

Council Bill/General Ordinance No. 3029-2022

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 34, "WATER AND SEWERS," of the Moline Code of Ordinances, by repealing Chapter 34 in its entirety and enacting in lieu thereof one new Chapter 34 dealing with the same subject matter.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, City staff has decided to do a complete review of all chapters of the Moline Code of Ordinances to correct those items that are merely housekeeping in nature; and

WHEREAS, the City Council finds that a number of housekeeping changes are necessary in Chapter 34 of the Moline Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

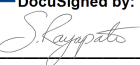
Section 1 – That Chapter 34, "WATER AND SEWERS," of the Moline Code of Ordinances, is hereby amended by repealing Chapter 34 in its entirety and enacting in lieu thereof one new Chapter 34 dealing with the same subject matter, which shall read as attached (additions in underline; deletions in strikethrough):

Section 2 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 3 – This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 4 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

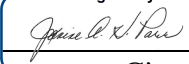
DocuSigned by:


Mayor 48D19AB8EFE254D4...

Date October 4, 2022

Passed: October 4, 2022

Approved: October 18, 2022

Attest: 

1A0D2384E0B84...
City Clerk

CHAPTER 34
WATER AND SEWERS

Art. I. Procedure for Termination of Water Supply and Sewerage Services, §34-1100 - §34-1106

Art. II. City Water System

Div. 1. Water Service, §34-2100- §34-2148

Div. 2. Cross-Connection Control, §34-2200- §34-2210

Art. III. City Water Pollution Control System

Div. 1. In General, §34-3100 - §34-3110

Div. 2. Rates, Billings and Collections, §34-3200 - §34-3208

Div. 3. Connections, §34-3300 - §34-3310

Div. 4. Use of Public Sewers, §34-3400 - §34-3416

Div. 5. Environmental Remediation Wastewaters, §34-3500 - §34-3514

Art. IV. Stormwater Utility Service, §34-4100 - §34-4503

Appendix 1. Sample Letter of Credit; Sample Performance Bond

Appendix 2. Covenant

ARTICLE I. PROCEDURE FOR TERMINATION OF WATER SUPPLY AND SEWERAGE SERVICES

SEC. 34-1100. GROUNDS FOR TERMINATION.

Wherever in Chapter 34 of the Code of Ordinances involuntary termination of services is provided for, the procedures of Article I shall apply.

(1) All ~~water, sewerage, solid waste/recycling and stormwater drainage~~ city utility bills not paid within twenty (20) days after date of statement shall receive a ~~pre-termination delinquent~~ notice demanding payment within five (5) days, unless the fifth (5th) day falls on a Saturday, Sunday, or legal holiday, then payment may be made on the next business day. If payment is not made on the required day, the ~~Public Works Department~~ department of utilities may terminate water and sewerage service, except as hereinafter provided. A forty-eight (48)-hour turn off notice is posted on ~~seriously delinquent~~ water/sewer/utility accounts. An administrative fee of twenty-five dollars (\$25.00) will be charged for staff time preparing and posting this notice. When service is terminated under this section, a forty-five dollar (\$45.00) charge will be made for turning off water service. When service is reinstated, a thirty-five dollar (\$35.00) charge will be made for turning water service back on. Bills due for water, sewerage, solid waste/recycling, and stormwater drainage shall be cumulative and may not be parsed or separated out in any manner. Failure to pay any portion thereof shall be treated as failure to pay under this chapter.

(2) Said five (5)-day notice shall enumerate the administrative procedure for hearing in the event the amount of the bill is disputed.

(3) If the amount of the bill is disputed, the customer shall state the dispute in writing and shall submit said statement and payment of any undisputed portion of the bill prior to expiration of notice.

(4) The administrative hearing procedure shall occur prior to termination except as hereinafter provided.

(Ord. No. 3017-2006; Sec. 34-1100(1) repealed; new Sec. 34-1100(1) enacted; 04/04/06)

(Ord. No. 3023-2017; Sec. 34-1100(1) repealed; new Sec. 34-1100(1) enacted; 10/10/17)

SEC. 34-1101. NOTICE NOT REQUIRED IN AN EMERGENCY.

This article shall in no way be construed as requiring notice in the event of an emergency; however, a hearing on justification for and reasonableness of charges for emergency repair shall be held upon written request, after emergency repairs have been made, pursuant to Subsection 34-1100(3).

SEC. 34-1102. "EMERGENCY" DEFINED.

An "emergency" is defined as an immediate threat to the health, safety or welfare of the public and/or as an immediate threat to public property or equivalent. "Emergency" shall include especially, without limitation of the term, water service leaks creating pedestrian and/or vehicular traffic dangers, water service leaks creating serious erosion or structural damage, and cross-connections; and shall especially include, without limitation of the term, sewerage service when raw sewage is exposed to the surface or is being dumped untreated into any natural or manmade watercourse or where a leak is causing serious erosion or structural damage.

SEC. 34-1103. HEARING OFFICER.

The city administrator shall be the hearing officer and shall be charged with the fair and impartial disposition of all disputes brought before for hearing.

SEC. 34-1104. HEARING PROCEDURE; DISPUTES.

(a) In the event the customer disputed the amount of the water, sewerage and stormwater drainage bill, the necessity of a repair, or the reasonableness of cost of a repair, an informal hearing shall be held within fifteen (15) days of receipt of a written request for hearing and shall be held before a designated employee within the ~~public works department of utilities department~~ ~~department~~, upon application pursuant to Subsection 34-1100(3). Said employee shall enter written findings of fact, conclusions of law and give service of same to the appellant by certified mail.

(b) The customer shall have the right to appeal an adverse decision upon written request within ten (10) days of the date of the order, a formal hearing shall then be conducted by the hearing officer within thirty (30) days of receipt of request. A record of the proceedings shall be made on a mechanical recording device. Said hearing officer shall enter a written finding of fact, conclusion of law, and order, and give service of same to the appellant by certified mail.

(c) The customer shall have the optional right to appeal an adverse decision of the hearing officer to the City Council or request from the City Council a variance from the operation of ordinance by requesting same in writing ten (10) days from the date of the hearing officer's order. On appeal the City Council or its appropriate committee may hear the appeal de novo or restrict its review to the record at its discretion. On request for

variance the request shall be heard de novo and a variance shall not be granted without a showing of unnecessary and undue hardship.

The City Council shall enter a written finding of fact, conclusion of law, and order, and shall give service of same to the customer by certified mail. A record of any de novo hearing shall be made on a mechanical recording device.

The right to appeal to the City Council is an optional right. The order of the hearing officer is a final order unless a timely appeal to the City Council is made. In the event that such an appeal is made, the order of the City Council becomes the final order.

SEC. 34-1105. APPEALS.

(a) Appeals from the order of the hearing officer or City Council must be filed within ten (10) days from the date of the order in a court of competent jurisdiction according to state law.

(b) An order of the hearing officer or City Council shall not be automatically stayed by the filing of an appeal, but may be stayed by order of the hearing officer, by order of the City Council, or by order of a court of competent jurisdiction.

SEC. 34-1106. SEASONAL TERMINATION.

Between October 1st and March 31st, if the ~~accounts and finance officer~~ director of finance determines upon written proof by the customer that failure to pay is the result of an inability to pay, an additional thirty (30) day delay will be allowed in order to seek alternative sources of payment. Inability to pay shall be measured by administrative standards promulgated by the Committee-of-the-Whole of the City Council.

(Ord. No. 2003-05-05; references to standing Committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

ARTICLE II: CITY WATER SYSTEM

DIVISION 1. WATER SERVICE

SEC. 34-2100. PROVISIONS OF THIS DIVISION APPLICABLE TO CONTRACTS WITH CONSUMERS.

The provisions of this division shall be considered a part of the contract for the purchase of City water and with every purchaser of City water. Said purchaser of City water shall be governed by and be subject to all sections of this division. It is hereby made the duty of the director of utilities ~~director~~ to enforce the same.

SEC. 34-2101. APPLICATION FOR WATER SERVICE CONNECTIONS.

Any person owning property which has ~~not been assessed an existing public water main adjacent to the property frontage for the cost of installing a water main serving the property except persons granted a free tap-on privilege in any water easement agreement with the City, shall~~ may be required to pay a tap-on assessment fee per applicable provision:

(1) Application for water service connections shall be made ~~at to the~~ director of finance office by the owner, or owner's agent, of the property to be served. Upon receipt of any applicable tap-on assessment fee and compliance with all other applicable Code provisions, the ~~city engineer~~ director of engineering shall issue an official house number and approve the application. Upon approval of the size of the service connection and service line by the director of ~~public works~~ utilities, the plumbing inspector may then issue any required plumbing permits.

(2) ~~In the event that no such public water main is adjacent to the property frontage, an~~ applicant shall not be required to pay a tap-on fee. ~~if s~~ Said applicant shall extend a public water main and the property for which application for connection is made shall connect to the portion of the public main so extended.

(3) Whenever a water main is extended or installed, it shall be extended or installed across the entire frontage or frontages of the property to be improved by the installation or extension unless the City has determined because of land contours or other mains that no other property can be economically served by such installation or extension.

(4) Any plan for installation or extension of water main must be approved by the director of ~~public works~~ utilities department and the ~~city D~~ director of engineering in accordance with the comprehensive plan, capital improvement program, master plan and standard specifications of the City, and no installation or extension shall be approved when such installation or extension is not ~~not~~ needed to serve existing or future development or when said installation or extension is solely for the purpose of avoiding payment of a tap-on fee.

~~(5) Any property required to pay a tap-on fee pursuant to this section which is served by a main installed prior to the effective date hereof shall have the tap-on fee determined by the method in effect prior to adoption hereof and by the method provided herein. The tap-on fee shall be the lower fee as determined by the two (2) methods unless there is a valid tap-on agreement between the City and the person installing the water main applicable to the property in which case the tap-on fee shall be as determined by the method in effect at the time of installation of the main.~~

~~(6)~~ All fees collected in accordance with the provisions of this section shall be paid to the ~~accounts and finance~~ director of finance ~~officer~~ and deposited in the water fund.

(Ord. No. 3001-2019; Sec. 34-2101(1) repealed; new Sec. 34-2101(1) enacted; and Sec. 34-2101(2) repealed in its entirety and the remaining subsections of Sec. 34-2102 consecutively renumbered; 01/15/19)

SEC. 34-2102. SERVICE CONNECTIONS.

The installation of all new service connections and placing of pipes, setting of water service fixtures in public rights-of-way, public grounds and in premises to be served by City water shall be made at the expense of the owner thereof. Said work to be performed by duly licensed plumbers under the supervision of the plumbing inspector, in complete accordance with all applicable sections of this article and the plumbing Code of the City. All repairs or replacement of that portion of the service up to and including the curb stop box or service control valve or the property line, whichever occurs first, shall become the responsibility of the ~~public works~~ department of utilities and any and all leaks or other

defects in same not attributable to the property owner shall be promptly repaired at the expense of the ~~public works~~ department of utilities. All repairs or replacement of the remaining portions of services, shall become and are the responsibility of the property owner(s) of the property served. In cases where multiple properties are served by a common service, the City shall be responsible for all repairs or replacements up to the individual curb stop boxes or service control valves for each property served or the property line, whichever occurs first. Repairs and replacement of services and water service fixtures whose defects are attributable to the property owner shall be the responsibility of the property owner.

SEC. 34-2103. SERVICE TAPS.

(a) No tap smaller than one (1) inch size shall be allowed or permitted.

(b) In the event that a property owner requests that the City install a small diameter service tap that is two (2) inches or smaller in size, the property owner shall pay a fee of one hundred ten dollars (\$110.00) for City labor and equipment. The property owner is responsible for all other costs associated with the tap, such as but not limited to, materials, excavation, backfill and paving restoration.

(c) In the event that a property owner requests that the City install a large diameter service tap that is greater than two (2) inches but ~~twelve (12)~~ sixteen (16) or less inches in size, the property owner shall pay a fee of three hundred twenty-five dollars (\$325.00) for City labor and equipment. The property owner is responsible for all other costs associated with the tap, such as but not limited to, materials, excavation, backfill and paving restoration.

(Ord. No. 3027-2008; Sec. 34-2103 repealed; new Sec. 34-2103 enacted; 03/25/08; Ord. No. 3020-2010; Sec. 34-2103(c) repealed; new Sec. 34-2103(c) enacted; 04/13/10)

SEC. 34-2104. SPECIAL SERVICE.

(a) Persons desiring water service outside of the City must make applications therefor at the office of the ~~city D~~ director of engineering on forms supplied by the ~~public works~~ department of utilities. Upon receipt of such application, the director of engineering ~~city engineer~~ shall refer same to the ~~public works~~ department of utilities department for review and approval. The ~~public works~~ department of utilities department shall supply its comments in writing within fifteen (15) days to the ~~D~~ director of engineering ~~city engineer~~.

(b) All applicants for water service who presently reside outside of the City limits may be granted the privilege of connecting to the City water system under one of the following conditions and such other conditions as may be prescribed by the City Council from time to time; special services to those outside the City shall be available only to:

(1) A person whose property fronts upon a City main;

(2) A person who shall have paid his proportionate share of the main, as determined by the ~~public works~~ department of utilities department;

(3) A person who shall agree that any construction to be undertaken upon his property shall be performed only after submission and approval of plot plans and working plans therefore by the City Council; and

(4) A person who shall agree that work to be performed shall be performed in complete accordance with the requirements of all governing City ordinances.

It shall be further agreed by any such applicant that should applicant's property be included in an area to be annexed to the City, by petition or otherwise, that said applicant shall execute such petition voluntarily and all other instruments proper and necessary thereto so that said property may be so annexed to the City and shall offer no objections to same. Said applicant shall further agree that when applicant's property becomes contiguous to the City that applicant shall annex such property to the City within a six (6) month period after written notice has been served upon applicant and that if applicant shall fail to annex said property to the City within said six (6) month period, the City water supply and connection shall be disconnected.

(c) The director of ~~public works~~utilities department and the director of ~~planning community and economic development~~ shall cooperate in order to determine whether out-of-City water customers are capable of annexing to the City of Moline. The director of ~~public works~~utilities department is hereby authorized to issue the notice provided for in subsection (b) above to all out-of-City customers at the time of passage of this ordinance (No. 89-4-4) who have executed an agreement to annex as a condition of receiving water service and who are capable of annexing to the City of Moline. The director of ~~public works~~utilities department shall also be required to report to the Committee-of-the-Whole on or before October 1 of each year the names of the record owners, location, and occupants for those out-of-city water customers who have not agreed to annex but who are capable of annexing to the City of Moline. Upon the concurrence of the Committee-of-the-Whole, the director of ~~public works~~utilities department is authorized to issue the notice provided in subsection (b) above.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

SEC. 34-2105. NO ALTERATION OR ADDITIONS OF SERVICE PIPES WITHOUT PERMITS.

(a) After a service connection has been placed, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with the City water system unless he shall procure a written permit from the plumbing inspector, specifying the particular additions, repairs, or alterations to be made, and shall perform such work in conformity with such permit and ordinances of the City.

(b) No additions or alterations whatsoever in or about any conduit, pipe or water cock shall be made or caused to be made by any person taking water without notice thereof first given to, and permission had in writing from the plumbing inspector.

SEC. 34-2106. SPRINKLER AND FIRE PROTECTION SERVICE -PLANS TO BE APPROVED.

Whenever an application is made to the City to do construction, alteration or repair work upon any fire extinguishing apparatus involving the use of City water as the primary source of supply, such application with plans shall be first submitted to the director of ~~public works~~department of utilities for his approval and then to the fire chief and the building inspector respectively. No permit will be issued by the building inspector until said plans are so approved.

SEC. 34-2107. SAME - TESTING.

City water will not be turned into any sprinkler or fire protection service unless all pipes in connection with such system are left exposed until pressure testing and disinfection have been completed in accordance with the City of Moline ~~Special Provisions for Water Distributions~~ supplemental specifications. Any change in the number of sprinklers in service shall be reported to the ~~collections division of the accounts and finance~~ fire department.

SEC. 34-2108. SEPARATE CONNECTIONS.

There shall be separate service pipes placed from the main to each building wherever there is a water main in front, rear, or side of such building. Such service pipes shall be placed on a straight line at right angles to the water main and connections made within two lines drawn parallel to the sides of the building to be served or within three (3) feet thereof. In all cases, each building or unit thereof served by individual meters must have an independent outside service control valve of the type set forth in this division, located on City owned rights-of-way or easement.

(Ord. No. 3027-2018; Sec. 34-2108 repealed in its entirety; new Sec. 34-2108 enacted; 07/17/18)

SEC. 34-2109. YARD HYDRANTS, SPRINKLING PLUGS AND SILL COCKS.

Yard hydrants, sprinkling plugs, and sill cocks will not be allowed on water service connections unless such yard hydrant, sprinkling plug or sill cock is connected in such a manner that the water consumed through such yard hydrant, sprinkling plug or sill cock shall first pass through ~~the~~ a water meter on such service and has complied with Article III of this Chapter 34.

SEC. 34-2110. SERVICE CONTROL VALVES.

(a) A service control valve or curb stop box for controlling the supply of water to customers shall be placed on every fire and potable service. When connections are made in streets or avenues, the service control valve or stop box shall be placed twelve (12) inches outside the sidewalk line on the street side; and when made in alleys or in areas where no sidewalks exist, it shall be placed six (6) inches outside the lot line. The cover of said service control valve or stop box shall be maintained at the same height as the sidewalk or the surrounding ground by the owner of the premises, unless the need for adjustment is caused by changes in existing grade by the City. Where area way walls of curb lines prevent the location of stop box and shut-off at the point indicated, they shall be placed on public right-of-way or easement as directed by the plumbing inspector. All -service control valves must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

If a stop box is used, it shall be of a design approved by the director of utilities and must have an unobstructed opening at least one (1) inch in diameter and fitted with a substantial cover on which shall be marked the word "Water" in raised letters.

