louis a sum equal to Two Dollars (\$2.00) for each square foot of street or alley surface disturbed or excavated for the purpose mentioned in Section One, but in no case shall said deposit be less than the sum of Fifty Dollars (\$50.00).

Section Three That in constructing any sewer or sewer connection it shall be of such size and laid along such part of such street or alley, then suitable "Y" connections shall be provided in said sewer, and necessary manholes and catchbasins shall be constructed along said sewer at such points as the City may direct so that any lot, block, tract or parcel of land adjacent to said sewer may connect with it upon a permit being granted for that purpose by the City.

Section Four That when any excavation is made in any street or alley for the purpose of constructing sewers, laying gas or water pipes, underground conduits, erecting poles or constructing railway tracks or for any other purpose whatsoever, such excavation shall be made in strict compliance with the terms prescribed in the Article and shall be under the direct supervision of the City Engineer, and all the work performed in connection therewith shall be assisted by competent inspectors whose duty it shall be to be present while the excavation is being made and remain until the same is completed and the surface of said street or alley is entirely restored to its original condition.

It shall be the duty of the inspectors to carefully examine all of said work during its excavation and see that everything that is done is in strict compliance with the terms of the Ordinance and to point out to said person, firm or corporation to whom the permit is issued any infraction of the requirements of this ordinance or any defect in the method or manner of doing the work. In case the person, firm or corporation shall fail to correct or remedy any infraction or defect when notified by the inspectors to do so, then the City Engineer may order the work stopped and have the excavation filled up and the surface of the street or alley restored to its original condition, all of which shall be done at the expense of the person, firm, or corporation in whose favor the permit is issued.

Section Five That in making application for the above mentioned permit, the person, firm or corporation shall state therein the purpose for which the excavation is to be made and shall also state the date and time of commencement of the work, and in no case shall any work be done prior to the time mentioned in said application. An inspector, as stated in Section Four, shall be placed over the work, commencing at the time mentioned in said application and remaining until the work is completed, and the pay of said inspector for the whole of said time shall be deducted from the amount of the deposit made by said person, firm or corporation in the office of the City Treasurer.

If the person, firm, or corporation shall fail to restore the surface of the street or alley to its original condition or if at any time within one year from the completion of the work, said street or alley surface shall settle or become defective by reason of said work at the point where the excavation was made or the pavement at said point shall break up or deteriorate in any way more than the adjacent pavement and the person, firm, or corporation shall fail to restore the street or alley within fifteen (15) days after being notified by the City Engineer to do so then the City Engineer may have such work done as will be necessary to restore the street or alley to its original condition, and the cost of said work shall be deducted from the amount deposited with the City Treasurer at the time the application was made and the balance of the deposit, if any, shall be returned to the applicant at the end of that year.

Section Six That any sewer now constructed or that may hereafter be constructed, connecting any property with the main sewer in any street or alley shall be maintained in repair throughout its entire length by the owner of the property with which said connection is made. In the case the owner shall fail to keep the sewer connection in proper repair, then the City Engineer may have

the same repaired and the expense thereof charged up against and collected from the owner of said property.

Section Seven That when any excavation is made in any street, the excavation, foundation, backfilling and pavement patches shall conform to the following Articles from the State of Illinois "Standard Specifications for Road and Bridge Construction":

1. Excavation and Foundation -- Art. 603, 04
2. Plugging Existing Sewers and Drains -- Art. 603, 05
3. Laying Sewer Pipe -- Art. 603, 06
4. Backfilling -- Art. 603, 08
5. Pavement Patching -- Section 620.

Section Eight That when any excavation is made in any alley the excavation, foundation, and backfilling shall conform to the following Articles from the State of Illinois "Standard Specifications for Road and Bridge Construction":

1. Excavation and Foundation -- Art. 603, 04
2. Plugging Existing Sewers and Drains -- Art. 603, 05
3. Laying Sewer Pipe -- Art. 603, 06
4. Backfilling -- Art. 603, 08

Section Nine An emergency within the meaning of the Plan is declared to exist because of the immediate need to establish a new schedule of reduced charges for the use of public sewer systems and facilities. Accordingly, this Ordinance shall take effect immediately upon its enactment.

Section Ten This Ordinance shall be in force from and after its passage and within ten days after its publication in a daily newspaper of general circulation within the City of East St. Louis, Illinois.

PART E: ARTICLE I

Section One Any person who shall continue any violation beyond the time limit provided for in this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day in which any such violation shall continue shall be deemed a separate offense.

Section Two If any person shall continue a violation of this Ordinance beyond the time limit provided in the notice to correct said violation, the City may order the work of correcting the violations of any Sections of this Ordinance to be done by City personnel and shall make a charge against the owner or occupier of such premises for the reasonable cost of such work. If such bill is unpaid after thirty (30) days, notice may be filed in

the Office of the Recorder of Deeds of St. Clair County, Illinois, whereupon such bills shall become a lien against the property involved.

Section Three Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day of such violation shall constitute a separate offense.

ARTICLE II

Section One All of the following Ordinances or parts thereof in conflict herewith are hereby repealed:

- | | |
|----------|-----------|
| 1. #3307 | 9. #4274 |
| 2. #3323 | 10. #4348 |
| 3. #3640 | 11. #4440 |
| 4. #3529 | 12. #1172 |
| 5. #3917 | 13. #3918 |
| 6. #3959 | 14. #3660 |
| 7. #4206 | 15. #3036 |
| 8. #4247 | |

Section Two Nothing contained in this Ordinance shall be construed as abating any action now pending under or by virtue of any of the Ordinances listed herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as effecting the liability of any person, firm, or corporation or as waiving any right of the City of East St. Louis under the provisions of the previous Ordinances.

