

CHAPTER 46: INFLOW AND INFILTRATION RESTRICTIONS

Flagg Creek Water Reclamation District - Inflow and Infiltration Restrictions

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Section

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' 46-1.01 DISCHARGE PROHIBITED.

No person shall discharge, or cause to be discharged, into the sanitary sewer system any storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditioning systems, industrial cooling operations or any flows other than wastewater.

(Ord. 868, passed 9-26-2014)

' 46-1.02 MAINTENANCE AND OPERATION OF BUILDING SANITARY SERVICE.

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The proper maintenance and operation of a building sanitary service to and including the point of connection (such as wye, tee or break-in connection) to the public sanitary sewer shall be the responsibility of the owner of the premises served by said building sanitary service. ***MAINTENANCE*** means keeping the building sanitary service in satisfactory working condition and a good state of repair (including, but not limited to, preventing any obstruction or extraneous material or flows from entering said facilities, protecting said facilities from any damage and keeping the same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sanitary sewer facilities are, at all times, capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes said facilities are intended to perform, discharge or produce. The District may, in its sole discretion, make repairs to any portion of a building sanitary service located within a public right-of-way or public easement which is found during District investigations to allow the entry of extraneous materials or flows into the public sanitary sewer or to pose a health or safety hazard to the general public and the District may seek reimbursement for the costs of any such repairs from the owner of the premises served by said building sanitary service. (Ord. 868, passed 9-26-2014)

' 46-1.03 DOWNSPOUTS OR ROOF DRAINS; SUMP PUMP CONNECTION.

All downspouts or roof drains shall discharge onto the ground or be connected to storm sewers, drainage ditches or storm drainage systems. Footing drains shall be connected to sump pumps and discharge shall be made into storm sewers, drainage ditches or storm drainage systems. Sump pumps installed to receive and discharge ground waters or other storm water shall be connected to storm sewer, or discharge onto the ground or into a drainage ditch or storm drainage system through a rigid discharge pipe, without any valving or quick connections for altering the path of the discharge. Sump pumps installed to receive and discharge floor drain flow, laundry tubs or other wastewater shall be connected to the sanitary sewers pursuant to this Ordinance 868. A sump pump shall be used for one function only, either the discharge of storm waters or the discharge of wastewater. (Ord. 868, passed 9-26-2014)

' 46-1.04 PRIVATE CHANNELS CONVEYING WATER OR FILTH PROHIBITED.

No private building cesspool, underground drain, privy, privy vault or any other channel conveying water or filth shall be connected to any sanitary sewer. (Ord. 868, passed 9-26-2014)

' 46-1.05 VISUAL INSPECTIONS.

The District may cause to be made periodic visual outside inspections of all properties within the District, with specific attention to downspouts, roof drains and other visible or outside connections and shall request the property owner or property occupant to permit entry into the premises for the making of additional inspection of the premises to ascertain if illegal connections are present. Upon completion of the visual outside and inside inspection, the property owner will be advised, in writing, if any illegal

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connections are observed, and further will be advised on the matter of corrections for compliance with the provisions of this Ordinance 868. If corrections are to be made, the District will make further inspection of the corrections to ensure compliance with this Ordinance 868.

(Ord. 868, passed 9-26-2014)

' 46-1.06 OTHER INSPECTIONS.

In addition to visual inspections on the outside and inside of the premises, the District may make other lawful tests and inspections of the sanitary sewer system as it deems necessary in order to locate such illegal connections and sources of extraneous flows as may exist.

(Ord. 868, passed 9-26-2014)

' 46-1.07 NOTICE OF ENTRANCE.