(b) No one except an employee or person specially authorized by the ~~City public works~~ department of utilities shall open the cover of an outside shut-off or stop box, or turn on or

off water, provided, however, that licensed plumbers may turn on or off water for testing plumbing or making repairs, but whenever so used the shut-off must be left closed if found closed and open if found open by the plumber who uses it.

(c) Service control valves located on property other than City rights-of-way or easement shall remain the responsibility of the property owner. The valves, curb box and shut-off must be kept in good condition and ready for use at all times by the property owner. Should the property owner neglect to maintain such valves, curb box and shut-off in proper condition to be used, and if valve box is found to be filled up, or the stop box or service control valve is found to be out of repair at any time, the ~~City public works~~ department of utilities department shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner and, if payment is refused, may turn off the water in the service until the same is paid.

(d) The City will not be responsible for any damage due to the breaking of a service or stop cock, done while setting, resetting or repairing a water meter.

(e) Every service pipe must also have an operable locking stop valve placed in the building within two (2) feet from where said pipe enters and becomes exposed in the premises. Said stop must have a handle, ~~or~~ wheel ~~or wrench~~ attached to turn the same, and be kept in working order at all times. There shall also be a gate or ball valve placed on the outlet side of the water meter not more than three (3) feet from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building.

SEC. 34-2111. SERVICE PIPE. Changes were made were made and approved in March 2022.

(a) That portion of the water service pipe from the water main to the shut-off, located in the boulevard, must be made of approved class ductile iron, copper or other approved material. Said pipe shall be placed in such a manner and of such surplus length as to prevent breakage or rupture by settlement. The brass, bronze, ductile iron and copper pipe fittings used shall be of such strength and thickness as to safely withstand a pressure of two hundred (200) pounds per square inch.

(b) Copper pipe used in service connections shall be cold drawn seamless tubing with a proper bending temper so that a full section shall withstand being bent cold through one hundred eighty (180) degrees without cracking on the outside of the bent portion around a pin the diameter of which is one and one-half (1 1/2) times the inside diameter of the copper pipe. The purity of the copper used shall be at least ninety-nine and nine-tenths per cent (99.9%) and shall have a tensile strength of thirty thousand (30,000) pounds per square inch with a minimum elongation one (1) inch in four (4) inches. The minimum weights and thickness of copper service pipe per foot length shall be as follows:

Diameter	Weight	Thickness
3/4 in.	0.640 lbs.	0.065 in.
1 in.	0.838 lbs.	0.065 in.
1 1/4 in.	1.040 lbs.	0.065 in.
1 1/2 in.	1.360 lbs.	0.072 in.

2 in. 2.062 lbs. 0.083 in.
2 1/2 in. 2.920 lbs. 0.095 in.

The above copper pipe is known as Type "K".

(c) All joints in the copper service pipes to be of the kind termed "flange union."

(d) No water service pipe or tap for any building shall be less than one (1) inch in diameter and pipes supplying sill cocks or hydrants outside of buildings shall not be less than one-half (1/2) inch copper or three-fourths inch if of any other material.

(e) Plumbers installing water service pipes shall close the curb shut-off and leave it closed upon completion of their work, and when pipes are placed to the curb only, they shall close the end of the pipe or fitting with a tight metal plug or cap.

(f) Service lines that are to be placed in acid soil or land fill created by the deposition of ashes, cinders, rubbish or corrosive materials of any sort shall be wrapped and coated with bituminous base materials to prevent contact of the pipe with the soil or water in the trench. In severe cases, the plumbing inspector may require that the pipe-line also be covered with a minimum of four (4) inches of crushed lime rock.

(g) That portion of the water service pipe from the stop box located in the public right-of-way to the ultimate point of consumption shall be of one of the following approved materials: Copper Type "K" underground and Type "L" above ground or ductile iron. Incompatible metals in the line pipe and fittings will not be permitted.

SEC. 34-2112. NO CONNECTION BETWEEN DIFFERENT SERVICES.

When there are two (2) or more services on the premises, the piping from each service must be kept separate, and no connection made from one to the other.

SEC. 34-2113. DEPTH OF SERVICE PIPE.

Service pipes must be placed at least five (5) feet below the surface of the ground. When pipes are placed in streets or grounds subject to fixed grades, where the surface of the ground is higher than the established grades, they shall be so placed that they will be at least five (5) feet below the established grade, except in sandy soil formation, the ~~public works~~ department of utilities may require pipes to be placed to a depth of at least six (6) feet below the established grade.

SEC. 34-2114. MAINTENANCE OF SERVICE PIPES.

All newly installed service pipes and fixtures from the City water main to the premises, including the tap valves or corporation cocks at the main shall be installed at the expense of the property owner. All pipes and fixtures not in City rights-of-way shall be maintained at the expense of the property owner and any leaks or other defects in the same shall be promptly repaired by them, or if not promptly repaired the water shall, under the procedures of Article I, be turned off until such repairs have been made by a plumber engaged by the ~~public works~~ department of utilities to do such work, and the expense thereof shall be charged against the property owner, and must be paid before water shall

be turned on again. In case of a dispute as to the necessity for or reasonableness of cost of repairs, the hearing procedure of Article I shall apply.

SEC. 34-2115. BREAKS IN SERVICE OR FIXTURES.

The ~~City public works~~ department of utilities or its employees shall not be held responsible by reason of the breaking of any service pipe or apparatus, or for failure in the supply of water.

SEC. 34-2116. ABANDONED SERVICE PIPES.

(a) ~~As of January 1, 1992, all~~ All service pipes, now in place for the purpose of serving a property or that may be in place within the limits of the property lines extended to the City mains or that may become useless because of laying of larger or other new services, or because water will no longer be used through them, must be permanently closed off at the water main at the expense of the owner of the premises, and so reported to the director of the ~~public works~~ department of utilities. No plumber or owner of property shall disconnect or remove water supply fixtures or piping from any premises served by City water or alter the same in such a way as to make the service connection unnecessary for the premises, without permanently closing off the connections at the water mains and reporting the same to the director of the ~~public works~~ department of utilities, except where such connection to be closed off may presently exist under a street or avenue that has been improved by the paving thereof within the preceding four (4) years, in which case the provisions of Division 2 of Chapter 28 (Section 28-2200 et seq.) of this Code shall apply. In any event such services shall, until properly closed off at the main, remain at the property of the premises that it was originally installed to serve and the owner of said premises shall remain responsible for its maintenance until such a time as it is permanently closed off and disconnected.

(b) If a service pipe or connection, which is not being used, is found to be leaking, the owner will be notified to promptly repair same. If said repair is not promptly instituted, the ~~public works~~ department of utilities may then, upon notice to the owner, engage a plumber to make the repair or turn off said service, with the charge or expense thereof charged to the owner of the property for which the repair was made.

SEC. 34-2117. RIGHT TO SHUT OFF WATER.

(a) The City may, when necessary, without notice, shut the water off in its mains for the purpose of making repairs or extensions or for other purposes and no claims shall be made against the City for loss of service or for the breakage of any service pipe or service cock, or from any other damage that may result from shutting off water for repairing, laying or re-laying mains, hydrants, or other connections. The ~~City public works~~ department of utilities shall give notice of shutting off water if conditions are such that it is reasonably possible to do so.

(b) No one other than ~~public works~~ department of utilities employees shall operate any of the water main isolation control valves on the distribution system.

SEC. 34-2118. PRIVATE ENTITY MAIN EXTENSION.

In the event that a private citizen/entity extends the City main at their own expense, an agreement may be made, upon receipt of a written request from the private citizen/entity, with said citizen/entity for reimbursement, as follows: If, in the future, a request is made to the ~~public works~~ department of utilities for permission to connect on the public main laid by said citizen/entity, the ~~public works~~ department of utilities shall, before granting such permission, require the person to pay a just and equitable amount to the citizen/entity who laid the main under the original permit. However, in no event shall said agreement extend beyond ten (10) years from the date said extension is completed.

SEC. 34-2119. APPLICATION FOR SERVICE.

(a) Form; record. Application for water, sewer, solid waste and recycling, and stormwater drainage service, or for the installation of a water meter shall be made at the ~~accounts and department of finance office~~. ~~The accounts and department of finance office~~ shall at once make a record of such application ~~in a book kept for that purpose~~. Every application for water supply shall express that the same is taken subject to all ordinances then in force or that may thereafter be adopted for the governance of the water service.

(b) Owner to sign all applications. All applications for water, sewer, solid waste and recycling, and stormwater drainage service shall be signed ~~by the owner of the premises served~~. Such application when accepted by the ~~accounts and department of finance office~~ shall constitute a contract between the applicant or applicants and the City, and shall be subject to all applicable City ordinances now in force or hereinafter adopted by the City. For the purposes of this section, the word "owner" shall mean the party holding legal or equitable title to the premises regardless of encumbrances thereon, ~~and in the event such title is held by husband and wife, either shall be deemed the "owner" hereunder.~~

(c) Obligation of applicant to notify City of any changes. Any person or party signing an application pursuant to the terms hereof, shall be obligated to notify the ~~accounts and department of finance office~~ of any termination or change in occupancy, or other facts requiring a change in contract, a discontinuance, or an interruption of water, sewer, solid waste and recycling, and stormwater drainage services, and in the event any such person or party shall so fail to notify the ~~accounts and department of finance office~~, they shall remain liable upon the account for that premises for previous and subsequent service furnished at the premises until the ~~accounts and department of finance office~~ has written notice of such changes.

(Ord. No. 3017-2006; Sec. 34-2119(b) repealed in its entirety; new Sec. 34-2119(b) enacted; 04/04/06)

(Ord. No. 3043-2012; new Sec. 34-2119(c)(d)(e) enacted; 12/18/12)

(Ord. No. 3037-2017; Sec. 34-2119 repealed; new Sec. 34-2119 enacted; 10/17/17)

SEC. 34-2120. NO SERVICE AT NEW LOCATION UNTIL PAYMENT OF DELINQUENT CHARGES.

(a) No persons, either owners or tenants, who in changing their residence from one location to any other location served by the ~~public works~~ department of utilities ~~department~~, shall be given water service until a contract is signed and any and all delinquent ~~water and sewerage charges~~ city utility bills which are charged against them at a

former place of residence have been paid in full. No water at the new location shall be turned on, and if turned on, it will, upon notice pursuant to Article I, be turned off until settlement of such delinquent water and sewerage service charges at the former location is made. A service charge determined in accordance with Section 34-2121(e) will be made for turning on water and processing office records.

(b) If the customer disputes the amount of the water and sewerage service bill at the former residence, service shall be permitted to the new residence pending a decision pursuant to Article I. In the event the water is on at a newly occupied premises, as a result of changes in occupancy of which the ~~accounts and department of finance office~~ may have no knowledge, the owner whether alone or in conjunction with the tenant, shall be required to call the ~~accounts and department of finance office~~ and sign the necessary application forms.

(Ord. No. 3037-2017; Sec. 34-2120 repealed in its entirety; new Sec. 34-2120 enacted; 10/17/17)

SEC. 34-2121. CHARGES AND COLLECTIONS.

(a) Quarterly charges for water supply by meter. The quarterly charges for water supply by meter shall be:

~~—(1) The schedule of charges effective for all bills issued after January 1, 2012 to December 31, 2012, shall be:~~

~~—Base Rate \$5.22 per quarter/bill~~

~~—Commodity Rate \$4.08 per thousand gallons~~

- ~~Quarterly Capacity Charge \$25.36 for 5/8 inch meters~~
- ~~\$38.04 for 3/4 inch meters~~
- ~~\$63.40 for 1 inch meters~~
- ~~\$126.80 for 1 1/2 inch meters~~
- ~~\$202.88 for 2 inch meters~~
- ~~\$380.40 for 3 inch meters~~
- ~~\$634.00 for 4 inch meters~~
- ~~\$1,268.00 for 6 inch meters~~

~~—(2) The schedule of charges effective for all bills issued after January 1, 2013 to December 31, 2013 shall be:~~

~~—Base Rate \$5.72 per quarter/bill~~

~~—Commodity Rate \$4.46 per thousand gallons~~

- ~~Quarterly Capacity Charge \$27.77 for 5/8 inch meters~~
- ~~\$41.65 for 3/4 inch meters~~
- ~~\$69.42 for 1 inch meters~~
- ~~\$138.85 for 1 1/2 inch meters~~

~~\$222.15 for 2-inch meters~~
~~\$416.54 for 3-inch meters~~
~~\$694.23 for 4-inch meters~~
~~\$1,388.46 for 6-inch meters~~

(31) The schedule of charges effective for all bills issued after January 1, 2014, until modified by Council, shall be:

Base Rate - \$6.26 per quarter/bill

Commodity Rate -\$4.89 per thousand gallons

Quarterly Capacity Charge \$30.41 for 5/8-inch meters
\$45.61 for 3/4-inch meters
\$76.02 for 1-inch meters
\$152.04 for 1 1/2-inch meters
\$243.26 for 2-inch meters
\$456.11 for 3-inch meters
\$760.18 for 4-inch meters
\$1,520.36 for 6-inch meters

The per meter rates for service outside the City limits, but connected to the City-owned water system, shall be two hundred per cent (200%) of the above schedule of charges; however, the percentage applied to out-of-city service shall not apply to water service furnished to another governmental unit pursuant to a contract. Charges for service to such governmental unit shall be determined pursuant to the terms of said contract.

The ~~minimum rate~~base charge shall be charged as long as the meter remains in service. Upon a written request by the owner or authorized agent asking that the water be shut off and the meter removed, the department shall proceed to comply with such request and the minimum rate shall cease on the date when the meter is removed. Charges as determined in accordance with subsection 34-2121(f) will be made when the meter is removed and when the meter is again installed.

Upon written request of an owner or owner's authorized agent, asking that the ~~public works~~department of utilities change meters from time to time because the owner's seasonal demands for water fluctuate, the department shall comply with such request, provided that the proper plumbing connections are in place and that a fee, as determined in accordance with subsection 34-2121(f), is paid for each requested meter change.

(b) Landscape meters. Those meters designated for measuring water for landscape or other outdoor use, which have been installed to avoid sewer charges, shall be charged actual gallons used as rounded to the nearest one thousand (1,000) gallons with the charge computed in accordance with Sec. 34-2121(a).

(c) Fire sprinkler service connections. All property owners using fire sprinkler service connections to the City's public water supply system shall pay an annual fee based on the size of the fire sprinkler service connection, in accordance with the following fee schedule:

Annual Fee

Size & Type of Connection

~~2012~~

~~2013~~

2014, and until modified by City Council

2-inch or less Sprinkler

~~\$80.74~~

~~\$108.65~~

\$146.21

3-inch Sprinkler

~~\$114.38~~

~~\$153.92~~

\$207.13

4-inch sprinkler

~~\$201.85~~

~~\$271.63~~

\$365.53

6-inch Sprinkler

~~\$336.42~~

~~\$452.72~~

\$609.22

8-inch Sprinkler

~~\$605.56~~

~~\$814.90~~

\$1,096.60

10-inch Sprinkler

~~\$874.70~~

~~\$1,177.07~~

\$1,585.97

12-inch Sprinkler

~~\$1,682.11~~

~~\$2,263.60~~

\$3,046.10

16-inch Sprinkler

NA

~~\$4,640.05~~

\$6,240.57

This fee shall be billed in four (4) equal quarterly installments, in addition to all other charges for water used elsewhere on the premises.

(d) Fire Hydrants on Private Property. All property owners who have or shall cause to be placed a fire hydrant on their own property for the purpose of fire protection thereof shall pay an annual fee for the same in accordance with the following fee schedule:

Annual Fee

Private Hydrant Charges

~~2012~~

~~2013~~

2014, and until modified by City Council

~~\$336.42~~

~~\$452.72~~

\$609.22

This fee shall be billed in four (4) equal quarterly installments, -in addition to all other charges for water supply and service to the premises.

(e) New Services. All new services shall pay a fee of ninety dollars (\$90.00) per meter, plus the cost of the meter, with ownership of the meter retained by the City, said charge to be paid upon any of the following, and pursuant to the terms set forth herein:

- (1) Original meter installation;
- (2) Reinstallation of any meter;
- (3) Placement of additional meters on any existing service to provide individual metering in multi-family units or for separating water and sewer charges;
- (4) The setting fee may be waived for a general contractor; the property owner would then pay the setting fee upon transfer of service from the general contractor. Service may be shut off if terminated by the general contractor.

(f) Service Charge.

(1) For transfer of billing, when the service has not been terminated, the charge will be twenty-five dollars (\$25.00); however, in the case where the ~~public works department of utilities or accounts and department of finance departments~~ are aware that a new occupant exists and the provisions of Section 34-2119 have not been met, an administrative fee of twenty-five dollars (\$25.00) will be charged for staff time preparing and posting notice to property. A turn-on fee of thirty-five dollars (\$35.00) shall be assessed for turning on water during business hours for existing customers. A fee of fifty dollars (\$50.00) shall be assessed for turning on water when a meter is also installed or reinstalled. A turn-off fee with meter removal during business hours will be charged fifty dollars (\$50.00). Overtime charges shall be charged to the customer and shall apply to work performed in transferring the billing outside of regular business hours.

(2) Overtime ~~charges in the minimum amount of eighty-five dollars (\$85.00)~~ for each occurrence shall be charged to turn on a water service outside of the normal business hours of the ~~accounts and department of finance office~~.

(3) A service charge of twenty-five dollars (\$25.00) shall be charged to collect a meter reading and prepare an interim bill at a time that does not coincide with the routine meter reading cycle.

(4) When routine readings are requested for meters which are not used for City billing (sub-meters), the owner shall purchase and be responsible for each meter. Meter repairs shall be performed by ~~public works~~utilities personnel staff. Actual repair costs shall be billed to the owner's utility account. A \$450.00 (four hundred fifty dollar) one-time route set-up fee shall be charged to the owner at the time meters are purchased. Recurring fees shall be billed as follows:

On-Cycle Readings

Reading Quantity

Fee

<10 meters

\$10.00

>10 meters

\$20.00

Off-Cycle Readings

<10 meters

\$20.00

>10 meters

\$30.00

(g) Coliform test charges. A fee of fifteen dollars (\$15.00) shall be charged for each coliform test that is performed by the City for construction contractors, private individuals and other non-City entities.