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

Section Four Any section of this Ordinance which is in conflict with Water Quality Standards set by the State of Illinois Environmental Protection Agency, the State of Illinois Standards shall supercede and become a part of this Ordinance.

Section Five All Water Quality Standards adopted by the Illinois Environmental Protection Agency shall become part of this Ordinance.

Section Six This being a revenue measure and being necessary for the preservation of the public health, constitutes an emergency within the meaning of the Plan, and this Ordinance shall be in force from and after its

passage and within ten days after its publication in a daily newspaper of general circulation within the City of East St. Louis, Illinois.

Signed: NOVEMBER 13, 1974

James E. Williams, Sr.
MAYOR JAMES E. WILLIAMS, SR.

Passed: NOVEMBER 13, 1974

Elmo J. Bush
COMMISSIONER ELMO J. BUSH

Filed: _____

Recorded: _____

Gordon D. Bush
COMMISSIONER GORDON D. BUSH

Edward Horrigan
COMMISSIONER EDWARD HERRIGAN

Robert Mays
COMMISSIONER ROBERT MAYS

ATTEST:

James E. Thurston
City Clerk

Approved as to form and legality:

_____, Assistant City Attorney

Approved as to form and legality:

_____, City Attorney

Approved as to Engineering:

_____, Assistant City Engineer

_____, City Engineer

Approved:

_____, Director of Public Works

AMENDED SEWER ORDINANCE

Section 11, Paragraph 4 as amended:

The Civil Rights Commission shall receive evidence and testimony from the parties involved to determine if there are any delinquent payments due for sewer service. If the Commission finds that there are outstanding delinquent payments due, then, it shall have the authority and jurisdiction to provide and institute an installment payment schedule for the delinquent amount by said parties. In providing for such a schedule, the Commission shall take into consideration the need, income and past efforts and willingness to pay of said delinquent party. The Commission shall not institute payment schedules exceeding six months. At the end of the payment schedule, but no later than six months, if there has been no reasonable effort to make payments and no extenuating circumstances justifying non-payment, the city shall have the right, then, to order the water supply shut off only after notifying the Civil Rights Commission. All findings and payment schedules of the Commission shall be submitted in writing and forwarded to the Commissioner of Public Works.

APPENDIX E

City of East St. Louis Sewer Code

ARTICLE II. - SEWERS

DIVISION 1. - GENERALLY

Sec. 114-31. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius (68 degrees Fahrenheit), expressed in milligrams per liter (mg/l).

Building sewer means the sewer extension from the building drain to the public sewer or other place of disposal.

Cooling water means the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other system, but shall be free from odor and oil. Such water shall contain no polluting substances which would produce BOD or suspended solids in excess of ten mg/l each.

Combined sewer means a sewer designed and intended to receive and convey sanitary sewage, stormwater, including roof and street drainage, and unpolluted wastewater and cooling water.

City means the director of the public works department or his duly authorized representatives.

Disposal system means any facility, or combination of facilities, for the collection, conveyance, pumping, treatment or disposition of sewage.

Drainage channel means any artificially constructed open channel, ditch, swale or flume, whether lined or unlined, for the drainage of stormwater and groundwater.

Garbage means every refuse accumulation of solid animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing in or storing of food and from the handling, storage and sale of produce.

Industrial connection sewer means the portion of sewer line required to carry the sewage of any industrial or commercial establishment from the last point of sewage entry on the premises to a public sewer or to carry the discharge from any industrial pretreatment facility to a public sewer.

Industrial waste means the waterborne wastes from industrial processes, as distinct from sanitary sewage.

Industrial waste treatment plant means any treatment plant device or facility used, or intended to be used, for the specific treatment of industrial wastes in which other wastes may or may not be present.

Multifamily building or structure means a dwelling under one roof for occupancy by more than one family, including, but not limited to, flats, apartments, etc.

Natural outlet means any outlet into a watercourse, stream, creek, river, pond, lake or other body of surface water or groundwater.

Normal sewage means waters or wastes:

- (1) Having a five-day BOD of not greater than 300 mg/l; and
- (2) Containing not more than 350 mg/l of suspended solids.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage means 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 inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights and which is controlled by the city.

Sanitary sewage means sewage discharging from the sanitary conveniences of a dwelling (including apartment houses and hotels), office buildings, factories or institutions, and free from stormwater, surface water and industrial wastes.

Sanitary sewer means a sewer designed and intended to receive and convey only sanitary sewage, as defined in this section, together with such infiltration as cannot be avoided.

Semipublic sewage disposal and sewage treatment facility mean a device or facility for treating or disposing of sewage or industrial wastes from schools, public buildings, institutions, churches, hotels, motels or other buildings or structures not classified as private.

Sewage means the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground surface waters and stormwaters as cannot be avoided.

Sewage works and sewage system mean all facilities for collecting, pumping, treating and disposing of sewage.

Shall is mandatory; may is permissive.

Single-family residence means premises used as a dwelling by one family only.

Storm sewer and storm drain mean a pipe or conduit designed and intended to receive and convey only stormwaters or unpolluted waters.