If entrance to property is denied an employee or agent of the District, the District shall serve notice requiring, within a period of 30 days, a written affidavit by a licensed professional engineer that the sanitary sewer system of the subject property complies in all respects to the requirements and specifications of this Ordinance 868 and that no storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas, cistern overflow or water from air-conditioning systems, industrial cooling operations or any flows other than wastewater are discharged into the sanitary sewer system from the subject property. In the event the property owner fails to provide the aforementioned affidavit within 30 days, and continues to deny entrance to the property, such failure to provide entrance or the aforementioned affidavit will be deemed a violation of this Ordinance 868. A notice of violation (ANOV@) will be issued, and sent to the owner via regular and certified mail.

(Ord. 868, passed 9-26-2014)

' 46-1.08 NOTICE OF VIOLATION.

If a property owner fails to make corrections specified by the District in order for the property owner to come into compliance with this Ordinance 868, or if a property owner otherwise is in violation of this Ordinance 868, a notice of violation (ANOV@) will be issued, and sent to the owner via regular and certified mail.

(Ord. 868, passed 9-26-2014)

' 46-1.09 NOV REQUIREMENTS.

The NOV shall be in writing and include a statement of reason(s) for its issuance.

(Ord. 868, passed 9-26-2014)

' 46-1.10 PRE-ENFORCEMENT CONFERENCE.

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(A) Upon determination that a violation has occurred, or upon discovery, that an alleged violation has probably occurred, or that the users permit should be revoked, a notice of the violation is prepared and sent to the user by mail.

(B) The notice of violation (ANOV@) shall be in writing, and include a statement of the reason(s) for its issuance.

(C) If a violation or potential violation has not been cured within the time limit set forth in the initial notice, then a conference date may be established. The user and any other appropriate entities may be notified of the conference date by mail which said notice requires the user to appear at a scheduled pre-enforcement conference which describes the potential violation in sufficient detail for the user to begin abatement action; and which sets forth the time, date and place of the conference.

(D) The Executive Director may grant continuances on conference dates for good cause shown.

(E) The term **USER** is defined as the owner of the real estate, the occupant thereof and/or the user of the service. In addition, the District may wish to join lessees, lien holders, mortgage lenders or other persons with an appropriate interest in the subject premises and whose rights in the premises may be affected by continued enforcement proceedings by the District.

(Ord. 868, passed 9-26-2014)

' 46-1.11 CONDUCT OF CONFERENCE.

(A) The pre-enforcement conference shall be conducted by the Executive Director, or his or her designee.

(B) At the conference, the violation shall be explained in sufficient detail for parties to understand the nature of the violation and to begin abatement actions.

(C) No formal evidentiary rules shall apply, and the proceedings will not be transcribed. The purpose of the pre-enforcement conference is an attempt to gain voluntary compliance with the District=s ordinances.

(D) Within five working days following the pre-enforcement conference a letter shall be issued by the conference officer indicating the results of the conference, and further indicating a plan for abatement of a violation, and a schedule for compliance. The letter may also establish dates for future meetings as necessary, to monitor progress with compliance.

(Ord. 868, passed 9-26-2014)

' 46-1.12 NO AGREEMENT.

(A) If, during the pre-enforcement conference, the parties are unable to agree upon the nature of

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compliance or the schedule of compliance, the conference officer may recommend that the user be required to show cause why its permit should not be revoked, and/or its discharge into the public sanitary sewer system should not be disconnected and prohibited, and such further and other action as is deemed appropriate.

(B) The pre-enforcement conference is a process optional at the discretion of the District. The District may, in its discretion, bypass the pre-enforcement conference or terminate the conference at any time after it has been instituted and in substitution therefor may institute a show cause hearing procedure or institute a court proceeding for fine and/or injunction whenever the District determines that is in the best interests of the District to so proceed.

(Ord. 868, passed 9-26-2014)

' 46-1.13 SHOW CAUSE PROCEEDINGS.

(A) When it has been determined that any person has failed to comply with this Ordinance 868, the Executive Director of the District may order anyone who engages in activity or conduct prohibited by this Ordinance 868 to show cause before the District's Board of Trustees (ABoard@), or its Hearing Officer designee, why such prohibited activity or conduct should not be discontinued, and/or its permit should not be revoked, and all wastewater discharge subject to, or covered by, a revoked permit shall not be immediately ceased.