(h) Collection of Service Charges.

(1) In the case only water or only sewer service is provided, to the fund providing the service;

~~(2) When both water and sewer service is provided, fifty five percent (55%) to the water fund and forty five percent (45%) to the water pollution control fund.~~

~~(3)~~ (2) When overtime charges are collected and if the water field representative did the turn-on and installation of meter, then the percentages of above apply; and otherwise, all to the water fund.

(i) Prorated Utility Billing. Whenever a utility bill is issued for a period of time less than a full quarterly billing cycle, the following fixed utility bill charges shall be prorated based on the number of actual service days: water capacity charge; sewer fixed charge; solid waste and recycling fee; and quarterly stormwater utility service charge.

(j) Use Charge Exemption for Red Water: ~~Effective for all bills issued after January 1, 2020, and for~~ For so long as a water customer is affected by water discoloration due to iron concentration levels in excess of the Illinois Primary Drinking Water Maximum Contaminant Level, said affected customer shall be exempt from the City's commodity charge. Said customers shall pay all other fees and charges for water service.

(1) The exemption shall apply to the commodity charge that would have otherwise been due for the water consumed as measured by the water meter on the premises.

(2) The determination of whether the iron concentration level is in excess of the Illinois Primary Drinking Water Maximum Contaminant Level shall be made as follows: ~~City public works department of utilities department~~ staff shall collect a sample of water at a tap within the premises, and said sample shall be analyzed by certified staff at the City's ~~public works~~ utilities facility to determine the iron concentration level.

(3) The exemption shall cease with the first billing issued after two (2) consecutive tests, conducted no less than two (2) weeks apart, in which the iron concentration level is at or below the Illinois Primary Drinking Water Maximum Contaminant Level.

Sec. 34-2121 Amendments:

Sub (a): Ord. No. 3079-2004; Sec. 34-2121(a) repealed; new Sec. 34-2121(a) enacted; 10/05/04; Ord. No. 3047-2006; Sec. 34-2121(a) repealed; new Sec. 34-2121(a) enacted; 11/07/06; Ord. No. 3022-2008; Sec. 34-2121(a)(1) repealed; new Sec. 34-2121(a)(1) enacted; 03/25/08; Ord. No. 3035-2008; Sec. 34-2121(a) repealed; new Sec. 34-2121(a) enacted; 05/27/08; Ord. 3047-2011; Sec. 34-2121(a) repealed; new Sec. 34-2121(a) enacted; 11/22/11

Sub (b): Ord. 3047-2011; Sec. 34-2121(b) repealed; new Sec. 34-2121(b) enacted; 11/22/11

Sub (c) or (d): Ord. No. 3017-2006; Sec. 34-2121(d) repealed; new Sec. 34-2121(d) enacted; 04/04/06; Ord. No. 3021-2008; Sec. 34-2121(c) and (d) repealed; new Sec. 34-2121(c) and (d) enacted; 03/18/08; Ord. 3047-2011; Sec. 34-2121(c)(d) repealed; new Sec. 34-2121(c)(d) enacted; 11/22/11; Ord. No. 3033-2013; Sec. 34-2121(c) and (d) repealed; new Sec. 34-2121(c) and (d) enacted; 10/08/13

Sub (e): Ord. No. 3024-2017; Sec. 34-2121(e) repealed in its entirety; new Sec. 34-2121(e) enacted; 10/10/17

Sub (f): Ord. No. 3017-2006; Sec. 34-2121(f) repealed in its entirety; new Sec. 34-2121(f) enacted; 04/04/06; Ord. No. 3027-2008; Sec. 34-2121(f)(3), (4) and (6) repealed; new Sec. 34-2121(f)(3) and (4) enacted; 03/25/08; Ord. No. 3045-2011; Sec. 34-2121(f)(1), (f)(2) repealed; new Sec. 34-2121(f1)(f2) enacted; 11/22/11; Ord. No. 3032-2013; Sec. 34-2121(f)(1) repealed; new Sec. 34-2121(f)(1) enacted; 10/08/13; Ord. No. 3024-2017; Sec. 34-2121(f) repealed in its entirety; new Sec. 34-2121(f) enacted; 10/10/17

Sub (g): Ord. No. 3017-2006; Sec. 34-2119(g) repealed; new Sec. 34-2119 enacted; 04/04/06

Sub (i): Ord. No. 3036-2015; Sec. 34-2121(i), "Delayed Billing," repealed in entirety; new Sec. 34-2121(i) enacted; 10/06/15; Ord. No. 3036-2015, Sec. 34-2121(i) repealed; new Sec. 34-2121 enacted; 10/06/15

Sub (j): Ord. No. 3042-2019; Sec. 34-2121(j) enacted; 12/10/19

Other: Ord. No. 3072-2004; Sec. 34-2121(e through h) repealed; new Sec. 34-2121 (e through i) enacted; 09/14/04

SEC. 34-2122. RESPONSIBILITY IN TURNING ON WATER.

In turning on water, the City or the ~~public works department of utilities department~~ shall not be responsible for any damage whatsoever, whether occurring by reason of improper fixtures, open or improper connections, or for any other reasons or by another causes.

SEC. 34-2123. WATER METERS.

(a) All water supplied from the City water distribution system shall be metered and no article, method or device of any substance or nature shall be used to bypass a water meter or in any other manner to obtain unmetered water from the City water supply. All meters shall be furnished and set by the ~~City public works department of utilities department~~ but the owner of the premises upon which it is to be set must provide a suitable location in the piping system for same. In certain cases as determined by the department of utilities, ~~t~~The owner shall also provide a suitable location for the remote reading device and connecting wiring. The owner of a new building shall be responsible for the installation of the wire from the water meter location to the remote reading device location on the outside of the building. The property owner of an existing building shall be responsible for the installation of the wire from the water meter location to the remote reading device location on the outside of the building when a meter is relocated or a second meter is requested. The wire used in such installations shall be 22/3 AWG solid conductor outdoor communication cable with the three (3) wires being black, green and red respectively in color. Installation of wire shall be completed prior to pre-cover inspection by the electrical inspector. Location of all remote reading devices shall be approved by the ~~public works department of utilities department~~. The City will install the remote reading device as required. Meters shall be placed on the service pipe not to exceed two (2) feet from where the pipe enters and becomes exposed in the premises. There shall be a suitable place provided for the meter so as to keep it dry, clean, protected from freezing and readily accessible at all times to the meter reader and inspectors of the ~~public works department of utilities~~, who shall have every right during reasonable working hours to access the premises where the meter is located, for the purpose of installation, servicing, reading or removal thereof. A valve shall be installed on each side of the meter. A locking valve approved by the City shall be installed on the inlet side of the meter. All valves and fittings necessary to comply with the requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served.

(b) For services larger than two (2) inches in diameter, the ~~City public works department of utilities~~ reserves the right to install two (2) or more meters of smaller size in parallel. Where meters are so placed each meter shall have a valve or shut-off on both inlet and outlet pipe in addition to the basement shut-off.

(c) Where a service pipe larger than two (2) inches in diameter is used, the plumber shall ~~call at~~ have a duty to contact the ~~public works department of utilities office~~ for instructions regarding the fittings required for locking by-pass and space spacing to be provided for the water meters.

(d) Multiplexes shall be served by a single meter in the name of the owner, or metered separately with the owner responsible for unpaid charges as provided in Section 34-2132. In case two (2) or more meters are desired for measuring water from one (1) service connection, they shall be so placed that no one of them shall measure water which has

passed through the other one. Each meter shall have individual locking control valves set as required by this division.

(e) On premises where the owner or in conjunction with a tenant determines that certain quantities of water so used on the premise do not ever enter the sanitary sewerage system or stormwater drainage system of the City and such water supply piping can be so segregated, and as a result, desire that such water be so metered so that no sewerage charge is made for such water, the ~~public works~~ department of utilities, upon receipt of the cost of the meter and setting fee, and, upon notification from the ~~public works~~ department of utilities to proceed with such setting, will so place a meter in the place so prepared by the owner in accordance with subsection (a), and the said meter shall thereafter be read and billed with such charges as required.

Where only the use of the sewerage service is desired and no City water or only partial City water and partial supplementary source of water is used, the supplementary source shall be metered as set forth in the paragraph above.

(f) Water meters shall be of the size and type necessary to insure accurate registration of the water requirements of the premises. Size of meters for large buildings, apartments or flats shall be designated by the ~~public works~~ department of utilities, at time of application for water supply. The size of meters so specified by said department being always subject to change, from time to time thereafter, as the demand or other conditions may develop to be out of accord with the provisions of this division. The ~~public works~~ department of utilities reserves the right to require an increase in the size of meter in any case, where, in the discretion of the department, the use of water in larger quantities places any meter under undue or unusual strain. The size of meter which shall in either event be required shall be determined by the ~~public works~~ department of utilities.

(Ord. No. 3017-2006; Sec. 34-2123(a) repealed; new Sec. 34-2123 enacted; 04/04/06; Ord. No. 3034-2008; Sec. 34-2123 repealed; new Sec. 34-2123 enacted; 05/27/08)

SEC. 34-2124. OWNERS TO PROTECT METERS.

(a) The owner or occupant of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, the owner or occupant shall give immediate notice to the office of the ~~public works~~ department of utilities. In all cases where meters are broken or damaged by negligence of owners or occupants on premises, or by freezing, hot water, or other injuries except ordinary wear and tear, the necessary repairs or replacement of the meter shall be made by the City's ~~public works~~ department of utilities and the cost of such repairs paid for by such owner or occupant at a minimum amount of forty-five dollars (\$45.00) plus the cost of the meter. Additional City labor may be required to set large meters if a contractor is not involved. In all cases, the customer will be charged the actual costs incurred by the City. The customer may also be responsible for costs associated with the services of a plumbing contractor, if required. In case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made, including all fees as outlined in Section 34-1100. Damaged meters may be repaired or replaced by the ~~public works~~ department of utilities, at the director's discretion, and overtime charges shall be charged to the customer and shall apply to work

performed in meter repair or replacement outside of regular business hours, without first giving notice thereof to the owner of premises served by such meter.

(b) No one shall in any way interfere with the proper registration of a water meter, and no one except an authorized employee of the ~~public works~~ department of utilities shall break a seal of a meter; provided, however, that the director may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.

(c) Whenever a water meter is in place on a water service in premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such premises shall give notice in writing to the director of ~~public works~~ department of utilities to remove such meter, and free access to such meter must be provided with at least twenty-four (24) hours' advance notice on regular work days after notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given, and if the meter is covered with material and/or debris making the meter inaccessible or lost, he shall be required to pay for the same at the actual value.

(Ord. No. 3017-2006; Sec. 34-2124 repealed in its entirety; new Sec. 34-2124 enacted; 04/4/06)

(Ord. No. 3027-2008; Sec. 34-2124(a) repealed; new Sec. 34-2124 enacted; 03/25/08)

(Ord. No. 3030-2009; Sec. 34-2124 repealed; new Sec. 34-2124 enacted; 10/20/09)

(Ord. No. 3038-2017; Sec. 34-2124(a) repealed in its entirety; new Sec. 34-2124(a) enacted; 10/17/17)

SEC. 34-2125. ADJUSTMENT OF UTILITY BILL CHARGES.

(a) In case of a dispute over the amount of a utility bill as related to the accuracy of a water meter, the ~~public works~~ department of utilities shall, at the written request of the consumer, test the meter. If it is found upon such test that the meter registers a greater amount of water than has actually passed through said meter as determined pursuant to the standards published in the current edition of the American Water Works Association M6 manual, the bill will be adjusted to conform with the actual amount passing through the said meter, and said test shall be made without charge. If however, the meter under registers or registers correctly the amount of water passing through it, the owner shall be required to bear the expense of such test.

(b) Should a City utility account be billed incorrectly for water, sewer, stormwater, and/or garbage disposal and recycling charges due to errors in measuring and/or calculating said charges, the City shall promptly correct the charges to the account and reflect said corrections on the next utility bill. Such account corrections shall encompass a period of no greater than the preceding four (4) quarters, whether the correction is to the detriment or advantage of the City or the consumer. In cases in which the account corrections are to the detriment of the ~~consumer~~ property owner, the City shall offer a reasonable payment plan without interest for the amounts charged as a result of the account corrections, as approved by the ~~finance~~ director of finance. The time limit of four (4) quarters shall not apply to cases involving meter tampering, theft of service, fraud or

other similar illicit customer actions. In such cases, the City shall correct charges to the account and issue a bill for all uncollected charges.

(Ord. No. 3003-2015; Sec. 34-2125 repealed; new Sec. 34-2125 enacted; 02/10/15)

SEC. 34-2126. DEPOSIT FOR TEST OF METER.

Before making a test of any meter the person requesting such test shall, at the time of making application for test, make a deposit at the ~~accounts and~~ department of finance office of the amount charged for such test, subject to the conditions herein stated, which charges are fixed as follows:

Meter Size	Fee Structure
5/8"	\$132.50
3/4"	\$132.50
1"	\$132.50
1-1/2"	\$212.00
2"	\$212.00
3"	\$305.00
4"	\$305.00
6"	\$305.00

No meter shall be removed or in any way disturbed, nor the seal broken, except in the presence of, or under the direction of, the director or said director's authorized agent. If meter test is positive, the fee will be waived.

(Ord. No. 3072-2004; Sec. 34-3126 repealed; new Sec 34-3126 enacted; 09/14/04; Ord. No. 3017-2006; Sec. 34-2126 repealed; new Sec. 34-2126 enacted; 04/04/06)

SEC. 34-2127. REPAIRING METERS.

The ~~public works~~ department of utilities reserves the right to access during reasonable working hours to enter any premises supplied by City water and exchange any meter, for repairs or other cause, as may be deemed necessary by said department. In the event that access cannot be readily obtained, the holder of the contract for water service shall be contacted and the necessity for access set forth.

(1) Meters out of order. If any meter, at any time, fails to register the quantity of water consumed, the same shall be determined and charges made based on the average quantity registered during the last preceding year prior to the date of failure.

(2) No allowance for leakage. No deduction shall be made on account of leakage after the water has passed through and been registered by meter.

SEC. 34-2128. UNLAWFUL TO OBSTRUCT.

No person shall, in any manner, obstruct the access of any stopcock, hydrant, water meter, dial or valve connected with any water pipes within the City by means of any rubbish, refuse, building material, fuel, or any other article, thing or hindrance, particularly the obstruction of meters that will interfere with the ready access to any meter at any and all times. Neglecting to comply with this provision, the consumer at once becomes liable and the City water supply will be turned off at the curb valve in the boulevard, after a five (5) days' notice has been given, and shall remain off until the said obstruction shall be removed and the ~~public works~~ department of utilities notified.

SEC. 34-2129. READING ZONES; COLLECTING ZONES; PAYMENT DATES; PENALTIES.

(a) Every meter shall be read each quarter by a ~~public works department~~ department of utilities representative. In the event that the reading cannot be obtained, the bill shall be estimated for that quarter as provided for in Subsection 34-2127 (1). In the case a bill is estimated for a quarter, a reading must be obtained for the next succeeding quarter.

(b) Payment must be received by the ~~accounts and~~ department of finance office on or before the hour of closing on the date specified on the bill or a penalty for late payment will be imposed; provided, that, when said date shall be a Sunday or legal holiday, such bill shall be paid on or before the next succeeding day that is not a Sunday or legal holiday without penalty.

(c) The penalty established in subsection (b) above shall be five percent (5%) of the amount of water or sewage service charge remaining unpaid after the due date. Customers failing to make such payment by the due date shall be sent a five (5) day notice pursuant to Article II of this chapter.

(d) Failure to receive a bill will not entitle the owner or customer as defined by the contract to avoid payment for water and sewage service.

(e) Written notice must be given by the owner or authorized agent if it is desired that bills be forwarded to any address other than the premises supplied with water, sewer, solid waste and recycling, and stormwater drainage service.

(f) Notwithstanding the provisions of subsections (a) and (b) above, the ~~accounts and finance officer~~ director of finance may put any water service on a monthly payment basis if in said officer's judgment it would be to the best interests of the City, and in such case such bills shall be due on the first of each month after such service has been used.

(g) The City shall have the full power and authority to require the payment in advance for use of water furnished by it to any building, place, or premises, and in case prompt payment for the same shall not be made, it may shut off the water from such building, place or premises, and shall not be compelled again to supply said building, place or premises with water until any arrears, with costs and expense of turning said water off and on shall be fully paid. Such termination of service shall be conducted pursuant to Article I of this chapter.

(h) All bills for installation of special water service, repairs, and for installation and repair of meters, shall be payable to the ~~accounts and finance office~~ department of finance as soon as such work is completed and the bill is rendered; and if said bill or bills are not promptly paid, the City water supply may be turned off by the City pursuant to Article I of this chapter, until all of such bill or bills have been paid.

(i) Water bills, sewage bills, solid waste/recycling bills, and stormwater drainage service bills, as far as payment collections are concerned, are to be considered as one, or a single bill, and any payment less than the total is to be considered a partial payment, except on final billings covered by deposit. Partial payment shall be credited in the following order:

(1) Past due water service charges, sewerage and treatment service charges, stormwater drainage service charges, and miscellaneous charges, bracketed by age of account in accordance with brackets of thirty (30) days, according to age and prorated in accordance with the relative percentage each bears to the total bill rendered within the same age bracket, until paid in full;

(2) Current water service charges, sewerage and treatment service charges, stormwater drainage service charges, and miscellaneous charges, prorated in accordance with the relative percentage each bears to the total bill rendered, until paid in full;

(3) For purposes of this section, "miscellaneous charges" means charges for penalties, installation of special water and sewerage and treatment service, stormwater drainage service charges, repairs, and or installation and repair of meters.