Stormwater means any water resulting from precipitation mixed with the accumulation of dirt, soil and other debris or substances collected from the surfaces on which such precipitation falls or flows.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

Treatment system means a facility, device or equipment, or a combination thereof, used, or intended for use, for removal of solids from sewage or for the reduction of water pollution or for any processing of sewage prior to final disposition thereof.

Unpolluted water or waste means any water or waste containing no emulsified grease or oil; acids or alkalis, phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; noxious or odorous gases. It shall contain not more than 30 mg/l each of suspended solids and BOD. The color shall not exceed 50 units. (The unit of color is produced by one milligram per liter of platinum, in the form of chloroplatinate ion). The pH shall be between 6.5 and 10.0. Discharges shall not elevate or depress the average cross sectional temperature of the watercourse by more than five degrees Fahrenheit after a 600-foot mixing zone.

Water consumed or water consumption means the quantity of water delivered to, received by or produced on the premises which is discharged, or presumed to be discharged, from the premises as sewage.

Watercourse means a natural surface drainage channel for stormwater and groundwater in which a flow of water occurs either continuously or intermittently.

Waters of the state means all rivers, streams, lakes and other bodies of surface water lying within, or forming a part of, the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

(Ord. No. 4591, pt. A, art. I, § 1, 11-13-1974)

Cross reference— Definitions generally, § 1-2.

Sec. 114-32. - Surveys, investigations and studies.

The city shall make such surveys, investigations and studies of sewage, sewerage systems, watercourses and streams receiving sewage and drainage as may be necessary to determine that all sewerage systems are installed, operated and maintained in compliance with the provisions of this article.

(Ord. No. 4591, pt. A, art. VII, § 2, 11-13-1974)

Sec. 114-33. - Right of access.

Any duly authorized employee of the city, bearing proper credentials and identification, shall be permitted to gain access to a premises as may be necessary for the purpose of inspection and observation, measurement, sampling and testing, in accordance with the provisions of this article.

(Ord. No. 4591, pt. A, art. VIII, § 1, 11-13-1974)

Sec. 114-34. - Duty of system permit holders to furnish records.

It shall be the duty of every person, public utility or institution holding a permit to operate a sewerage system or sewage treatment plant to furnish records for ascertaining compliance with this article as may be required by the city.

(Ord. No. 4591, pt. A, art. VII, § 1, 11-13-1974)

Sec. 114-35. - Adoption of state water quality standards.

- (a) All water quality standards adopted by the state environmental protection agency are adopted by reference.
- (b) Any section of this article which is in conflict with water quality standards set by the state environmental protection agency is superseded by the state standard.

(Ord. No. 4591, pt. A, art. II, § 4, 11-13-1974)

Sec. 114-36. - Unlawful discharge generally.

- (a) It shall be unlawful to discharge or deposit into any natural outlet, drainage channel or watercourse within the city any sewage, industrial wastes, garbage or any other substance which constitutes a nuisance or hazard to the public health or welfare, except the effluent from a properly designed and approved sewage treatment facility or device which has been provided in accordance with the provisions of this article. Only unpolluted water shall be acceptable for discharge to a natural watercourse within the city.
- (b) Except as provided in this article, it shall be unlawful to install any cesspool, septic tank, lagoon or other facility intended or used for the disposal of sewage.

(Ord. No. 4591, pt. A, art. II, § 2, 11-13-1974)

Sec. 114-37. - Unlawful dams and obstructions.

It shall be unlawful to place any dam or other obstruction in any drainage facility or watercourse unless permission to do so is expressly granted, in writing, by the city.

(Ord. No. 4591, pt. A, art. IX, § 1, 11-13-1974)

Sec. 114-38. - Damaging system equipment.

It shall be unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface, alter or tamper with any structure, appurtenance or equipment which is a part of the sewerage system of the city.

(Ord. No. 4591, pt. A, art. IX, § 2, 11-13-1974)

Sec. 114-39. - Responsibility for drainage to sewer system.

If the drainage from any gasoline station, garage, refining plant, chemical plant, packinghouse, slaughterhouse, lard rendering establishment, dairy, steam engine, steam boiler, steam plant or any other establishment shall cause a deposit, obstruction or damage to any public sewer, the city shall cause such deposit or obstruction to be promptly removed or repaired, keeping an account of the costs of such work, including materials, labor and supervision, and shall certify an account of such costs to the person from whose establishment or premises the material causing such deposit, obstruction or damage originated, and if such person shall fail, neglect or refuse to pay to the city treasurer the sum specified within 30 days after demand has been made for such payment, the person shall be deemed guilty of a misdemeanor and denied use of the public sewers until such payment is received.

(Ord. No. 4591, pt. A, art. VI, § 5, 11-13-1974)

Sec. 114-40. - Violations; penalties.

- (a) Any person who shall continue any violation of this article beyond the time limit provided in this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00. Each day in which any such violation shall continue shall be deemed a separate offense.
- (b) If any person shall continue a violation of this article beyond the time limit provided in the notice to correct such violation, the city may order the work of correcting the violation of any section of this article to be done by city personnel and shall make a charge against the owner or occupier of such premises for the reasonable cost of such work. If such bill is unpaid after 30 days, notice may be filed in the office of the recorder of deeds of the county, whereupon such bill shall become a lien against the property involved.

(Ord. No. 4591, pt. E, art. I, § 2, 11-13-1974)

Secs. 114-41—114-60. - Reserved.