(B) A notice of show cause, directed to the user or an authorized agent of the user, is served personally or by certified mail, specifying the time and place of a hearing to be held by the Board, and directing the user to show cause before the Board why an order should not be entered directing discontinuance of such prohibited activity or conduct.

(C) The Board may, itself, conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person to issue, in the name of the Board, notices of hearings requesting attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, to take evidence and to transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of action thereon. At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically or electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) After the Board has reviewed the evidence, it may issue an order to the user directing that, within a specified time period, the user allow access to the property for inspection purposes, the user make corrections specified by the District in order for the user to come into compliance with this Ordinance 868, or if a user otherwise is in violation of this Ordinance 868, recommending penalties in the amount of not less than \$100 nor more than \$10,000 for each violation of the Ordinance 868. In addition to such fines and penalties, any I/I resulting from (a) violation(s) of any provision or section of this Ordinance 868 shall result in the imposition of a service charge to the responsible owner(s) or user(s). In addition, the responsible person or user shall be responsible for payment of any fine levied by the

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Illinois Environmental Protection Agency against the FCWRD as a result of I/I to the FCWRD wastewater collection system, or NPDES permit discharge violations attributable to the person or user violation(s) of any provision or section of this Ordinance 868. Any orders shall contain specific findings of fact and recommendations for corrective action.

(E) In cases where a determination has been made that a violation has occurred, the Hearing Officer may assess the costs of enforcement as part of the recommendations. These costs may include, but shall not be limited to, Hearing Officer=s fees, costs of recordation of the proceedings, expert witness fees, costs of mailing, personal service charges and any testing or flow monitoring charges.

(F) If a person violates the terms of a Board order, in addition to all other remedies granted to it herein, the FCWRD shall have the right to discontinue sewer service. The FCWRD shall have the right to plug or disconnect the sanitary sewer at any point in the building sanitary service whenever any person shall be shown to have violated the terms of a Board order, including the failure to pay fines, penalties, fees and costs. If any fines, penalties, fees or costs imposed by a Board order remain unpaid for more than 30 days, in addition to all other remedies, the FCWRD may file a lien or liens in the office of the Recorder of Deeds for the amount thereof, plus the penalty of 1.5% per month from the date of original billing.

(G) This enforcement procedure is hereby made expressly subject to the Administrative Review Act of the state, as set forth in 735 ILCS 5/3-101 et seq., as amended.

(H) In the event that a user engages in any activity or conduct which is in violation of or prohibited by this Ordinance 868, and which gives rise to hazardous or emergency conditions, without first engaging in pre-enforcement proceedings or show cause proceedings, the District may commence an action or proceeding in the circuit court for the purpose of having such activity or conduct stopped either by mandamus, injunction or other extraordinary remedy.

(Ord. 868, passed 9-26-2014)

' 46-1.14 ADMINISTRATIVE ENFORCEMENT REMEDIES.

When the Flagg Creek Water Reclamation District (AFCWRD@) finds a user has violated (or continues to violate) any provision of Ordinance 868, the FCWRD may assess the costs against that user, in addition to any other cumulative fines and penalties, as follows:

(A) Permit revocation letter: \$25;

(B) Pre-enforcement conference: \$50;

(C) Show cause hearing: \$100; and

(D) Process server (for divisions (B) and (C) above): actual costs.

(Ord. 868, passed 9-26-2014)

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' 46-1.15 OTHER LEGAL ACTIONS.

The District, at its option, may also invoke other legal powers vested in it or implied by the Illinois Compiled Statutes for the protection of the health and welfare of the public, and institute such legal action as it deems necessary to discover and order the disconnection of any legal connections that may exist. The District shall commence action to terminate sanitary sewer service to the property remaining in non-compliance. The District may assess against the user all costs to terminate sanitary service to the property, as well as all costs to re-establish service.

(Ord. 868, passed 9-26-2014)

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