If charges for sewerage and treatment service, stormwater drainage service, and water service are not paid when due, procedures of Article I of this chapter shall be followed.

SEC. 34-2130. WATER FOR CONSTRUCTION AND SPECIAL PURPOSES.

When water is to be used in the construction of new buildings or for repairing or remodeling of existing structures, or, for construction purposes of any description, it can only be obtained in the following manner:

(1) Through a water meter installed for the purpose, in accordance with the provisions of this division governing the installation, cost of installation and removal of meters. All water consumed shall be billed to the applicant and all water registered by said meter shall be paid for at the regular meter rates.

(2) No meter larger than three (3) inches will be set for construction purposes, and no hose or pipe connection of more than three (3) inches in diameter will be permitted or allowed on said meter. The department of ~~public works~~utilities will determine the appropriate meter size. The applicant for such meter shall pay the following charges/fees:

(a) \$500.00 partially refundable deposit payable with application;

(b) \$ 25.00 Meter Testing Fee, to be deducted from deposit;

(c) \$ 2.00 per day per meter, to be deducted from deposit;

(d) \$ 50.00 Meter Setting and Removal Fee, to be deducted from deposit;

(e) In addition to the fees of this subsection, the applicant shall be responsible for the full amount of any damage to the meter after it is set, in addition to any remaining balance of said deposit, and said deposit amount shall not limit the City in recovering the full amount of such damage. In the case that the dial is broken or meter fails to register the amount of water consumed, water must be paid for at the minimum rates in accordance with Sec. 34-2121.

(f) A rental fee for a backflow prevention device (RPZ) will be charged as follows: less than two (2) inches shall be \$2.00/day; two (2) inches and larger shall be \$5.00/day.

(Ord. No. 3017-2006; new Sec. 34-2130(2)(f) enacted; 04/04/06)

(3) Through an existing water meter on premises, or an adjoining property after proper written permission for water supply in this manner has been granted.

(4) Where water cannot be obtained from any other source, and the director deems that it does not interfere with proper fire protection, a meter will be attached to one of the openings of a fire hydrant, such supply to be controlled by a small valve on the meter connection. In no case shall the fire hydrant valve proper be opened or closed by anyone but a representative of the ~~public works~~ department of utilities.

(5) Where water is to be used for paving and sewer construction, or where, in the judgment of the director, it is not advisable to set a meter, a special valve will be set on one of the openings of a fire hydrant for the control of such supply. In no case shall the hydrant proper be opened or closed by anyone but a representative of the ~~public works~~ department of utilities.

(6) Service connections in sufficient number to supply each potential building site shall be made with the City water mains before the beginning of any paving construction on any public street or alley so designated by the City Council to be paved. All property owners abutting such street or alley designated to be paved shall, upon notification of such improvement, immediately establish such connection with the water main serving said street or alley ordered paved; however, if such connection to water mains is not made when requested, the City may at its discretion make such necessary connection before paving said streets or alleys and charge the cost of same to the abutting property owner. (Ord. No. 3017-2006; Sec. 34-2130(7) repealed; 04/04/06)

SEC. 34-2131. WATER DIVISION REVENUE.

(a) The ~~accounts and~~ director of finance officer shall receive all such revenues from the water system of the City, and all other funds and moneys incident to the operation of the system, as the same may be delivered to said ~~officer~~ director, and shall deposit the funds in a separate fund designated as the "water fund" of the City. The ~~accounts and~~ director of finance officer shall administer the fund in every respect in the manner provided by the Illinois Compiled Statutes as amended, and the provisions of this Code and other ordinances of the City.

(b) The revenues and moneys derived from the operation of the water system shall be held by the ~~accounts and finance officer~~ director of finance separate and apart from any private funds and separate and apart from all other funds of the City; and all of said sums without any deduction whatsoever shall be deposited in the water fund not more than twenty-four (24) hours after receipt of moneys, or at such more frequent intervals as may from time to time be directed by the City Council.

(c) Annual review and adjustment of water rates. The City will maintain such records as necessary to permit an annual review of the water user charges and water fund. The water user charges shall be adjusted annually to ensure adequate revenue is provided for O, M & R costs, capital costs and debt service.

(d) Agency access to records. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City of Moline which are applicable to the City of Moline system of user charges for the purpose of making audit, examination, excerpts and transcription thereof to ensure

compliance with the terms of the State Loan Agreement and Rules, during normal business hours.

(Ord. No. 3067-2005; new Sec. 34-2131(c) and (d) enacted to Sec. 34-2131; 10/18/05)

SEC. 34-2132. NOTICE OF DELINQUENCY; LIEN.

Whenever a bill for water, sewer and stormwater drainage service remains unpaid sixty (60) days after it has been rendered, the ~~finance director~~ of finance or utilities general manager ~~director of utilities~~ may file with the recorder of deeds of the county a statement of lien claim, as provided by law. This statement shall contain the legal description of the premises served, the amount of unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges for water and/or sewerage and/or stormwater drainage services treatment services subsequent to the period covered by the bill.

(1) Foreclosure of lien. Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity, in the name of the City.

(2) ~~City attorney~~ Corporation Counsel authorized to start proceedings to foreclose. ~~The city attorney~~ Corporation Counsel is authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill for water and sewerage and treatment services remains unpaid sixty (60) days after it has been rendered.

(3) If the amount of the lien is paid in full, the lien will be released after payment of the lien filing and release fees. The fee shall be based upon current fees being charged by the county recorder of deeds office.

(Ord. No. 2000-07-01; Sec. 34-3132 repealed; new Sec. 34-3132 enacted; 07/05/00; Ord. No. 3014-2011; Sec. 34-2132 repealed; new Sec. 34-2132 enacted; 03/22/11)

SEC. 34-2133. RESERVED FOR FUTURE USE.

(Ord. No. 3072-2004; Sec. 34-2133 repealed and reserved for future use; 09/14/04)

SEC. 34-2134. DISCONTINUING WATER SERVICE AND RENDERING BILL.

(a) At any time any premises are to be vacated or property closed for any period of time, application shall be made to the ~~accounts and finance office~~ department of finance to have the City water supply shut off, or discontinued, and the ~~public works~~ department of utilities shall then shut off said water supply, and at the same time read the water meter. The ~~accounts and department of finance office~~ shall render a bill covering water and sewerage service charges and stormwater drainage service charges then accrued. The City water supply shall not again be turned on until all unpaid bill or bills against the persons having the contract with the City have been paid.

(b) However, this section shall not be construed as holding new owners ~~or tenants~~ liable for nonpayment by previous owners ~~or tenants~~ and shall not bar the ~~public works~~ department of utilities from providing a water supply or sewerage and treatment service to said new ~~tenants or owners~~.

(c) Continuation of service to a property shall not constitute waiver of lien or reduce the personal liability of the persons accruing water and/or sewerage and treatment service and/or stormwater drainage service charges.

SEC. 34-2135. INTERFERENCE WITH OR USE OF STOP COCKS.

In no case shall any person interfere with or use the stop cocks placed six (6) feet more or less from the property line, except by permission from the ~~public works~~ department of utilities.

SEC. 34-2136. MOLESTATION OR INJURY TO WATER MAINS AND OTHER FACILITIES.

Any person who may be working in any street or streets of this City who may molest or in any way damage the City water mains, or appurtenances thereto, shall be responsible to the ~~public works~~ department of utilities for any and all such damages and said person, or they, their heirs, representatives or assigns shall take immediate action to repair such damage and shall bear all expense of such replacement or repair made necessary thereby, and they shall also be responsible for damage to surrounding properties, on account of said damage or molestation of water mains.

SEC. 34-2137. FIRE HYDRANTS - IN GENERAL.

All fire hydrants installed in the City are so placed for the purpose of extinguishing fires in said City and no person other than the members of the fire department of the City, for the uses and purposes of said department, and those specially authorized by the ~~public works~~ department of utilities, shall open any of the hydrants or attempt to draw water from the same or in any manner interfere with or injure any of said fire hydrants. Maintenance, repairs and replacement of fire hydrants placed on private property for the purpose of fire protection thereof shall remain the responsibility of the property owner.

SEC. 34-2138. SAME - WRONGFUL USE.

Any City employee or member of the fire department who shall let or suffer to let out or permit any person to take the wrenches furnished them or the fire department, to be used by them in the pursuit of their prescribed work for the City in case of fire, or shall suffer or permit any of the wrenches furnished them or the fire department, except as they accompany the engine or firemen on occasion of fire or for the purpose connected with the fire department, shall be subject to arrest, prosecution, and punishment as set out in Section 1-1107 of this Code.

SEC. 34-2139. WASTE OF WATER.

(a) No person shall allow the water to run to waste through defective pipes, faucets, or other fixtures; however, a reasonable time, not exceeding forty-eight (48) hours, shall be allowed to repair the same. In case of neglect or refusal by the person to cause said fixtures to be repaired, the ~~public works~~ department of utilities shall be authorized to have the same repaired at the expense of the owner or occupant, or to withhold the water supply thereto.

(b) Where a customer asserts that the measured usage is unusually high due to a defect in pipes, faucets or other fixtures, the customer may request a hearing before the city administrator in accordance with Section 34-1104 to request adjustment of the amount of the invoice. The customer shall bear the burden to prove that a defect existed and that the failure to detect and repair the defect was not the fault or within the reasonable control of the customer. Upon proof of good cause shown to the satisfaction of the city administrator, the city administrator shall adjust the bill as follows: a) the city administrator shall determine the average usage volume from the three (3) invoices immediately preceding the current invoice ("average volume"), and the customer shall pay the full water charge for the average volume; b) the customer shall pay a discounted rate of twenty percent (20%) of the full water charge for the balance of the volume in the current invoice remaining after deducting the average volume; the city administrator shall likewise adjust the sewer charges such that the customer shall pay full sewer charge for the average volume and shall pay a discounted rate of twenty percent (20%) for the balance of the volume after deducting the average volume. In determining whether the customer has demonstrated good cause, the city administrator shall consider the timing and number of previous such requests by that customer and/or the timing and number of such requests for the particular property involved.

(Ord. 3001-2020; Sec. 34-2139 repealed; new Sec. 34-2139 enacted; 1/7/20)

SEC. 34-2140. LIMITATIONS TO THE USE OF WATER.

(a) The ~~public works~~ department of utilities reserves the right to prohibit the use of water for yard sprinklers and large consumers of water when in the judgment of the City it shall be necessary to do so.

(b) In case the air conditioning machine demand of water becomes too great for the City distribution system and filtration plant, the City ~~public works~~ department of utilities reserves the right to have connections between the City supply and air conditioning machines disconnected. All supplies for air conditioning machines ~~shall~~ may be required to be metered if supplied by City water. A special permit from the ~~city engineer~~ director of utilities shall be granted before waste water is connected to City sewer ~~or storm drains~~ from air conditioning machines.

SEC. 34-2141. STOP COCK, VALVE AND SERVICES.

The City shall not be responsible for any accidents caused by stop cocks or valve boxes that stand above the surface of the ground, pavement or sidewalks. The property owner thereof shall maintain all stop cocks or valve boxes that are in any way related to the water service supplying their premises, flush with the surface of the surrounding ground or rigid surface.

SEC. 34-2142. NO WATER CONNECTIONS OR PREPARATIONS THEREFOR WITHOUT PERMIT; PENALTY.

Any person who shall place any water service, or introduce in or about any building or any grounds any water pipes or any other plumbing work in or about any building or on any grounds for the purpose of connecting such pipes or plumbing work with the main

pipes of the City water system, or preparing them for connection with a view of having the premises supplied with water by the City water system, or who shall make addition to, or alteration of any of the pipes, bath, closets, stop cocks, or other fixtures or apparatus, for the supply of any premises with water, without being first duly licensed to perform such work by the City or for neglect of obtaining a permit to perform such work from the City plumbing inspector or for failure of returning said permit within forty-eight (48) hours after completing such work, shall be subject to a fine of not more than one hundred dollars (\$100.00), in addition to any other fines and penalties elsewhere in this Code of Ordinances or the state statutes.

SEC. 34-2143. PLUMBING INSPECTOR TO REPORT.

It shall be the duty of the plumbing inspector to report in writing to the director of the ~~public works~~ department of utilities all premises inspected by said officer where City water is used or about to be used, within forty-eight (48) hours after such inspection. Such report to contain the name of the owner, the official house number and the name or number of the street, the name of plumber or plumbers performing the work, also any necessary data required as to location of tap on main, curb cock, and similar information.

SEC. 34-2144. INSPECTION AND INSPECTORS.

(a) Inspectors, foremen, meter readers, or any other employee of the ~~public works~~ ~~utilities~~ department of utilities whose duty it may be to enter upon private premises to make inspections and examination of water meters, pipes, fixtures, or appurtenances thereto, for any reason whatsoever in connection with the City water supply, will be provided with a badge or other credentials to identify them as authorized agents and representatives of the ~~public works~~ department of utilities.

(b) Any officer, inspector, foreman, meter reader or authorized agent, or employee of the ~~public works~~ department of utilities, shall, upon presentation of his badge or other credentials provided for in subsection (a), have free access at any and all reasonable hours to any premises supplied by City water, for the purpose of making any inspection thereof.

SEC. 34-2145. ~~PUBLIC WORKS~~ DEPARTMENT OF UTILITIES MAY INSPECT PREMISES.

(a) In case any authorized agent or employee of the said ~~public works~~ department of utilities is refused admittance to any premises, or, being admitted shall be hindered or prevented in making such examination, the ~~public works~~ department of utilities may cause the City water supply to be turned off from said premises, after giving twenty-four (24) hours notice to the owner or occupant of said premises.

(b) In the event the owner, occupant or lessee of any premises, building or structure refuses a ~~public works~~ department of utilities employee access for the purposes of installing, reading, servicing or removing a water meter or for the purpose of an inspection thereof, the ~~public works~~ department of utilities shall have the power to apply to the court of competent jurisdiction for an administrative search warrant.

(c) No person not an authorized agent or employee of the ~~public works~~ department of utilities shall have, wear or exhibit any badge or credential of the department. It shall be the duty of each and every such officer, agent or employee of said department, upon

resignation or dismissal, to immediately surrender and deliver to the director of ~~public works~~ the department of utilities all badges and credentials of said department.

SEC. 34-2146. OTHER CITY DEPARTMENTS REQUIRED TO AID.

It shall be the duty of the employees of the police, fire, ~~public works~~, engineering, finance and planning departments to give vigilant aid to the ~~public works~~ department of utilities in the enforcement of this article, and to this end, they shall report all violations thereof which come to their knowledge, to the office of the said ~~public works~~ department of utilities.

SEC. 34-2147. CONNECTIONS WITH OTHER SYSTEMS.

No connection from the City water supply to another water supply shall be permitted unless such other water supply is a publicly owned water supply certified as such by the State of Illinois.

SEC. 34-2148. INSTALLATION OF WATER MAINS.

(a) Water mains shall not be installed in the City except after first making application for and obtaining a permit from the director.

(b) Water mains shall be installed under the standard specifications of the ~~public works~~ department of utilities for laying water mains and under the supervision and inspection of the ~~public works~~ department of utilities.

(c) Water mains shall be installed in the City under one of the following methods:

(1) By the ~~public works~~ department of utilities under order from the City Council and shall be paid for from funds of the ~~public works~~ department of utilities.

(2) By special assessment procedure as provided by state statute and/or by City Code.

(3) By direct payment by the applicant or developer.

(d) In all cases the basic design of the proposed extension shall be in accordance with the requirements of the ~~public works~~ department of utilities.

(e) Whenever a water main is extended, it shall be completed across the frontage of the property to be improved by the extension.

(f) All water mains and service lines now in place or that may be placed in public right-of-way or public utility easements, so dedicated, shall become the donated property of the City. The responsibility, jurisdiction and maintenance thereof shall thereafter be administered by the City ~~public works~~ department of utilities.

SEC. 34-2149. DEFINITIONS.

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

(1) Base rate means a uniform charge levied on a per bill basis.

(2) Commodity rate means a charge levied on a per volume of water basis.

(3) O, M & R means operation, maintenance and replacement.

(4) Ordinance means this ordinance.

(5) Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(6) State loan shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of The State of Illinois.

(7) Useful Life shall mean the estimated period during which the water works will be operated.

(8) Clarification of word usage: "Shall" is mandatory; "May" is permissible.
(Ord. No. 3067-2005; new Sec. 34-2149 enacted; 10/18/05)

DIVISION 2. CROSS-CONNECTION CONTROL

SEC. 34-2200. GENERAL POLICY.

(a) Purpose. The purpose of these rules and regulations is:

(1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(b) Application. These rules and regulations shall apply to all premises served by the public potable water supply system of the City.

(c) Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the director of ~~public works~~utilities or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the director of ~~public works~~utilities shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Subsection 34-2204(d)(4) below for a period of at least five (5) years.

SEC. 34-2201. DEFINITIONS.

(a) The following definitions shall apply in the interpretation and enforcement of these regulations:

(1) Fixed proper air gap means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

(2) Agency means Illinois Environmental Protection Agency.

(3) Approved means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

(4) Auxiliary water system means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

(5) Backflow means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

(6) Backflow prevention device means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

(7) Consumer or Customer means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

(8) Consumer's water system means any water system located on the customer's premises and said consumer's water system begins at the connection to the public main. A building plumbing system is considered to be customer's water system.

(9) Contamination means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

(10) Cross-connection means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

(11) Double check valve assembly means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

(12) Health hazard means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of

consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death, injury or significant reduction in the quality of life.

(13) Inspection means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

(14) Non-potable water means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

(15) Plumbing means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.

(16) Pollution means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

(17) Potable water means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

(18) Potential Cross-Connection means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

(19) Process fluid(s) means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or

system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- a. polluted or contaminated waters;
- b. process waters;
- c. used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- d. cooling waters;
- e. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- f. chemicals in solution or suspension;
- g. oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes;

(20) Public water supply means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty-five (25) persons at least sixty (60) days per year. A public water supply is either a "community water supply" or a "non-community water supply."