DIVISION 2. - NONPUBLIC DISPOSAL SYSTEMS

Sec. 114-61. - Connections generally; exemption.

- (a) At such time as a sanitary public sewer becomes available to a property served by a private or semipublic sewage disposal system or treatment facility, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool or similar private or semipublic sewage disposal or treatment facilities shall be abandoned and filled with suitable material.
- (b) This section shall not apply to any private sewer constructed, owned and operated by any industrial establishment in accordance with the rules and regulations of the city and which has a direct sewer connection to the waters of the state.

(Ord. No. 4591, pt. A, art. III, § 1, 11-13-1974)

Sec. 114-62. - Availability of public sewer.

Where a public sanitary sewer is not available under the provisions of this article, the building sewer shall be connected to an approved private or semipublic sewer or sewage disposal system or sewage treatment facility complying with the provisions of this article. A sewer shall be considered to be available if it is within 150 feet of any part of the property to be connected to the sewer.

(Ord. No. 4591, pt. A, art. III, § 2, 11-13-1974)

Sec. 114-63. - Permit required; application; inspection fee; issuance.

Before commencement of construction of a private or semipublic sewage disposal system or treatment facility where suitable public sewers are not available, or where the city approves such systems for treatment or pretreatment of wastes before discharge to the public sewer, the owner shall first obtain a construction permit by making an application on a form furnished by the city. The applicant shall supplement such application with plans, specifications and other data, including the results of soil absorption tests performed, as required, and shall be approved by the city if subsurface disposal is proposed. A permit and inspection fee of \$50.00 shall be paid to the city treasurer at the time the application is filed. The city shall exclusively issue permits for private and semipublic sewage disposal or treatment facilities.

(Ord. No. 4591, pt. A, art. III, § 3, 11-13-1974)

Sec. 114-64. - Inspections.

The city shall be allowed to inspect the work at any stage of construction, and in any event, the permittee shall notify the city 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 notice by the city.

(Ord. No. 4591, pt. A, art. III, § 4, 11-13-1974)

Sec. 114-65. - Regulatory compliance required.

The type, capacity, location and layout of a private, semipublic or industrial sewage disposal system or treatment facility shall comply with all regulations of the state environmental protection agency and all rules and regulations of the city pertaining thereto. All such rules and regulations shall become effective upon approval of the mayor and city council as a public record and shall be filed in the office of the secretary of state and published for distribution upon request.

(Ord. No. 4591, pt. A, art. III, § 5, 11-13-1974)

Sec. 114-66. - Duty of maintenance.

The owner shall operate and maintain any private, semipublic or industrial sewage disposal or treatment facilities in an efficient and satisfactory manner at all times, at no expense to the city. Such facilities shall be subject to inspection by the city or its designated representatives at all times.

(Ord. No. 4591, pt. A, art. III, § 6, 11-13-1974)

Secs. 114-67—114-90. - Reserved.

DIVISION 3. - CONNECTIONS AND EXCAVATIONS

Sec. 114-91. - Connection to sewer system required.

The owner of any real property within the city from or on which sewage is discharged shall connect with and use a sanitary sewer facility owned or operated by the city when such facility is situated within 150 feet of such real property, is of adequate capacity and is a proper elevation to serve such real property, and in such case, such real property shall be deemed to be capable of being efficiently served by such facility for all purposes of this article.

(Ord. No. 4591, pt. B, art. I, § 2, 11-13-1974)

Sec. 114-92. - Permit required; failure to obtain.

No person shall make any sewer connection to any sewer constructed in any street or alley within the city, nor make any opening or excavation in any street or alley for any purpose whatsoever without first obtaining a permit which shall be issued by the city or any authorized representative of the city. Any person making such sewer connection or excavation in any such street or alley without first obtaining such permit shall be subject to a fine of not less than \$50.00 nor more than \$500.00 for each and every such offense committed.

(Ord. No. 4591, pt. D, art. I, § 1, 11-13-1974)

Sec. 114-93. - Permit application; inspector.

- (a) Any person desiring a permit to make a sewer connection shall make application for such permit to the city, and shall deposit in the office of the city treasurer a sum equal to \$2.00 for each square foot of street or alley surface disturbed or excavated, but in no case shall such deposit be less than \$50.00.
- (b) In making application for such permit, the person shall state in such application the purpose for which the excavation is to be made and the date and time of commencement of the work, and in no case shall any work be done prior to the time stated in such application. An inspector shall be placed over the work, commencing at the time stated in the application and remaining until the work is completed, and the pay of such inspector for the whole of such time shall be deducted from the amount of the deposit made by such person in the office of the city treasurer.

(Ord. No. 4591, pt. D, art. I, §§ 2, 5, 11-13-1974)

Sec. 114-94. - Construction requirements.

When constructing any sewer or sewer connection, suitable Y connections shall be provided in the sewer, and necessary manholes and catchbasins shall be constructed along the sewer at such points as the city may direct so that any lot, block tract or parcel of land adjacent to the sewer may connect with the sewer upon a permit being granted for such purpose by the city.

(Ord. No. 4591, pt. D, art. I, § 3, 11-13-1974)

Sec. 114-95. - Conditions for excavation.

- (a) When any excavation is made in any street or alley for the purpose of constructing sewers, laying gas or water pipes, underground conduits, erecting poles or constructing railway tracks, or for any other purpose whatsoever, such excavation shall be made in strict compliance with the terms prescribed in this article and shall be under the direct supervision of the city, and all of the work performed in

connection therewith shall be assisted by competent inspectors whose duty it shall be to be present while the excavation is being made and remain until the excavation is completed and the surface of the street or alley is entirely restored to its original condition.

- (b) It shall be the duty of the inspectors to carefully examine all of the work during its excavation and to ensure that all work is done in strict compliance with the terms of this article and to point out to the person to whom the permit is issued any infraction of the requirements of this article or any defect in the method or manner of doing the work. If the person shall fail to correct or remedy any infraction or defect when notified by the inspectors to do so, the city may order the work stopped and have the excavation filled and the surface of the street or alley restored to its original condition, all of which shall be done at the expense of the person to whom the permit is issued.

(Ord. No. 4591, pt. D, art. I, § 4, 11-13-1974)

Sec. 114-96. - Failure to restore.

If the person shall fail to restore the surface of the street or alley to its original condition, or if, at any time within one year from the completion of the work, the street or alley surface shall settle or become defective by reason of such work at the point where the excavation was made, or the pavement at the point of excavation shall break up or deteriorate more than the adjacent pavement, and the person shall fail to restore the street or alley within 15 days after being notified by the city to do so, then the city may have such work done as will be necessary to restore the street or alley to its original condition, and the cost of such work shall be deducted from the amount deposited with the city treasurer at the time the permit application was made, and the balance of the deposit, if any, shall be returned to the applicant at the end of such year.

(Ord. No. 4591, pt. D, art. I, § 5, 11-13-1974)

Sec. 114-97. - Failure to maintain connection.

Any sewer constructed, connecting any property with the main sewer in any street or alley, shall be maintained in proper repair throughout its entire length by the owner of the property on which such connection is made. If the owner shall fail to keep the sewer connection in proper repair, then the city may have the connection repaired and the expense of such repair shall be charged against and collected from the owner of such property.

(Ord. No. 4591, pt. D, art. I, § 6, 11-13-1974)

Sec. 114-98. - Improperly sealed connections.

It shall be unlawful for any plumber, drainlayer, contractor or any other person constructing a sewer, house or building connection, or industrial connection connected to a sanitary sewer to leave such connection open, unsealed or incomplete in such a manner that will permit stormwater or surface water to enter into any sanitary sewer within the city. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection.

(Ord. No. 4591, pt. A, art. IV, § 2, 11-13-1974)

Sec. 114-99. - Excavation; technical standard requirements.

When any excavation for a sewer connection is made in any alley or street, the excavation, foundation, backfilling and pavement patches, if necessary, shall conform to the requirements set forth by the state department of transportation in the Standard Specifications for Road and Bridge Construction.

(Ord. No. 4591, pt. B, art. I, §§ 7, 8, 11-13-1974)

Secs. 114-100—114-120. - Reserved.

DIVISION 4. - PRETREATMENT

Sec. 114-121. - Facilities for waste treatment; approval and permit required.

Plans, specifications and design criteria relating to treatment or pretreatment facilities, holding tanks, control and neutralization equipment or other facilities to be utilized in the treatment or control of wastes discharged to any natural outlet, drainage channel, public sewer or watercourse within the city shall be submitted for the approval of the city, and no construction of such facilities shall be commenced until such plans are approved and a permit is issued by the city.

(Ord. No. 4591, pt. A, art. VI, § 1, 11-13-1974)

Sec. 114-122. - Duty to maintain facilities.

Where private or semipublic facilities are provided for the treatment, pretreatment, control or neutralization of waters or wastes, they shall be continuously maintained in satisfactory and effective operation by the owner, at his expense, and shall be subject to periodic inspection by the city.

(Ord. No. 4591, pt. A, art. VI, § 2, 11-13-1974)

Sec. 114-123. - Duty to maintain records.

The owner shall maintain operating records and shall submit when requested, to the city, in a form prescribed by the city, a monthly summary report of influent tests, as needed, and effluent tests to show the performance of the treatment facilities and in order to delineate background conditions.

(Ord. No. 4591, pt. A, art. VI, § 3, 11-13-1974)

Sec. 114-124. - Interceptors and traps.

- (a) Grease, oil and sand interceptors or traps shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps shall not be required for private living quarters or dwelling units. Prior to the installation of any interceptors or traps, plans shall be submitted to the city for approval. All interceptors and drains shall be located so as to be readily and easily accessible for cleaning and inspection.
- (b) Grease and oil interceptors or traps shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature.
- (c) Grease and oil interceptors or traps shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight, unless otherwise authorized by the city.
- (d) When installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in a continuously efficient operation at all times.

(Ord. No. 4591, pt. A, art. VI, § 4, 11-13-1974)

Secs. 114-125—114-150. - Reserved.

DIVISION 5. - DISCHARGE INTO PUBLIC SEWER SYSTEM

Sec. 114-151. - Prohibited discharges generally.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters into any sanitary sewer. Any connection, drain or arrangement which will permit any such waters to enter any sanitary sewer shall be deemed to be a violation of this section and this division.

(Ord. No. 4591, pt. A, art. IV, § 1, 11-13-1974)

Sec. 114-152. - Unlawful discharge into storm sewers.

It is unlawful for any person to connect, or cause to be connected, any drain to any toilet, sink, basement, septic tank, cesspool or other fixture for the discharge of industrial wastes or other polluting substances into any storm sewer.

(Ord. No. 98-10016B, § 1, 4-1-1998)

Sec. 114-153. - Substances prohibited from discharge.