(21) Reduced pressure principle backflow prevention device means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(22) Service connection means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

(23) Survey means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

(24) System hazard means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

(25) Used water means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

(26) Water purveyor means the owner or official custodian of a public water system.

SEC. 34-2202. WATER SYSTEM.

(a) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(b) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the director of ~~public works~~utilities up to the point where the consumer's water system begins.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(d) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(e) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

SEC. 34-2203. CROSS-CONNECTION PROHIBITED.

(a) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(b) The following conditions or connections are unacceptable and shall likewise be prohibited:

(1) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(2) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

SEC. 34-2204. SURVEY AND INVESTIGATIONS.

(a) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(b) On request by the director of ~~public works~~ utilities, or said director's authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the director of ~~public works~~ utilities for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

(c) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3(1).

(d) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

(3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) Testing and records.

- a. Each device shall be tested at the time of installation and at least annually, or more frequently if recommended by the manufacturer.
- b. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4(e).
- c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
- d. A maintenance log shall be maintained and include:
 1. Date of each test;
 2. Name and approval number of person performing the test;
 3. Test results;
 4. Repairs or servicing required;
 5. Repairs and date completed; and
 6. Services performed and date completed.

SEC. 34-2205. WHERE PROTECTION IS REQUIRED.

(a) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the director of ~~public works~~utilities, actual or potential hazards to the public water supply system exist.

(b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving property where the following conditions exist:

(1) Property which has an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the director of ~~public works~~utilities and the source is approved by the Illinois Environmental Protection Agency unless all piping has been removed from the auxiliary water supply to any building having a connection to the public water supply and all water fixtures on the outside of such building(s) have been removed.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the director of ~~public works~~utilities.

(3) Premises having internal cross-connections that, in the judgment of the director of ~~public works~~utilities and the Cross Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a repeated history of cross-connections being established or re-established.

(c) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's

regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the director of ~~public works~~utilities determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or stormwater pumping stations.
- (5) Food or beverage processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

SEC. 34-2206. TYPE OF PROTECTION REQUIRED.

(a) The type of protection required under Subsections 34-2205(b) (1), (2), and (3) of these regulations shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(b) The type of protection required under Subsection 34-2205(b)(4) of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device.

(c) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers or other approved device shall be installed on fire safety systems connected to the public water supply when:

- (1) the fire safety system contains antifreeze, fire retardant or other chemicals; or
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or

(4) there is a connection where by another source can be connected to the sprinkler system.

SEC. 34-2207. BACKFLOW PREVENTION DEVICES.

(a) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(b) Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

SEC. 34-2208. INSPECTION AND MAINTENANCE.

(a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within fifteen (15) days.

(3) Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(b) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(c) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(d) A maintenance log shall be maintained and include:

(1) Date of each test or visual inspection;

(2) Name and approval number of person performing the test or visual inspection;

(3) Test results;

(4) Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

(e) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(f) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the director of ~~public works~~utilities.

SEC. 34-2209. BOOSTER PUMPS.

(a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(b) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the director of ~~public works~~utilities, at least once a year, that the device is operable.

SEC. 34-2210. VIOLATIONS.

(a) The director of ~~public works~~utilities shall deny or discontinue, after reasonable notice to the occupants thereof (no notice shall be required in cases of emergencies), the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the director of ~~public works~~utilities, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the director of ~~public works~~utilities, and the required reconnection fee is paid.

DIVISION 3. USE OF GROUNDWATER AS POTABLE SUPPLY; PROHIBITED.

SEC. 34-2300. USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Moline by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the City of Moline.

(Ord. No. 3022-2010; Sec. 34-2300 repealed; new Sec. 34-2300 enacted; 04/20/10)

SEC. 34-2301. PENALTIES.

Any person violating the provision of this ordinance shall be subject to a fine of up to seven hundred fifty dollars (\$750.00) for each violation.

SEC. 34-2302. DEFINITIONS.

Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, officers, agents or assigns.

Potable water is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing food.

ARTICLE III. CITY WATER POLLUTION CONTROL SYSTEM

DIVISION 1. IN GENERAL

SEC. 34-3100. DEFINITIONS.

As used in this article, the following terms shall have the meanings ascribed to them:

(1) B.O.D. (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight.

(2) Combined sewer shall mean a sewer intended to serve as a sanitary sewer and a storm sewer or as an industrial sewer and a storm sewer.

(3) Compatible pollutant shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the National Pollutant Discharge Elimination System (NPDES) permit, if the treatment plant was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.

(4) Department shall mean the department of ~~public works~~utilities of the City.

(5) Domestic sewage shall mean wastes from toilets, baths, sink lavatories, and other plumbing fixtures in residences, institutions and business buildings. Normal domestic sewage shall contain concentrations of two hundred (200) mg/1 for BOD5 and two hundred fifty (250) mg/1 for suspended solids.

(6) Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(7) Incompatible pollutant shall mean any pollutant which is not a compatible pollutant as defined above.

(8) Industrial sewage shall be waste discharged into the City of Moline's sewerage and treatment system by an industrial user.

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

Division A. Agriculture, forestry and fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, communications, electric, gas and sanitary services.

Division I. Services. A user in the divisions listed above may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(10) Maintain shall mean to keep in operable condition by having such things done as "rodding," "flushing," "jetting," etc.

(11) Major contributing industry shall mean one that has a flow of fifty thousand (50,000) gallons or more per average work day, has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972, and has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from the treatment works.

(12) National Pollutant Discharge Elimination System (NPDES) permit shall mean the national system for the issuing of permits under Section 402 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., and includes any state or interstate program which has been approved by the regional administrator, in whole or in part, pursuant to Section 402 of said act.

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

(14) Public sewer, City sewer, or sewer system shall mean a sewer which the ~~public works~~ department of utilities has accepted and which has been laid according to the specifications of said department, and for which maintenance has been duly accepted.

(15) Regional Administrator shall mean the head of the U. S. Environmental Protection Agency Region 5.

(16) Repair shall be to restore or replace a portion of broken sewer or other such defect requiring the digging up of the sewer line.

(17) Sanitary sewer shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions.

(18) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

(19) Sewer shall mean a pipe or conduit for carrying sewage.

(20) Storm sewer shall mean a sewer intended to carry only stormwaters, surface run-off, street wash waters and drainage.

(21) Director shall mean the director of the ~~public works~~ department of utilities of the City, or any deputy, agent, or representative, when authorized by said director.

(22) Suspended solids shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquid; and which are removable by laboratory filtering.

(23) Water pollution control treatment plant shall mean any arrangement of devices and structures used for treating sewage.

(Ord. No. 3019-2019; Sec. 34-3100 (3), (12) and (13) repealed; new Sec. 34-3100 (3), (12), (13), and (15) enacted; 7/16/19)

SEC. 34-3101. APPLICATION FOR NEW SERVICE; TO CONSTITUTE A CONTRACT.

All applications for sewerage and treatment service shall be signed by the owner of the premises, ~~as well as by the occupant if service is not billed to the owner~~, and such

application shall contain an agreement to pay all bills. The application when accepted by the department, shall constitute a contract between the applicants and the City. No new sewer connections will be allowed without the approval of the director.

SEC. 34-3102. THE PROVISIONS OF THIS ARTICLE ARE TO BE A PART OF CONTRIBUTOR'S CONTRACT WITH THE CITY.

The provisions of this article shall be considered a part of the contract with every contributor to the City water pollution control system, and said contributor shall be governed by and subject to the provisions of this article.

SEC. 34-3103. PROHIBITED DISCHARGE OF UNPOLLUTED WATER.

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling water, or unpolluted industrial process water into any sanitary sewer.

SEC. 34-3104. INSPECTION OF CONSTRUCTION PLANS FOR CERTAIN CONTRIBUTORS -PREREQUISITE TO A BUILDING PERMIT.

Any new business or industrial contributor to the water pollution control system shall submit plans of the proposed building or establishment to the director for inspection, and said plans must be initialed by the director before a building permit may be issued.

SEC. 34-3105. RIGHT OF ACCESS OF CITY OFFICIALS FOR INSPECTIONS; CREDENTIALS.

(a) Upon the display of appropriate credentials, the director or the director's duly authorized representative shall be entitled access to the premises of any contributor for the purpose of inspection, observation, measurement, sampling, and testing at any reasonable time to such extent as may be necessary to carry out the spirit and intent of this article. Such access shall be extended to the plumbing inspector, who shall make a report to the director if matters pertinent to the department are in evidence. It shall be deemed a part of the agreements on the part of the contributor as a condition to said contributor's permission to connect with the water pollution control system that such access be granted. Any person interfering with the director or the authorized representatives in the proper performance of their duties under the provisions of this section, shall be guilty of an offense.

(b) No person, not an authorized agent or employee of the department, shall have, wear, or exhibit any credential of the department. It shall be the duty of each and every officer, agent or employee of the department, upon resignation or dismissal, to immediately surrender and deliver to the director all credentials of the department.

SEC. 34-3106. TESTING AND ANALYSIS STANDARDS ADOPTED.

All measurements, tests, and analyses of the characteristics of sewage shall conform with 40 CFR 136 "Guidelines Establishing Test Procedure for Analysis of Pollutants Under the Clean Water Act."

SEC. 34-3107. SPECIAL AGREEMENTS.

(a) Any person, as defined herein requesting the privilege of sewerage and treatment service from the City of Moline, Illinois, to serve premises located outside the corporate limits of said City, shall annex to the City of Moline, Illinois, prior to obtaining said sewerage and treatment service; provided however, if every effort to effect annexation has been made to the satisfaction of the City Council, the owner of said premises may secure sewerage and treatment service to the premises if they shall execute an agreement with the City stating that they, their successors and assigns, shall execute a petition to annex immediately when legal barriers are removed and said premises are or become contiguous to the City limits of Moline, Illinois. Said agreement shall provide that sewerage and treatment service may be terminated upon failure to annex to the City. In any event, every such sewerage user shall pay an assessment or tap on fee to the City in accordance with the provisions of this section.

(b) No provision of this article shall be construed as preventing any special arrangement, agreement, or contract between the City and any municipality, person or industrial concern for sewerage and treatment service, including treatment of waste of unusual strength or character, subject to the rate, cost or conditions as established by the City Council. Such special arrangements, agreement, or contract shall be governed by and comply with rates and provisions set forth in the ordinances applicable to the City water pollution control system.

SEC. 34-3108. INTERDEPARTMENTAL COOPERATION.

It shall be the duty of the employees of the police, fire, public works, finance, and planning community and economic development departments of the City to give vigilant aid to the ~~public works~~ department of utilities in the enforcement of this article, and to this end, they shall report all violations thereof, which come to their knowledge, to the office of the ~~public works~~ department of utilities.

SEC. 34-3109. CITY NOT LIABLE FOR DEFECTS IN THE SYSTEM.

The City and, specifically, the department, shall not be held responsible for damages to personal property caused by construction or repair to the City sewer main, by water or sewage seepage, or for any other reason.

SEC. 34-3110. DAMAGING SEWERS AND DRAINS.

No person shall break or make any opening in, or in any manner injure or interfere with any of the drains or sewers of the City.

DIVISION 2. RATES, BILLINGS AND COLLECTIONS

SEC. 34-3200. SEWERAGE RATE SYSTEM.

(a) Definitions. As used in this section, the following words and terms shall be defined as follows:

(1) Local capital financing charge: A charge levied on users of a treatment works for the local capital financing costs of such works in proportion to total treatment works loading.

(2) Local capital financing costs: Expenditures for debt service and reserve funds on long-term financing of major capital improvements plus normal capital requirements for minor extensions, but not replacement, to the treatment works which are financed from current revenues.

(3) Operation and maintenance costs: Those costs associated with the annual needs of operating and maintaining the treatment works and includes such costs as supervision, operation and maintenance labor, supplies, utilities, chemicals, billing and accounting, administrative and general expenses, and replacement, as defined hereafter.

(4) Replacement: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(5) Treatment works: The water pollution control system of the City of Moline consisting of interceptor and trunk sewers, pumping stations, pressure pipe transmission mains, and wastewater treatment facilities.

(6) User charge: A charge levied on users of a treatment works for the operation and maintenance costs of such works in proportion to total treatment works loading.

(7) Use class: A group, or category, of users having similar flows and wastewater content characteristics, such as similar levels of BOD and suspended solids.

(b) Quarterly unit rates for service will be assessed to the City of East Moline, Village of Coal Valley, and the County of Rock Island for waste water discharged to the Rock River Valley Regional Sewerage System on the following basis:

(1) Reserved.

(2) User charges: (treatment plant and transportation sewers operation, maintenance and depreciation).

a. The unit rate shall remain \$2.02 per 1,000 gallons, until modified by Council.

b. The fixed charge per quarterly bill shall be charged \$31.23 in accordance with the following schedule:

2014	2015	2016	2017	2018
\$24.27	\$25.97	\$27.79	\$29.46	\$31.23

(Ord. No. 3080-2004; Sec. 34-3200(2)(b) repealed; new Sec. 34-3200(2)(b) enacted; 10/05/04; Ord. No. 3030-2007; Sec. 34-3200(b) repealed; new Sec. 3200(2)(b) enacted; 10/02/07; Ord. No. 3024-2008; Sec. 34-3200(b) repealed; new Sec. 34-3200(b) enacted; 03/25/08; Ord. No. 3032-2009; Sec. 34-3200(b) repealed; new Sec. 34-3200(b) enacted; 10/27/09; Ord. No. 3061-2013; Sec. 34-3200(b) repealed; new Sec. 34-3200(b) enacted; 12/19/13)

(c) Sewerage rates. The quarterly sewerage rates system for Moline contributors shall be as follows:

~~—(1) The schedule of charges for all bills issued after January 1, 2014 to December 31, 2014 shall be: Fixed charge per quarterly bill: \$24.27 per connection~~

~~— Unit rate: \$4.99 per 1,000 gallons~~

~~—(2) The schedule of charges for all bills issued after January 1, 2015 to December 31, 2015 shall be: Fixed charge per quarterly bill: \$25.97 per connection~~

~~— Unit rate: \$5.34 per 1,000 gallons~~

~~—(3) The schedule of charges for all bills issued after January 1, 2016 to December 31, 2016 shall be: Fixed charge per quarterly bill: \$27.79 per connection~~

~~— Unit rate: \$5.71 per 1,000 gallons~~

~~—(4) The schedule of charges for all bills issued after January 1, 2017 to December 31, 2017 shall be: Fixed charge per quarterly bill: \$29.46 per connection~~

~~— Unit rate: \$6.05 per 1,000 gallons~~

~~—(5) The schedule of charges for all bills issued after January 1, 2018 to December 31, 2018 shall be: The schedule of charges for all bills shall be a Fixed fixed quarterly bill charge per quarterly bill: of \$31.23 per connection with a~~

~~— Unit rate: of \$6.42 per 1,000 gallons.~~

(Ord. No. 3080-2005; Sec. 34-3200 (c)(2)(a)(b)(c) repealed; new Sec. 34-3200(c)(2)(a)(b)(c) enacted; 12/20/05; Ord. No. 3031-2007; Sec. 34-3200(c) repealed; new Sec. 34-3200(c) enacted; 10/02/07; Ord. No. 3032-2009; Sec. 34-3200(c) repealed; new Sec. 34-3200 enacted; 10/27/09; Ord. No. 3061-2013; Sec. 34-3200(c) repealed; new Sec. 34-3200(c) enacted; 12/10/13)

(d) Wastewater Strength Surcharges. Moline contributors that contribute wastewater that exceeds the strength of domestic water, in terms of total suspended solids (TSS) and biological oxygen demand (BOD), shall pay surcharges in accordance with the following schedule, in addition to the established fixed and volume charges:

Surcharge Rate	2014	2015	2016	2017	2018
TSS (\$/lb)	\$0.14	\$0.15	\$0.15	\$0.17	\$0.18
BOD (\$/lb)	\$0.50	\$0.54	\$0.54	\$0.59	\$0.62

(1) The following table establishes the strength class contributor classification system. Each strength class contributor shall be charged the assigned TSS and BOD strength values, as applied to the contributor's quarterly billable flow:

Strength Class Contributor	BOD (mg/l)	TSS (mg/L)
Bakery	1,000	750
Creamery	7,000	1,600
Grocery Store	1,000	350
Laundry Services	450	550
Restaurant	1,000	550

(2) In the event that a contributor does not agree with the strength class classification, the contributor may request that a point specific sampling program be conducted at their expense. The ongoing sampling program shall be conducted by the ~~public works~~ department of utilities, water pollution control division, and all aspects of the sampling program must be approved by the director. The laboratory methods used in analyzing samples of said wastewaters shall be in accordance with federal law, regulations, or guidelines, if any; otherwise, by generally accepted scientific procedures. If sampling results are still not agreeable or the sites are not satisfactory to the director for reasons not limited to but including non-representative sampling points located at the contributing site in question, the two (2) parties shall agree on a qualified third party arbitrator to conduct an independent analysis and to be bound by the results obtained thereby. Cost of arbitration shall be borne by the contributor. Such arbitrator shall be qualified in laboratory analysis. The location and design of sampling sites must be approved by the director. Samples shall be collected in such a manner as to be satisfactory to the director. The laboratory methods used in analyzing samples of said wastewaters shall be in accordance with federal law, regulations, or guideline, if any; otherwise, by generally accepted scientific procedures.

(3) Other Moline contributors, which are not identified in the strength class contributor classification system, shall be subject to the wastewater strength surcharges should laboratory analysis reveal that the ~~contributors~~contributors' wastewater strength exceed the strength of domestic wastewater.

(Ord. No. 3080-2004; Sec. 34-3200 (d) repealed; new Sec. 34-3200 (d) enacted; 10/05/04; Ord. No. 3065-2005; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 10/04/05; Ord. No. 3076-2005, Sections 1-4; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 12/06/05; Ord. No. 3076-2005: Sections 5-8; Sec 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 12/06/05; Ord. No. 3030-2007; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 10/02/07; Ord. No. 3024-2008; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 03/25/08; Ord. No. 3032-2009; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 10/27/09; Ord. No. 3061-2013; Sec. 34-3200(d) repealed; new Sec. 34-3200(d) enacted; 12/10/13)

(e) Quarterly unit rates for service will be assessed for wastewater discharged to the sewerage system from the Moline Water Treatment Plant on the following basis:

~~(1) The schedule of charges for all bills issued after January 1, 2014 to December 31 2014 shall be: Fixed charge per quarterly bill: \$24.27 per connection~~

~~— Volume charge: \$0.90 per 1,000 gallons~~

~~— TSS rate: \$0.09 per lb.~~

~~(2) The schedule of charges for all bills issued after January 1, 2015 to December 31 2015 shall be: Fixed charge per quarterly bill: \$25.97 per connection~~

~~— Volume charge: \$0.90 per 1,000 gallons~~

~~— TSS rate: \$0.09 per lb.~~

~~(3) The schedule of charges for all bills issued after January 1, 2016 to December 31 2016 shall be:~~

~~— Fixed charge per quarterly bill: \$27.79 per connection~~

~~— Volume charge: \$0.93 per 1,000 gallons~~

—TSS rate: \$0.09 per lb

~~—(4) The schedule of charges for all bills issued after January 1, 2017 to December 31 2017 shall be: Fixed charge per quarterly bill: \$29.46 per connection~~

~~—Volume charge: \$0.97 per 1,000 gallons~~

~~—TSS rate: \$0.10 per lb.~~

~~—(51) The schedule of charges for all bills issued after January 1, 2018 until modified by Council shall be:~~

Fixed charge per quarterly bill: \$31.23 per connection

Volume charge: \$1.01 per 1,000 gallons

TSS rate: \$0.10 per lb

(Ord. No. 3080-2004; Sec. 2-3200(e) repealed; new Sec. 2-3200(e) enacted; 10/05/04; Ord. No. 3065-2005; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 10/04/05; Ord. No. 3076-2005: Sections 1-4; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 12/06/05; Ord. No. 3076-2005: Sections 5-8; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 12/06/05; Ord. No. 3030-2007; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 10/02/07; Ord. No. 3024-2008; Sec. 34-3200(e) repealed; new Sec. 34-3200 enacted; 03/25/08; Ord. No. 3032-2009; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 10/27/09; Ord. No. 3061-2013; Sec. 34-3200(e) repealed; new Sec. 34-3200(e) enacted; 12/10/13)

(f) In General.

(1) The monthly sewerage charges specified in paragraphs (c) and (d), but not (b), hereof shall be increased by ten percent (10%) for all contributors to the treatment works who are located outside of the corporate limits of the City and who have been granted permission by the City to connect to the treatment works.

(2) Where, in the opinion of the City Council a contributor assumes a substantial portion of the treatment works capacity, a contract may be required between the City and the major user. Such a contract will be governed entirely by the provisions of this section which are applicable, establish a maximum contribution for each waste characteristic (i.e., volume, BOD, suspended solids, etc.), provide for penalties when the maximum is exceeded, and indicate the means of measuring and sampling the wastewater.

(3) The director shall make periodic determination of the concentration of wastes as may be deemed necessary by the director. The location and design of sampling sites must be approved by the director. Samples shall be collected in such a manner as to be satisfactory to the director. In the event that results of analysis of samples by the director do not substantially agree with the analysis performed by the City of East Moline ~~or the Village of Coal Valley; or the County of Rock Island~~, the two (2) parties shall agree on a qualified third party expert to conduct an independent analysis and to be bound by the results obtained thereby. Costs of the independent analysis shall be borne by the party in error to the greatest degree as determined by the third party expert. The laboratory methods used in analyzing samples of said wastewaters shall be in accordance with federal law, regulations, or guideline, if any; otherwise, by generally accepted scientific procedures.

(4) The City will maintain such records as are necessary to permit an annual review of the adequacy of the user charges to properly reflect the actual operation, maintenance,

replacement, depreciation, administrative, and legal costs of the treatment plants and collection system.

Amendments to subsection (f):

(Ord. No. 3080-2004; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 10/05/04; Ord. No. 3065-2005; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 10/04/05; Ord. No. 3076-2005: Sections 1-4; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 12/06/05; Ord. No. 3076-2005: Sections 5-8; 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 12/06/05; Ord. No. 3030-2007; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 10/02/07; Ord. No. 3032-2009; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 10/27/09; Ord. No. 3061-2013; Sec. 34-3200(f) repealed; new Sec. 34-3200(f) enacted; 12/10/13)

Amendments to subsection (g):

(Ord. No. 2002-22-02; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 11/12/02; Ord. No. 3080-2004; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 10/05/04; Ord. No. 3065-2005; Sec. 34-3200(g) repealed; new 34-3200(g) enacted; 10/04/05; Ord. No. 3076-2005: Sections 1-4; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 12/06/05; Ord. No. 3076-2005, Sections 5-8; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 12/06/05; Ord. No. 3030-2007; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 10/02/07; Ord. No. 3024-2008; Sec. 34-3200(g)(3) repealed; new Sec. 34-3200(g)(3) enacted; 03/25/08; Ord. No. 3032-2009; Sec. 34-3200(g) repealed in its entirety; 10/27/09)

Amendments to subsection (h):

(Ord. No. 2002-22-02; Sec. 34-3200(h) repealed; new Sec. 34-3200(h) enacted; 11/12/02; Ord. No. 3032-2009; Sec. 34-3200(h) repealed in its entirety; 10/27/09)

Amendments to subsection (i):

(Ord. No. 3080-2004; Sec. 34-3200 (i) repealed; new Sec. 34-3200 (i) enacted; 10/05/04; Ord. No. 3032-2009; Sec. 34-3200(i) and (j) repealed in their entirety; 10/27/09)

SEC. 34-3201. METERING OF SEPARATE WATER SUPPLY.

(a) Where only sewerage use is desired and no City water is used, or where partial City water and partial well water or water from other sources is used, the supplementary or total source of water shall be metered by meter or meters installed and maintained at the expense of the user. To assure availability of repair or replacement parts and service, the meter or meters shall be purchased from the City at the actual cost to the City. The water used shall be charged for at the rates established in this division.

(b) The meter shall be located in a suitable place to prevent freezing or other conditions that may cause damage to the meter, and accessible for reading, repair or replacement.

(c) The user shall give immediate notice to the City in case of injury, stoppage or imperfect working of any meter, and the City reserves the right to enter the premises of any user to read, inspect, test, repair or replace any meter that meters water furnished by the City or water that enters the water pollution control system.

(d) No meter shall be removed or in any way disturbed, nor the seal broken except in the presence of the director or an authorized agent or employee of the City.

(e) Requests by the user or owner of any meter for tests shall be in accordance to the provisions of the rules and regulations of the ~~City public works~~ department of utilities.

(f) If any meter fails to register the quantity of water entering the sewer, the quantity and sewer service charges will be based on the average quantity registered during the last preceding year prior to date of failure, or if the meter has not been installed for a period of one (1) year, the sewer service charges shall be in accordance to the schedule of minimum charges per quarter based on the size of meter.

SEC. 34-3202. SEPARATE METERING WHEN WATER NOT ENTIRELY DISCHARGED INTO SYSTEM.

In the case that a contributor to the water pollution control system determines that surplus quantities of water consumed on the premises do not at any time enter the water pollution control system or stormwater drainage system of the City and find it possible to segregate the piping of such water supply, the contributor may arrange that the water be so metered that no sewerage charge is made for its use, providing the contributor complies with the proper regulations. On receipt of the meter costs and setting fee, and after notification from the department of finance to proceed with the setting, the ~~public works~~ department of utilities will install a meter in a position prepared by the owner according to the ~~public works~~ department of utilities rules and regulations. The meter shall thereafter be read and billed accordingly.

SEC. 34-3203. BILLING.

Rates and charges for water pollution control service shall be made quarterly based upon the amount of water consumed as shown by the reading of the water meters. All bills for such service shall be rendered at the same time and in the same manner as bills for water service are rendered, and payment of all charges for sewerage service shall be made at the time of payment of bills rendered for water service.

SEC. 34-3204. ~~ACCOUNTS AND FINANCE OFFICE~~DEPARTMENT OF FINANCE TO COLLECT CHARGES.

The ~~accounts and finance office~~department of finance, in conjunction with the department of ~~public works~~utilities, is to have charge of the billing and collection of water pollution control service charges. Said office shall deposit these collections into the water pollution control fund within twenty-four (24) hours from the date of receipt. The cost of said collection and billing to be ~~equally divided between~~divided between the ~~water pollution control fund and the water fund~~enterprise funds benefitting from such billing and collection.

SEC. 34-3205. PARTIAL PAYMENTS.

The water, sewer, solid waste and recycling, and stormwater drainage charges, as far as payment and collections are concerned, shall be considered as one single bill. Any payment less than the total bill shall be considered a partial payment. Partial payment shall be credited in the order established in Section 34-2129(i).

(Ord. No. 3037-2017; Sec. 34-3205 repealed in its entirety; new Sec. 34-3205 enacted; 10/17/17)

SEC. 34-3206. DUE DATE; PENALTY FOR LATE PAYMENT.

All bills for sewerage service shall be payable within twenty (20) days after rendition thereof, and all such bills not paid on or before the due date shown thereon, shall have a penalty charge of five percent (5%) added thereto; provided that, when said date shall be a Sunday or legal holiday, such bills shall be paid on or before the next succeeding day that is not a Sunday or legal holiday without penalty.

SEC. 34-3207. TERMINATION OF SEWERAGE SERVICE FOR NONPAYMENT.

If the charges for sewerage and water service are not paid when due, the procedures of Article I shall be applied.

SEC. 34-3208. DISPOSITION OF REVENUE.

(a) The ~~accounts and finance officer~~ director of finance shall receive all such revenues from the water pollution control system of the City, and all other funds and moneys incident to the operation of the system, as the same may be delivered to said ~~officer~~ director, and deposit the funds in a separate fund designated as the "water pollution control fund" of the City. The ~~accounts and finance officer~~ director of finance shall administer the fund in every respect in the manner provided by the Illinois Compiled Statutes as amended, and the provisions of this Code and other ordinances of the City; provided, however, that nothing herein shall be held to preclude the use of the City's Home Rule powers to alter or amend the intent, force, or effect of such statutes within the City of Moline.

(b) The revenues and moneys derived from the operation of the water pollution control system shall be held by the ~~accounts and finance officer~~ director of finance separate and apart from said ~~officer's~~ director's private funds and separate and apart from all other funds of the City; and all of said sums without any deduction whatsoever shall be deposited in the water pollution control fund not more than twenty-four (24) hours after receipt of moneys, or at such more frequent intervals as may from time to time be directed by the City Council.

DIVISION 3. CONNECTIONS

SEC. 34-3300. WHEN REQUIRED.

It shall be the duty of the owner, occupant, party, or parties; who are in possession of any house, building, or structure of any other character required to have sanitary facilities which is located on property, any point of which is within three hundred (300) feet of an existing publicly owned sewer main or other collection system, and who have the right to extend public sewer mains ~~on or~~ private sewer laterals from said property to said existing publicly owned sewer main or other collection system either by way of street, alley, public way, public easement, or private easement; to cause the house, building, or structure of any other character required to have sanitary facilities to be connected with said sewer main or

other collection system within three (3) years from the date that the main or other collection system became or becomes available to said property.

The Committee-of-the-Whole may grant variances to this section when topography will not allow the property to be served by employment of customary engineering methods and when the property may be served by a septic tank system or other approved method of disposing of sanitary waste. For purposes of this section, "customary engineering methods" shall not include installation of a public pump station to serve only one single-family residence, but may include installation of a public pump station for serving more than one single-family residence or any multi-family residence.

The director of ~~public works~~utilities may grant extensions of time not to exceed one additional period of six (6) years to owners, occupants, or parties who, at the time a sewer main or other collection system became available, had a properly functioning septic tank system or other approved method of disposing of sanitary waste; provided, however, no person receiving such an extension may replace or significantly repair such system, but must cause the connection to be made in lieu thereof.

Properties served with properly functioning private septic tank system or other approved method of disposing of sanitary waste at the time of enactment hereof shall be required to connect to the public connection system in accordance with the time frames provided for herein as measured by date of availability or date of enactment, whichever is later. (Ord. No. 3011-2006; Sec. 34-3300 repealed; new Sec. 34-3300 enacted; 04/04/06)

SEC. 34-3301. PERMISSION OF THE ~~CITY~~DIRECTOR OF ENGINEERING REQUIRED; UNLAWFUL TO CONNECT MORE THAN ONE PREMISE.

The ~~city engineer~~director of engineering is authorized to grant such permits as said engineer may deem proper allowing persons to connect to the water pollution control system consistent with such rules and regulations as shall be approved by the City Council, and the fees for such connections shall be established by the City Council and paid into the water pollution control fund, and any person having the right to connect to the system who shall, by means of pipes or other connections, drain the cellar, basement, vault, or other property of any person except his own, shall be subject to the punishment prescribed in Section 1-1107 of this Code. It shall be unlawful to connect more than one building to a single sewer service. Each building is required to have its own unique sewer service.

SEC. 34-3302. SUPERVISION.

The work of making any connection with or opening into the water pollution control system shall be done under the supervision of the director of engineering ~~city engineer~~ and in accordance with rules and regulations as established by the City Council.

SEC. 34-3303. TO BE MADE PRIOR TO STREET PAVING.

All service connections with City sewer mains shall be made before the beginning of any paving construction on any street or alley designated by the City Council to be paved. All property owners abutting said street or alley shall, upon notification of such improvement, immediately establish such connections with the sewer mains serving the street or alley. If the connection to the sewer mains is not made when requested, the City may, at its

discretion, make such necessary connection before paving said streets or alleys and charge the cost of the connection to the abutting property owners served by said mains.

SEC. 34-3304. PROHIBITED CONNECTIONS.

It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, or industrial waste, or any fixture or device discharging polluting substances, to any stormwater drain in the City.

SEC. 34-3305. LOCATION OF CONNECTION.

Each connection to a sewer main shall be made at the "wye" designated for that property. The only exception shall be where there are no designated "wyes" for said property or where the designated "wye" is not located within three (3) feet of the point of a measurement furnished by the director of utilities~~city engineer~~. Any connection that is not made at the designated "wye" in the main sewer shall be made under the direct supervision of the director of engineering~~city engineer~~ or said engineer's designated representative.

SEC. 34-3306. CONNECTIONS WHERE NO WYE IS AVAILABLE.

(a) A sewer pipe saddle shall be used where no riser or wye can be found within the distance prescribed in Section 34-3305. The saddle used shall be compatible with and sized for the respective sewer main and lateral and shall conform to minimum standards promulgated by the plumbing board upon advice of the director of engineering~~city engineer~~ and director of public works~~utilities department~~. Said standards shall consist, as a minimum, of the following:

- (1) The saddle shall be made of high quality cast iron conforming to ASTM Specification A-48, Class 35;
- (2) The saddle shall be covered with a heavy coat of asphaltum type paint; and
- (3) The saddle shall be a correctly proportioned groove with a rubber O-Ring gasket, meeting ASTM Specification D-1869-66, cemented in place with an asphalt type mastic.

At all times the plumbing board~~department of utilities~~ shall maintain a list of approved brands of sewer pipe saddles meeting the standards so promulgated. Brands of sewer pipe saddles not on such list of approved brands may be used only upon the plumbing board's review of the manufacturer's specifications and finding that said specifications meet the performance standards.

(b) The plumbing board shall also promulgate standards for installation of approved saddles upon advice of the director of engineering~~city engineer~~ and the director of public works~~utilities department~~. Such standards shall consist, as a minimum, of the following:

- (1) Installation shall be such that the saddle is held firmly and permanently on the pipe and shall use C304 stainless steel band assembled with at least two (2) three-eighths inch silicon bronze T-bolts, washers, and hex nuts; type 304 stainless steel bolts, washers, and hex nuts may be substituted;
- (2) Installation shall be capable of holding a 20 psi air test, which may be required by the plumbing inspector at the installer's expense; and

(3) Installation shall be supported prior to backfilling so as to prevent any movement during backfilling or at any other time due to soil movement. Such support shall be poured concrete under the saddle and shall be approved by the plumbing inspector prior to backfilling.

(c) All installations shall be inspected by the plumbing inspector before the lateral is connected and/or the sewer is backfilled.

SEC. 34-3307. INSTALLATION AND MAINTENANCE OF SERVICE CONNECTION AND LATERAL.

(a) All service laterals shall be ~~of Cast Iron – SV Grade or XH Grade or~~ ductile iron pipe, or polyvinyl chloride – SDR 45 and fittings of ductile iron.

(b) All service laterals and fixtures from the City sewer main to the premises, including the service wye or connections to the main, shall be installed and maintained at the expense of the property owner. All repairs of that portion of the service lateral that lies on private property shall be repaired or replaced at the expense of the property owner, and any leaks or other defects in the same shall be promptly repaired by the property owner; or, if not, promptly repaired, the water shall, under the procedures of Article I, be turned off until such repairs have been made by a plumber or contractor engaged by the ~~public works~~ department of utilities to do such work; and, the expense thereof shall be charged against the property owner, and must be paid before water shall be turned on again. In case of dispute as to the necessity for or reasonableness of cost of repairs, the hearing procedure of Article I shall apply. All repairs of that portion of the service lateral that lies on City owned right-of-way or easement, except for "private" sewers installed by a private citizen/entity that are not dedicated and accepted as City mains or services, shall be the responsibility of the ~~public works~~ department of utilities, and any and all leaks or other defects in the non-private sewers, not attributable to the property owner, shall be promptly repaired at the expense of the ~~public works~~ department of utilities.