No person shall discharge, or cause to be discharged, to any public sewer any of the following substances, materials, waters or wastes if it appears likely that such wastes will harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance:

- (1) Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas.
- (2) Any water or waste that contains more than ten mg/l by weight of the following gases:
 - a. Hydrogen sulfide;
 - b. Sulfur dioxide;
 - c. Nitrous oxide; or
 - d. Chlorine.
- (3) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow condition of the sewer and with no particle greater than one-half inch in any dimension.
- (4) Any solid or substance in quantities capable of causing obstruction to the flow in the sewers or interference with the proper operation of the sewage works, such as ashes, cinders, sand, bones, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime residues, beer or distillery slops, chemical residues, paint residues, cannery wastes, bulk solids, shredded paper, cardboard or similar wastes.
- (5) Any noxious or malodorous gas or other substance, such as detergent foam, which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (6) Any water or waste containing in excess of two mg/l of cyanides as CN, provided any sample tested shall not release more than two mg/l of cyanide when tested at a pH of 4.5 and at a temperature of 150 degrees Fahrenheit for a period of 30 minutes.

- (7) Any water or waste which contains any substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit, such as grease, oil or any other viscous substance in quantities capable of causing obstruction to the flow in sewers or interference with the proper operation of any sewage works.

(Ord. No. 4591, pt. A, art. V, § 1, 11-13-1974)

Sec. 114-154. - Substances discharged only upon approval.

Unless approval has been obtained from the city, no person shall discharge, or cause to be discharged, any of the following to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (2) Any water or waste, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis of such wastes must be neutralized at all times within a permissible range of pH between 6.0 and 10.0.
- (3) Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters, stormwater overflows or the effluent of the sewage treatment plant.
- (4) Materials such as copper, zinc, chromium and similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the treatment plant, and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration given in this subsection, regardless of the rate of sewage flow. The following levels of contaminants shall not be exceeded by any effluent:

Constituent	Concentration (mg/l)
Arsenic (total)	0.5
Barium (total)	2.0
Cadmium (total)	2.0
Chromium (total hexavalent)	5.0
Chromium (total trivalent)	10.0
Copper (total)	2.0
Fluoride (total)	3.0
Iron (total)	20.0

Iron (dissolved)	15.0
Lead (total)	0.2
Manganese (total)	1.0
*Mercury (total)	0.05
Nickel (total)	2.0
Selenium (total)	1.0
Silver	0.5
Zinc (total)	2.0

* No effluent to any public sewer system shall include mercury or any of its compounds in excess of 0.05 mg/l as Hg at any time. The discharge of mercury shall be exempt from the limitations of this subsection if it meets all of the following conditions:

- a. The total plant discharge totals less than five pounds as Hg in any year;
- b. The discharge is to a public sewer served by a sewage treatment facility handling no less than 25,000 population equivalents; and
- c. The discharge does not alone, or in conjunction with other sources, cause the effluent from the sewage treatment plant to exceed 0.0005 mg/l as Hg.

(Ord. No. 4591, pt. A, art. V, § 2, 11-13-1974)

Sec. 114-155. - Permissible outlets for certain discharges.

Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers, or to a drainage channel or natural outlet approved by the city. Unpolluted cooling water or unpolluted process waters may be discharged, upon approval of the city, to a storm sewer, combined sewer, drainage channel or natural outlet.

(Ord. No. 4591, pt. A, art. IV, § 3, 11-13-1974)

Sec. 114-156. - Manhole requirements.

When required by the city, the owner of any property served by a building or plant sewer carrying industrial wastes shall provide suitable manholes in the building sewer to facilitate observation, sampling and measurement of all of the wastes from his premises. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the city.

The manholes shall be provided by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 4591, pt. A, art. V, § 4, 11-13-1974)

Sec. 114-157. - Standards for waste measurement.

The basic standard for all measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, as prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, or some other method mutually agreed upon and approved by the state Environmental Protection Agency.

(Ord. No. 4591, pt. A, art. V, § 5, 11-13-1974)

Sec. 114-158. - Sampling of discharges.

Normal operation of any gauging and sampling manhole or point of discharge shall be the time required, as approved by the city, to obtain representative samples of the effluent discharged in proportion to flow and to conclude the necessary analytical examinations of the samples obtained. To obtain representative samples, the city may require that the owner install a standard or sampling manhole to facilitate sample collection. Samples shall be collected at intervals of not less than 15 minutes and composited on an eight-hour basis. A 24-hour composite sample will be required for every day of operation, per a specified number of days. pH and temperature shall be recorded for each sample taken.

(Ord. No. 4591, pt. A, art. V, § 6, 11-13-1974)

Sec. 114-159. - Comprehensive sampling.

When, in the opinion of the city, verification data reported on the industrial waste surcharge questionnaire is required, wastewater discharges from an industry may be sampled for extended periods by the city. In any event, grab samples will be collected from the premises wastewaters on a semiannual basis as a check on reported data. The analytical information obtained from such sampling, if substantially different, may be used in lieu of the information reported by the industry. If it is determined necessary to obtain additional wastewater data, an extended comprehensive sampling by the city may be conducted and the analytical results obtained also used in lieu of reported values for each wastewater discharge. If such comprehensive sampling by the city is deemed necessary, all costs for such sampling, including installation of hydraulic flow measuring devices, personnel costs for on-site sampling of wastewaters and laboratory work involved, shall be borne by the plant or premises if sample results supplied by the industry are substantially different than the results obtained by the city.

(Ord. No. 4591, pt. A, art. V, § 7, 11-13-1974)

Sec. 114-160. - Cost responsibility.

Where any plant or premises discharges its effluent to manholes used as gauging and sampling points, and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the plant or premises ceases its operation by weekend closedown, the costs of making the installations, involving overtime pay, shall be borne by the plant or premises.

(Ord. No. 4591, pt. A, art. V, § 8, 11-13-1974)

Sec. 114-161. - Authority to enter property to sample discharges.

The city shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gauging and sampling operation and to begin such operation upon presentation of proper identification upon arrival, without advance notice to the company. While performing such work, the samplers shall observe all safety rules applicable to the premises which are established by the company and shall not disturb the regular daily operating routine of the company.

(Ord. No. 4591, pt. A, art. V, § 9, 11-13-1974)

Secs. 114-162—114-180. - Reserved.

DIVISION 6. - CHARGES FOR USING PUBLIC SYSTEM

Sec. 114-181. - Imposed.

- (a) The city shall collect a charge, or annual charges, in one or more installments according to the schedules provided in this article on all real property within the city, whether public or private, from which sewage is discharged, directly or indirectly, into a facility owned or operated by the city as a part of its sewerage system, or which is capable of being efficiently served by such facility.
- (b) Sewerage services shall be deemed to be furnished to the occupant, lessee, lesser, owner or agent of the owner. The sewer service charges shall be billed to the person holding a permit for water service or who is liable for water service, as the case may be, on each parcel of real property as set forth in subsection (a) of this section. Such charges shall constitute a personal obligation of the occupant and the owner of the premises (including the seller in a bond for deed contract), as well as a lien against the property, as provided in this division.

(Ord. No. 4591, pt. B, art. I, § 3, 11-13-1974)

Sec. 114-182. - Setting of fees and charges.

Hookup, connection and sewerage fees for commercial establishments and residential dwellings shall be set from time to time by ordinance.

Sec. 114-183. - Measuring for service charges.

- (a) If any lot, parcel of land, building or premises discharging sewage, industrial wastewater or other liquids, either directly or indirectly, into the city's sewerage system, or which ultimately enters the sewerage system, is supplied, either in whole or in part, with water from wells or any other source, other than a public water supplier, then such wells or other source of supply shall be registered with the city within 90 days after receipt of notice, and if the supply is not measured by a water meter, or is measured by a water meter not acceptable to the city, then, in such case, the owner or other interested party, at his own expense, shall install and maintain water meters meeting the standards of the American Water Works Association and otherwise satisfactory to the city on all supplies, and the quantity of water used to determine the sewerage service charge shall be the quantity measured by the single meter or the sum of the quantities measured by the several meters.
- (b) Whenever a new well or another source of water, other than a public water supply, shall be put into use by any parcel of land discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the city's sewerage system, such source of water shall be registered with the city within 90 days.

(Ord. No. 4591, pt. B, art. I, § 5, 11-13-1974)

Sec. 114-184. - Charge; water quantity entering sewage system.

- (a) Where it can be shown that a portion of the water measured by a water meter does not enter the sewerage system, the city is hereby authorized to determine, in such manner and by such method as the director may deem practicable, the percentage of the water measured by the meter which enters the sewerage system. In such case, the charges and rates shall be based upon the percentage of the metered water. The city may require or shall permit the installation of additional meters at the owner's or interested party's expense to measure the quantity of water actually entering the sewerage system from the premises of such owner or interested party, and the quantity of water used to determine the sewer service charge shall be the quantity of water actually entering the sewerage system as determined by such measurement.
- (b) Applications from industries or businesses requesting consideration for a reduction in the sewer service charge because of water not entering the sewerage system shall be made to the city, in writing, giving the name of the account, firm, industry or business, the address, the particular water department or account number, the water meter number and supporting data for requesting reduction of the charge, together with a sketch, drawn to scale, showing the plan of the property, water distribution, sewer layout, and existing meters in the scheme to determine the quantity of flow entering or not entering the sewerage system. Such information should be supplemented with a flow diagram to indicate the destination of the water supply and the wastes.

(Ord. No. 4591, pt. B, art. I, § 6, 11-13-1974)

Sec. 114-185. - False reports and information.

It shall be unlawful for any person to furnish any false reports or information to the city which would tend to reduce his sewer service charge.

(Ord. No. 4591, pt. B, art. I, § 7, 11-13-1974)

Sec. 114-186. - Collection offices.

The city may establish collection offices at convenient locations throughout the city and may change the location of such collection offices with the owners or operators of business establishments to provide collection service of sewer service charges at such locations that are selected, and may provide in such contracts for the payment of a fee by the city to the collecting agency for rendering such collection services, which, in no event, shall exceed \$0.05 per bill for each bill collected and remitted to the city. Such contracts shall provide that the collection agency shall, at intervals, in any case, of not more than one week, remit all collections to the city.

(Ord. No. 4591, pt. B, art. I, § 8, 11-13-1974)

Sec. 114-187. - Delayed payment charge.

If the sewer service charge and rates for the use and services of the sewerage system are not paid within 30 days after the date of any bill rendered for such service, a delayed payment charge in the amount of 1½ percent of the unpaid balance of the bill rendered shall be imposed and collected.