(c) ~~As of January 1, 1992 a~~All service laterals, now in place for the purpose of serving a property or that may be in place within the limits of the property lines extended to the City sewer mains that may become useless because the service lateral will no longer be used to convey sewage from the property to the City sewer main, must be closed off permanently at the sewer main at the expense of the owner of the premises, and so reported to the director of the ~~public works department~~ department of utilities and plumbing inspector; and any and all required permits must be obtained prior to the commencing of work. No plumber or owner of property shall disconnect or remove waste fixtures or piping from any premises served by City sewer or alter same in such a way as to make the service connection unnecessary for the premises, without permanently closing off the connections at the sewer mains and reporting same to the director of ~~public works~~ department of utilities and plumbing inspector, except where such connection to be closed off may presently exist under a street or avenue that has been improved by the paving thereof within the preceding four (4) years, in which case the provisions of Division 2 of Chapter 283 (Section 28-2200 et seq.) of the Code shall apply. In any event such service lateral shall remain until properly closed off at the City sewer main, the property of the owner of the premises shall remain responsible for its maintenance until such a time as it is permanently closed off and disconnected.

(d) The owner of the property may request that the existing service lateral be reused for future development. The owner shall televise the existing service and provide the televised tape with a request in writing to the ~~Director~~ director of Public Works ~~utilities~~. The Director shall evaluate the condition of the service for reuse. If acceptable, the Director shall authorize that the service can be reused if construction is completed within one year. If construction is not completed within one ~~year~~ year, the owner shall permanently disconnect the service per the requirements of this section.

(Ord. No. 2002-10-04; new Sec. 34-3307 (d) enacted; 10/08/02)

SEC. 34-3308. APPLICATION FOR SEWER SERVICE CONNECTIONS.

Any person owning property which has an existing public sewer main adjacent to the property frontage ~~not been assessed for the cost of installing a sewer main serving the property, except persons granted a free tap-on privilege in any sewer easement agreement with the City, may~~ shall be required to pay a tap-on assessment fee per applicable provision:

(1) Application for sewer service connections to City sewer mains must be made at the finance office by the owner or agent of the property to be served. Such application shall state the official house number or numbers of the premises previously obtained from the ~~director of engineering~~ city engineer. The size of the ~~pipe line~~ pipeline required shall be determined by the City plumbing inspector and the ~~public works~~ department of utilities. Upon approval, the plumbing inspector may issue the required permits.

(2) In the event that no such public sewer main is adjacent to the property frontage, An applicant shall not be required to pay a tap-on fee, if said ~~Said~~ applicant shall extends a public sanitary sewer main and the property for which application for connection is made shall connects to the portion of the public main so extended.

(3) Whenever a sanitary sewer main is extended or installed, it shall be extended or installed across the entire frontage or frontages of the property to be improved by the installation or extension unless the City has determined, because of land contours or other mains, that no other property can be economically served by such installation or extension.

(4) Any plan for installation or extension must be approved by the director of ~~public works~~ utilities and the ~~city engineer~~ director of engineering in accordance with the comprehensive plan, capital improvement program, master plan and standard specifications of the City, and no installation or extension shall be approved when such installation or extension is not needed to serve existing or future development and when said installation or extension is solely for the purpose of avoiding payment of a tap-on fee.

(5) All fees collected in accordance with the provisions of this section shall be paid to the ~~accounts and finance officer~~ director of finance and deposited in the water pollution control fund.

(Ord. No. 3001-2019; Sec. 34-3308(1) repealed; new Sec. 34-3308(1) enacted; and Sec. 34-3308(2) repealed in its entirety and remaining subsections of 34-3308 consecutively renumbered; 01/15/19)

SEC. 34-3309. SPECIFICATIONS, IN GENERAL.

A sewer main shall be installed under the standard specifications of the City for laying sewer main and under the supervision and specification of the director of engineering ~~city~~

~~engineer~~ or said engineer's authorized representative. The initial installation of manholes and/or lampholes shall be at a grade as established by the ~~city engineering division~~ department of engineering. Where the need for adjustment of the grade is caused by landscaping, it shall be the responsibility of the property owner to bring said manhole and/or lamphole to grade. Any inspection fees established within said standard specifications, other than T.V. inspection fees, will be deposited in the general fund of the City; and T.V. inspection or reinspection fees shall be deposited, when collected, in the water pollution control fund of the City.

SEC. 34-3310. REIMBURSEMENT FOR USE OF PRIVATE SEWER EXTENSIONS.

In the event that a private citizen/entity extends the City sewer at their own expense, an agreement may be made, upon receipt of a written request from the private citizen/entity, with said citizen/entity for reimbursement, as follows: If, in the future, a request is made to the ~~public works~~ department of utilities for permission to connect on the sanitary sewer main laid by said citizen, the ~~public works~~ department of utilities shall, before granting such permission, require the citizen/entity to pay a just and equitable amount to the person who laid the main under the original permit. However, in no event shall said agreement extend beyond ten (10) years from the date said extension is completed.

DIVISION 4. USE OF PUBLIC SEWERS

SEC. 34-3400. GENERAL PROVISIONS.

(a) Purpose and Policy. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Moline and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of Individual Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review

procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Administration. Except as otherwise provided herein, the director of ~~public works~~utilities shall administer, implement, and enforce the provisions of this ordinance. These actions are defined within the Pretreatment Program. Any powers granted to or duties imposed upon the director of ~~public works~~utilities may be delegated by the director of ~~public works~~utilities to other City personnel. It shall be the duty of the director of ~~public works~~utilities to require compliance with the Pretreatment Program and to ensure it is updated annually.

(c) Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BMP - Best Management Practices
- BOD - Biochemical Oxygen Demand
- CIU - Categorical Industrial User
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EMS - Enforcement Management System
- EPA - U.S. Environmental Protection Agency
- ERG - Enforcement Response Guide
- ERW - Environmental Remediation Wastewaters
- gpd - gallons per day
- IEPA - Illinois Environmental Protection Agency
- IU - Industrial User
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- ODI - Oxygen Demand Index
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIU - Significant Industrial User
- SIC - Standard Industrial Classification
- SNC - Significant Noncompliance
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

(d) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

(1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

(2) Approval Authority. United States EPA - Region 5, and Illinois EPA.

(3) Authorized Representative of the User.

a. If the user is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in paragraphs (a.) through (c.), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

(4) Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices (in reference to pretreatment) to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). 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 materials storage.

(5) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°centigrade, usually expressed as a concentration (e.g., mg/l).

(6) Categorical Industrial User (CIU). An Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471.

(7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(8) Control Authority. The City of Moline, which owns and operates the POTW.

(9) Chemical Oxygen Demand. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(10) City. Means the City of Moline or designated representative thereof.

(11) Composite Sample. A sample of wastewater based on a flow proportional or time proportional method.

(12) Cooling Water. The water discharged from any use such as air conditioning, cooking or refrigeration, to which the only pollutant added is heat.

(13) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

(14) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(15) Enforcement Management System. The system used to provide guidance to City staff in all phases of enforcement related to this ordinance and pretreatment program.

(16) Enforcement Response Guide. A guide utilized to respond to violations identified by the Enforcement Management System.

(17) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Administrator, or other duly authorized official of said agency.

(18) Environmental Remediation Wastewaters. Contaminated wastewaters generated from, but are not limited to: groundwater, leachate, surface run-off, or other aqueous wastes that exist on-site, or process streams generated by remedial activities. Examples of process waste streams include scrubber effluent resulting from incineration of soil or solid waste; wastewater from soil washing activities; and water used to decontaminate equipment after remedial activities.

(19) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(20) Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(21) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

(22) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(23) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit(s) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(24) Local Limit. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with 40 CFR 403.4(c), such limits must be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(25) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(26) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(27) Monthly Average Limit. 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.

(28) New Source.

a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraph a. 2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program;

(a) Any placement, assembly, or installation of facilities or equipment; or

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(29) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(30) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit(s), including an increase in the magnitude or duration of a violation.

(31) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

(32) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(33) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(34) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(35) Pretreatment Program. A formal plan created and updated annually by the director of ~~public works~~ utilities. The plan defines the procedures intended to ensure user compliance with the SUO and industrial pretreatment requirements.

(36) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(37) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(38) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 34-3401 of this ordinance.

(39) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(40) Regional Administrator. The head of the U. S. Environmental Protection Agency Region 5.

(41) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(42) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

(43) Significant Industrial User.

- a. A user subject to categorical pretreatment standards; or
- b. A user that:
 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. Is designated as such by the City of the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a user meeting the criteria in Paragraph b. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(44) Significant Noncompliance:

- a. Chronic violations of wastewater Discharge limits, defined herein as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- b. Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other discharge violation that the director of public works utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director of public works utilities' exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the director of public works utilities determines will adversely affect the operation or implementation of the local pretreatment program; or
- i. Failure to perform or establish BMPs agreed to in the permit.

(45) Slug Load or Slug Discharge. Any discharge of a non-routine, episodic nature at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 34-3401 (a-c) of this ordinance.

(46) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(47) Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

(48) Director of ~~Public Works~~ Utilities Department. The person designated by the City to supervise the operation of the POTWs, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

(49) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(50) User or Industrial User. A source of indirect discharge.

(51) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(52) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. No. 3019-2019; Sec. 34-3400 repealed; new Sec. 34-3400 enacted; 7/16/19)

SEC. 34-3401. GENERAL SEWER USE REQUIREMENTS.

(a) Prohibited Discharge Standards:

(1) Discharge of Storm and Unpolluted ~~Waters~~ Waters. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the ~~director of utilities~~ city engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the ~~director of utilities~~ city engineer, ~~director of public works~~, and the IEPA, to a storm sewer or natural outlet.

(2) General ~~Prohibitions~~ Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(3) Specific ~~Prohibitions~~ Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

b. Wastewater having a pH less than 5.5 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;

- c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (1/2) inch in any dimension;
- d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- e. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- h. Trucked or hauled pollutants, except at discharge points designated by the director of ~~public works~~utilities in accordance with pertinent sections of this ordinance;
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City NPDES permit;
- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- l. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director of ~~public works~~utilities;
- m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n. Medical wastes, except as specifically authorized by the director of ~~public works~~utilities in an Individual Discharge Permit;
- o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- r. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit of the meter;
- s. Any discharge exceeding the standards established in 35 ILL. Adm. Code 307;
- t. Any slug discharge to the City of Moline POTWs;
- u. Any water or wastes which contain more than ten (10) parts per million by weight of the following gases: hydrogen sulphide, sulphur dioxide, or nitrous oxide.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. The USEPA will promulgate new categorical pretreatment standards from time to time. Upon promulgation by USEPA, this division shall be amended to include any new standards applicable to its POTWs.

(1) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director of ~~public works~~utilities shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(2) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

a. The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This Authorization is subject to the conditions set forth in paragraphs (i), (ii) and (iii) of 40 CFR 403.12(e)(2).

b. In order to receive a waiver for sampling of pollutants not present or expected to be present, an Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The data should be submitted to the Control Authority in the form of a report.

(3) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(4) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(c) Local Limits. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

- 0.716 mg/l Arsenic
- 750.0 ug/l Benzene, Ethylbenzene, Toluene, Xylene (BETX)
- 50.0 ug/l Benzene
- 1000.0 mg/l BOD5
- 0.311 mg/l Cadmium
- 2.233 mg/l Chromium
- 0.333 mg/l Copper
- 0.925 mg/l Cyanide
- 0.523 mg/l Lead
- 0.0005 mg/l Mercury

- 9.477 mg/l Nickel
- 1.935 mg/l Silver
- 11.254 mg/l Total Phenols
- 2000.0 mg/l Total Suspended Solids
- 3.982 mg/l Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The director of ~~public works~~ utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(d) Streamlining Provisions. The City reserves the right to implement the following Streamlining Provisions for eligible industrial users as stated in USEPA regulations:

(1) Equivalent mass based limits in addition to, or in place of concentration based limits, may be specified to facilitate adoption of water saving technologies and meet requirements such as effective technology operation, usage of a continuous flow monitoring device, record keeping of production rates with notification of variances above twenty percent (20%), and continuity of using comparable water conservation measures.

(2) Equivalent concentration based limits in addition to, or in place of flow based mass limits for three (3) industrial categories such as Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF), Petroleum Refining, and Pesticide Chemicals.

(3) Use best management practices (BMPs) as an alternative to numeric limits.

(e) Right of Revision. The City reserves the right to establish, by ordinance or in Individual Discharge Permits, more stringent standards or requirements on discharges to the POTW.

(f) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director of ~~public works~~ utilities may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 3019-2019; Sec. 34-3401 (a)(3)(n), (b), (d) and (e) repealed; new Sec. 34-3401 (a)(3)(n), (b), (d), (e) and (f) enacted; 7/16/19)

SEC. 34-3402. PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 34-3401 of this ordinance within the time limitations specified by USEPA, the state, or the director of ~~public works~~ utilities, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director of ~~public works~~ utilities and the IEPA for review, and shall be acceptable to the director of ~~public works~~ utilities and IEPA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of

modifying such facilities as necessary to produce a discharge acceptable to the City, and the state under the provisions of this ordinance.

(b) Additional Pretreatment Measures:

(1) Whenever deemed necessary, the director of ~~public works~~utilities may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(2) The director of ~~public works~~utilities may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Individual Discharge Permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director of ~~public works~~utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the director of ~~public works~~utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(c) Accidental Discharge/Slug Control Plans. The City shall evaluate all SIUs for the need of a slug control plan within a year of becoming an SIU. The City shall also evaluate an industrial user's need for slug control plans on an appropriate frequency and consider applicable and relevant control measures for industrial user compliance. The director of ~~public works~~utilities may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director of ~~public works~~utilities may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the water pollution control division of any accidental or slug discharge, as required by Section 34-3406 (f) (1-3) of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) Hauled Wastewater.

(1) General Requirements. Industrial, landfill leachate, thin stillage corn syrup, septic tank, grease waste or any other wastewater hauled by truck or trailer may be introduced into the POTW only at locations and at such times as are established by the ~~public works~~

director of utilities ("director") or his designee. Any person, firm or corporation desiring to haul said waste to the City of Moline Wastewater Treatment Plant shall obtain a Waste Hauler Permit by registering annually with the director. Said director may prohibit or restrict, and has the right to refuse, the disposal of any or all hauled wastes. No load shall be discharged without prior consent of the director and samples may be collected from each hauled load to ensure compliance with applicable standards. Said waste shall not violate Section 34-3401 of this ordinance or any other requirements or provisions established by the City or the IEPA. Grease trap waste shall be exempt from the requirements set forth in Sec. 34-3401(a)(3)(q). The Waste Hauler Permit does not act as a general control mechanism, rather an additional permit that operates in conjunction with each user's Individual Discharge Permit (described in Section 34-3405 of this ordinance).

(2) Permit Requirements.

a. Grease Trap and Septic Waste Haulers. A Waste Hauler Permit fee of fifty dollars (\$50.00) shall be required annually for each type of waste disposal and be valid for a one-year period commencing on January 1.

b. Industrial Waste, Landfill Leachate, Thin Stillage Corn Syrup Waste.

Generators. The director shall require generators to obtain the Individual Discharge Permit and submit a Supplemental (Baseline Monitoring) Report. If the generator is also the hauler, the generator shall be required to obtain a Waste Hauler Permit (fee exempt).

Haulers. The director may require contract haulers (not generator owned) to obtain an Individual Discharge Permit and submit a Supplemental (Baseline Monitoring) Report, in addition to the required Waste Hauler Permit.

c. Permit Registration. Permit registration shall consist of providing the legal business name of the person, firm or corporation; the address and telephone number of the business; the names of representatives, officers, or employees authorized to haul waste in the business name; vehicle identification; disposal site; known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

d. Insurance Requirements. Proof of liability insurance acceptable to the office of the director in the type and amount listed below:

Each applicant desiring to haul grease, septic tank, leachate, or thin stillage corn syrup waste to the City of Moline Wastewater Treatment Plant shall obtain and maintain for the duration of such permit registration, public liability and property damage insurance in the minimum amount and form as hereby specified: \$100,000.00 for each occurrence of property damage; and \$300,000.00 for each occurrence of personal injury or bodily harm. Such policy shall provide that it cannot be cancelled except upon written notification to the director at least thirty (30) days prior to the date of cancellation. Proof shall be a certificate of insurance; and

Proof that the applicant has obtained workers' compensation insurance or that the applicant is an approved self-insurer of workers' compensation. Proof shall be either the certificate of insurance from the insurance provider or the certificate of approval as a self-insurer issued by the Illinois Industrial Commission. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of workers' compensation insurance. Such applicant's application shall include a sworn statement that said applicant has no employees.

(3) Receiving Fees. Waste hauler receiving fees for grease trap, septic, and industrial waste shall be based on the tank capacity of container per load. See 34-3414 for fees.

(4) Administrative Penalties.

a. Multiple violations of the Waste Hauler Permit, as defined in this section, may warrant administrative penalties, revocation of permit, and termination of discharge privileges to the a Moline Wastewater Treatment Plants.

b. When the director finds that a user has violated, or continues to violate, any provision of this ordinance for a waste hauler permit, or any other pretreatment standard or requirement, the director may assess an administrative penalty to such user in an amount of at least one thousand dollars (\$1,000.00). Such penalties shall be assessed on a per violation, per day basis.

c. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

d. Users desiring to dispute such penalties must file a written request to the director for reconsideration along with full payment of the fine amount within thirty (30) days of being notified of the penalty. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

e. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 3054-2013; Sec. 34-3402(d) repealed; new Sec. 34-3402(d) enacted; 11/19/13)
(Ord. No. 3019-2019; Sec. 34-3402 (b)(2), (c), (d)(1), (d)(2)(b), and (d)(4)(b) repealed;
new Sec. 34-3402 (b)(2), (c), (d)(1), (d)(2)(b), and (d)(4)(b) enacted; 7/16/19)

SEC. 34-3403. ENVIRONMENTAL REMEDIATION WASTEWATERS.