(Ord. No. 4591, pt. B, art. I, § 9, 11-13-1974)

Sec. 114-188. - Delinquency charges.

- (a) If the sewer service charge and rates for the use and services of the sewerage system are not paid within 45 days after the date of the bill rendered for such service, such service charge, together with the delayed payment charge, shall be deemed to be delinquent and shall thereafter constitute a lien upon the real estate for which the sewerage services are supplied.
- (b) Whenever a sewer service charge has been delinquent for more than 90 days, the city may cause a notice to be sent, which shall state the amount of the delinquent sewer service charge and shall properly describe the property against which the lien is asserted. Such lien upon the real property served shall have priority over all other liens, except taxes, deeds of trust then of record and prior judgments. The city shall have the power to sue the occupant and the owner, jointly or severally, in a civil action to recover delinquent charges, plus a reasonable attorney's fee to be fixed by the court.

(Ord. No. 4591, pt. B, art. I, § 10, 11-13-1974)

Sec. 114-189. - Removal or closure of sewer connections.

- (a) Where any sewer service charge has not been paid and has been delinquent for a period of six months, the city shall have the right to remove or close any sewer connection until payment of the delinquent sewer service charge, together with the actual costs involved in closing and reopening the sewer connection, as the case may be, have been paid.
- (b) Before the sewer is disconnected, a written notice shall be sent to the individual liable for sewer service, with a copy forwarded to the civil rights commission. After receiving notice, such individual shall have ten days to file a written request for a hearing. The request for a hearing must be delivered to the director of the civil rights commission in the city. The hearing will be held within 30 days after receipt of the request.
- (c) The civil rights commission shall receive evidence and testimony from the parties involved to determine if there is any delinquent payments due for sewer service. If the civil rights commission finds that there is no delinquent payment due, then it shall forward such findings in writing to the director of public works.

(Ord. No. 4591, pt. B, art. I, § 11, 11-13-1974)

Sec. 114-190. - Surcharge for certain discharges.

- (a) A surcharge is hereby levied on the person discharging, or responsible for the discharge, into the public sewerage system suspended solids and BOD in excess of the content of normal sewage. Such levy shall be \$46.00 per dry ton of excess suspended solids and \$48.00 per ton of excess BOD and shall be adjusted annually, based on costs to the city for removal.
- (b) The person subject to such surcharge is the person whose average suspended solids concentration exceeds 350 mg/l and/or whose average BOD concentration exceeds 300 mg/l.
- (c) Each person subject to the surcharge shall submit to the city, on forms supplied by the city, a certified statement concerning strength and volume of wastewaters discharged into the sewers or sewer works of the city or into any sewer connected thereto. Such data shall be obtained by an independent testing agency that has been approved by the city to certify the results. The analytical data submitted thereby shall be based on the Standard Methods for the Examination of Water and Wastewater and shall be obtained from composite samples collected in accordance with standard accepted procedures from the manhole or adequate place as described in this article at time periods representative of normal operational conditions and utilizing analytical procedures. Upon request of the city, the testing agency will be required to furnish copies of all data pertaining to the sampling program.
- (d) Analytical data reported by the person discharging subject wastewaters will be considered current for each subsequent billing period until such data is reported inaccurate and replaced by updated certified data by such person. The results of routine scheduled sampling and analyses by the city may be used

in lieu of data reported by such person if such data is found to not be current or in error. Charges for such sampling shall be borne by the owner.

- (e) The surcharge, calculated separately for each premises using wastewater flow proportioned average suspended solids concentration and/or average BOD concentration and the adjusted water consumption figure, shall be determined semiannually in accordance with standard billing procedures and using current reported analytical data. Such surcharge shall be calculated for each semiannual billing period according to the following formulas:

Suspended Solids:				
Semiannual charge	=	(SS - 350)	×	$\frac{8.34 \times F \times 182.5 \times P \times 46.00}{2,000}$
BOD:				
Semiannual charge	=	(BOD - 300)	×	$\frac{8.34 \times F \times 182.5 \times P \times 48.00}{2,000}$

Symbols mean:		
SS	=	Average concentration of suspended solids in water or waste.
BOD	=	Average concentration of five-day BOD in water or waste.
350	=	Concentration of total suspended solids in normal sewage.
8.34	=	Weight, in pounds, of one gallon of water.
F	=	Average flow of water or waste expressed in million gallons per day.
182.5	=	The number of days in each semiannual period.
P	=	Factor allowance for 60 percent degree of purification for primary treatment and 95 percent degree of purification for secondary treatment.
46.00	=	The cost to the city in dollars per ton for removal of suspended solids (2.3 per pound).
48.00	=	The cost to the city in dollars per ton for removal of five-day BOD (2.4 per pound).

2,000	=	The number of pounds per ton.
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(Ord. No. 4591, pt. C, art. I, §§ 1—5, 11-13-1974)

Sec. 114-191. - No relief from charges.

This division shall not be construed so as to relieve any person from the payment of any sewer service charge which is due and payable under the provisions of any ordinance, nor to bar the collection of such charge by any and all of the means provided for in other ordinances.

(Ord. No. 4591, pt. B, art. I, § 14, 11-13-1974)

Sec. 114-192. - No relief from penalty for violation.

This division shall not be construed so as to relieve any person from any penalty incurred by the violation of any ordinance, nor to bar the prosecution of any violation in the manner provided in such ordinance.

(Ord. No. 4591, pt. B, art. I, § 15, 11-13-1974)