(a) City Requirements. Environmental Remediation Wastewaters (ERW), as defined in this ordinance, that are conveyed to the City by truck, rail, dedicated pipeline or sanitary sewer may be accepted by the City if all the requirements set forth in the following provisions of this ordinance and all applicable administrative procedures established by the director of ~~public works~~utilities are met.

Discharges into the sanitary sewers of such ERW as defined in this ordinance shall pay an ERW Discharge Fee of one and three-quarter cents (\$0.0175) per gallon for each gallon of such wastewaters delivered to the City under the provisions of this ordinance. Such charge shall be in lieu of flow, BOD and TSS charges as established by ordinance and rate ordinances in effect from time to time. Except as specifically superseded or modified, all rates and charges applicable to ERW, as defined in this ordinance, by reason of any City ordinance or ordinances, shall continue to be due and payable.

(Ord. No. 3053-2013; Sec. 34-3403(a) repealed; new Sec. 34-3403(a) enacted; 11/19/13)

(b) Non-Hazardous Waste. In order for the City to receive any wastewater for treatment, there must be assurances that the wastewater is non-hazardous as defined in 40 CFR 261 and 35 Illinois Administrative Code 721. This means that it must not be a listed hazardous waste and it must pass the four criteria as found in 40 CFR 261 of Section 20, which are summarized as follows:

- (1) It must not be a flammable waste, i.e., flashpoint must be >140 F.
- (2) It has a pH not lower than 2.0 or higher than 12.5.
- (3) Does not contain any 'reactive' chemicals such as cyanides, sulfides capable of generating a toxic gas.
- (4) Passes the Toxic Characteristic Leaching Procedure (TCLP), which means it complies with all the criteria. Copies of the analysis must be on file at the City.

(c) Compliance with Sewer Use Ordinance. The ERW discharged must comply with the requirements as found in this Sewer Use Ordinance, General Pretreatment Requirements.

(d) ERW Discharge Permit:

(1) The user is required to complete an Individual Discharge Permit Application in order to obtain an ERW Discharge Permit. The user would be required to get an ERW Discharge Permit from the City before this particular ERW could be discharged. If the user has an existing Individual Discharge Permit, this permit would be amended to include these requirements.

(2) This ERW Discharge Permit would contain specific discharge limits and special conditions for the user. Permit review will follow the same time constraints as listed in Section 34-3404 of this ordinance. The potential user may have to provide certain chemical analysis and/or representative sample(s) to the City as necessary.

(Ord. No. 3019-2019; Sec. 34-3403 (d)(1) and (d)(2) repealed; new Section 34-3403 (d)(1) and (d)(2) enacted; 7/16/19)

(e) Permitted ERW Hauler. The aforementioned ERW that are hauled to the City by truck and tanker must be hauled by a City permitted ERW hauler. This is separate and different from IEPA special waste hauler permit, which is also required. The potential user can have its own truck and tanker permitted by filling out the appropriate City forms and paying the fifty dollar (\$50.00) permit fee. The permitted ERW hauler must comply with all City requirements relative to discharging at the treatment plant(s).

(f) Letter from IEPA. Where deemed necessary by the director of ~~public works~~utilities, the City will require a letter from the IEPA stating that the ERW is not a hazardous waste and shall determine that it is otherwise appropriate for the City to receive such waste.

(g) ERW Discharge Costs and Monitoring Charges. The City will bill the user for the ERW discharges into the sanitary sewers as per ordinance, which is currently \$0.0175 per gallon. The cost for City sampling and analysis are also covered in the ordinance, and are separate charges from ERW Discharge Fee.

(Ord. No. 3053-2013; Sec. 34-3403(g) repealed; new Sec. 34-3403(g) enacted; 11/19/13)

(h) Flow Metering Requirements. ERW that is discharged to the sanitary sewer from a facility must be measured volumetrically. This can be done either by installing a wastewater flow meter or a water metering device. If the ERW is trucked to the City's POTW for disposal, the volume discharged will be determined by the volume of the container or containment device on the truck.

(i) Sampling Manhole. For ERW discharged to the sanitary sewer, the potential user must provide a sampling point for the wastewater. In certain situations, a separate sampling manhole may be required. If a separate manhole is required, the sampling manhole must be constructed and approved according to City standards.

(j) IEPA Requirements:

(1) IEPA Construction Permit - If the potential user is required to install pretreatment equipment to control the pollutants in the ERW discharged, then the potential user would have to contact the Illinois Environmental Protection Agency, Division of Water Pollution Control (IEPA DWPC) concerning the need for a Construction Permit for the potential pretreatment system. The IEPA DWPC permit section would make the determination as to whether an IEPA Construction Permit would be necessary.

(2) IEPA Connection Permit - The potential users will have to obtain a Connection Permit if: 1) the ERW will be hauled to the POTW(s), or 2) if the user is not already connected to the sanitary sewer, or 3) is already connected to the sanitary sewer, but the proposed ERW is substantially different than the normal process wastewater discharged. To obtain an IEPA DWPC Connection Permit, the potential user must fill out the appropriate IEPA DWPC forms.

(3) Operator Class K License - If a pretreatment system is constructed, the IEPA may require a Certified Class K Operator for the pretreatment system. The IEPA Operator Certification Unit can assist in determining if a particular Class K Operator License is required for the personnel of a potential user to operate the pretreatment system.

(4) IEPA Special Waste Stream Permit - If the ERW is to be hauled to the City by truck, the user will have to obtain an IEPA Special Waste Stream Permit. This application will be filled out by the user and sent to the City for signature. The user will mail this to the IEPA DWPC with copies to the City. If a special waste hauler permit is necessary, the hauler would be required to manifest the waste. To obtain information on this kind of permit, contact the IEPA Division of Land Pollution Control Permit Section.

The above requirements are listed as guidance only. Other specific criteria may vary and will be provided to any request or at the time of request for discharge to the sanitary sewer as deemed appropriate to the director of ~~public works~~utilities or the IEPA DWPC.

(k) Surface Water Run-Off. If the ERW is surface water run-off from stormwater associated with industrial activity as defined in 40 CFR 122.26(b)(14), then it shall be subject to ERW charge. However, if the source of ERW is potable water from washing of manufacturing services such as loading platforms and docks, then the industrial user shall not be subject to the ERW charge.

(l) Groundwater Monitoring Wells:

(1) Development Wastewater shall not be considered ERW and therefore shall not be charged at the rate of \$0.0175 per gallon, but shall be charged at the domestic rate and must first be settled out to remove suspended solids before discharging to sanitary sewer or at the treatment plant. For purposes of this subsection, development wastewater shall be that water which contains sediment and clay and is encountered when the wells must be drilled and "developed" prior to groundwater pumping commencing at the site of contamination.

(Ord. No. 3053-2013; Sec. 34-3403(l)(1) repealed; new Sec. 34-3403(l)(1) enacted; 11/19/13)

(2) Purge Water, of volumes less than twenty (20) gallons may be discarded to the sanitary sewer and not require permit so long as such purge waters comply with the limits found in this ordinance. Said purge water will not be subject to the ERW charges imposed elsewhere in this ordinance. For purposes of this subsection, purge water shall be that

water which is pumped out of several well volumes throughout the life of the groundwater monitoring well in order to take samples for analysis on an approximately quarterly basis.

(m) Groundwater Clean-Up. If the Industrial User (IU) is involved in a groundwater clean-up which is generating ERW and wishes to use this ERW as a substitute for potable water in the normal processes which generate wastewater, then the IU shall not be charged the \$0.0175 per gallon ERW Discharge Fee. However, the IU must demonstrate and prove to the satisfaction of the City by clear and convincing evidence that it is not using this as process wastewater as a means of avoiding the \$0.0175 per gallon ERW Discharge Fee. As part of this test, the IU must prove that they have not increased the amount of normal process wastewater to accommodate all of the ERW that is generated.

(Ord. No. 3053-2013; Sec. 34-3403(m) repealed; new Sec. 34-3403(m) enacted; 11/19/13)

(n) Underground Storage Tanks (UST) Wastewaters. Wastewaters found in UST, which shall be removed as part of the UST Program are to be considered ERW. Since the removal of UST can be considered a form of environmental remediation, the wastewater generated from such a project, whether it be from the storage tank itself or removal and recovery of contaminated groundwater directly underneath the tank shall be considered ERW.

SEC. 34-3404. INDIVIDUAL DISCHARGE PERMIT APPLICATION.

(a) Wastewater Analysis. When requested by the director of ~~public works~~utilities, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The director of ~~public works~~utilities is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Individual Discharge Permit, or Individual Permit Requirements:

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an Individual Permit from the director of ~~public works~~utilities, except that a significant industrial user that has filed a timely application pursuant to Section 34-3404 (c) of this ordinance may continue to discharge for the time period specified therein.

(2) The director of ~~public works~~utilities may require other users to obtain Individual Permits as necessary to carry out the purposes of this ordinance. In accordance with the Pretreatment Program details, factors considered in these cases shall include but not be limited to pollutants being introduced, spill potential, slug discharge potential, previous compliance history, potential for causing the POTW to violate its NPDES permit, or potential for causing difficulties with sludge use or disposal.

(3) Any violation of the terms and conditions of an Individual Permit shall be deemed a violation of this ordinance and subjects the Individual Permittee to the sanctions set out in Sections 34-3410 through 34-3412 of this ordinance. Obtaining an Individual Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(c) Individual Discharge Permitting: Existing Connections. Any user required to obtain an Individual Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director of ~~public works~~utilities for an Individual Discharge Permit in accordance with Section 34-3404 (e) of

this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an Individual Discharge Permit issued by the director of ~~public works~~Utilities.

(d) Individual Discharge Permitting: New Connections. Any user required to obtain an Individual Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Individual Discharge Permit, in accordance with Section 34-3404 (e) of this ordinance, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

(e) Individual Discharge Permit Application Contents. All users required to obtain an Individual Discharge Permit must submit a permit application. The director of ~~public works~~utilities may require all users to submit as part of an application the following information:

- (1) All information required by Section 34-3406 (a)(2) a-h of this ordinance;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the director of ~~public works~~utilities to evaluate the Individual Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Application Signatories and Certification. All Individual Discharge Permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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."

(g) Individual Discharge Permit Decisions. The director of ~~public works~~utilities will evaluate the data furnished by the user and may require additional information. Within one hundred eighty (180) days of receipt of a complete Individual Discharge Permit

application, the director of ~~public works~~utilities will determine whether or not to issue an Individual Discharge Permit. The director of ~~public works~~utilities may deny any application for an Individual Discharge Permit.

(h) Identifying and locating IUs. The City may provide information about the Sewer Use Ordinance, Pretreatment Program, and permit application materials to non-permitted dischargers found through IU surveys and information sources such as phone directories, internet, direct building to building surveys, and water billing records. Non-permitted dischargers are also subject to administrative or legal enforcement action. Non-permitted dischargers may not continue discharging except as allowed under 34-3404(b)(1) and they are also subject to administrative or legal enforcement action.

(Ord. No. 3019-2019; Sec. 34-3404 repealed; new Sec. 34-3404 enacted; 7/16/19)

SEC. 34-3405. INDIVIDUAL DISCHARGE PERMIT ISSUANCE PROCESS.

(a) Individual Discharge Permit Duration. An Individual Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Individual Discharge Permit may be issued for a period of less than five (5) years, at the discretion of the director of ~~public works~~utilities. Each Individual Discharge Permit will indicate a specific date upon which it will expire.

(b) Individual Discharge Permit Contents. An Individual Discharge Permit shall include such conditions as are deemed reasonably necessary by the director of ~~public works~~utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual Discharge Permits must contain:

- a. A statement that indicates Individual Discharge Permit duration, which in no event shall exceed five (5) years;
- b. A statement that the Individual Discharge Permit is nontransferable without prior notification to the City in accordance with Section 34-3405(e) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Individual Discharge Permit;
- c. Effluent limits, including BMPs, based on applicable pretreatment standards, categorical standards, local limits, and State and local law;
- d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant), sampling location, sampling frequency, and sample type based on federal, state, and local law;
- e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

f. Requirements for the development and implementation of spill control plans, slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

g. Requirement to notify the City immediately of changes that occur at the facility affecting potential for a slug discharge in order to conduct a reevaluation of the need of a slug control plan or accidental discharge; and

h. BMP requirements for applicable SIUs.

(2) Individual Discharge Permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

c. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

d. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

e. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

f. A statement that compliance with the Individual Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Individual Discharge Permit; and

g. Other conditions as deemed appropriate by the director of ~~public works~~utilities to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(c) Individual Discharge Permit Appeals. The director of ~~public works~~utilities shall provide public notice of the issuance of an Individual Discharge Permit. Any person, including the user, may petition the director of ~~public works~~utilities to reconsider the terms of an Individual Discharge Permit within thirty (30) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the Individual Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Individual Discharge Permit.

(3) The effectiveness of the Individual Discharge Permit shall not be stayed pending the appeal.

(4) If the director of ~~public works~~utilities fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Individual Discharge Permit, not to issue an Individual Discharge Permit, or not to modify an Individual Discharge Permit shall be considered final administrative actions for purposes of judicial review.

(d) Individual Discharge Permit Modification. The director of ~~public works~~utilities may modify an Individual Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Individual Discharge Permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(5) Violation of any terms or conditions of the Individual Discharge Permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the Individual Discharge Permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the Individual Discharge Permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) Individual Discharge Permit Transfer. Individual Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least one hundred eighty (180) days advance notice to the director of ~~public works~~utilities, a copy of the existing permit is provided to the new owner, and the director of ~~public works~~utilities approves the Individual Discharge Permit transfer. The notice to the director of ~~public works~~utilities must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing Individual Discharge Permit.

Failure to provide advance notice of a transfer renders the Individual Discharge Permit void as of the date of facility transfer.

(f) Individual Discharge Permit Revocation. The director of ~~public works~~utilities may revoke an Individual Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the director of ~~public works~~utilities of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the director of ~~public works~~utilities of changed conditions pursuant to Section 34-3406 (e) of this ordinance;

(3) Misrepresentation or failure to fully disclose all relevant facts in the Individual Discharge Permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the director of ~~public works~~utilities or City pretreatment staff timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the Individual Discharge Permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the Individual Discharge Permit or this ordinance.

Individual Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Discharge Permits issued to a particular user are void upon the issuance of a new Individual Discharge Permit to that user.

(g) Individual Discharge Permit Reissuance. A user with an expiring Individual Discharge Permit shall apply for Individual Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 34-3404 (e) of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing Individual Discharge Permit.

(h) Regulation of Waste Received from Other Jurisdictions:

(1) If another governmental entity, or user located within another governmental entity, contributes wastewater to the POTW, the director of ~~public works~~utilities shall enter into an intergovernmental agreement with the contributing governmental entity.

(2) Prior to entering into an agreement required by paragraph (1), above, the director of ~~public works~~utilities shall request the following information from the contributing governmental entity:

a. A description of the quality and volume of wastewater discharged to the POTW by the contributing governmental entity;

b. An inventory of all users located within the contributing governmental entity that are discharging to the POTW;

c. A baseline monitoring report, meeting the requirements set forth in Section 34-3406 (a) of this ordinance, for each IU discharging to the POTW; and

d. Such other information as the director of ~~public works~~utilities may deem necessary.

(3) An intergovernmental agreement, as required by paragraph (1), above, shall contain the following conditions:

a. A requirement for the contributing governmental entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 34-3401(c) of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Moline's ordinance or local limits;

b. A requirement for the contributing governmental entity to submit a revised user inventory on at least an annual basis;

c. A provision specifying which pretreatment implementation activities, including Individual Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing governmental entity; which of these activities will be conducted by the director of ~~public works~~utilities and which of these activities will be conducted jointly by the contributing governmental entity and the director of ~~public works~~utilities;

d. A requirement for the contributing governmental entity to provide the director of ~~public works~~utilities with access to all information that the contributing governmental entity obtains as part of its pretreatment activities. In any event, all materials designated by the director of ~~public works~~utilities will be required;

e. Limits on the nature, quality, and volume of the contributing governmental entity's wastewater at the point where it discharges to the POTW;

f. Requirements for monitoring the contributing governmental entity's discharge;

g. A provision ensuring the director of ~~public works~~utilities access to the facilities of users located within the contributing governmental entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director of ~~public works~~utilities. In this respect, other governmental entities may need to adopt or modify their own rules, regulations or ordinances to allow representatives of the City of Moline to enter their premises if their current rules, regulations or ordinances do not allow now; and

h. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

(Ord. No. 3019-2019; Sec. 34-3405 repealed; new Sec. 34-3405 enacted; 7/16/19)

SEC. 34-3406. REPORTING REQUIREMENTS.

(a) Baseline Monitoring Reports:

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director of ~~public works~~utilities a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director of ~~public works~~utilities a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

b. Environmental Permits. A list of any environmental control permits held by or for the facility.

c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

e. Measurement of Pollutants.

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director of ~~public works~~ utilities, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 34-3406 (l) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Control Authority or the applicable standards to determine compliance with the standard.

3. Sampling must be performed in accordance with procedures set out in paragraphs (1) and (2) in Section 34-3406 (m) of this ordinance.

f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 34-3406- (b) of this ordinance.

h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 34-3404- (f) of this ordinance.

(3) Significant Industrial User Monitoring Reports. All SIUs, including non-categorical SIUs must report all monitoring results. Data must be representative of conditions during the monitoring period.

(b) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 34-3406 -(a)(2)(g) of this ordinance:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing

preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the director of ~~public works~~utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the director of ~~public works~~utilities.

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director of ~~public works~~utilities a report containing the information described in Section 34-3406 (a)(2)d-f of this ordinance. This report, the samples, and the analyses that make it up must meet the standards and use the techniques set forth in 40 CFR 403.12(g)(3)-(5). The sampling procedures shall follow the protocols outlined in 40 CFR 136. The sample collection method is described in Section 34-3406 (m) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 34-3404 (f) of this ordinance.

(d) Periodic Compliance Reports:

(1) All significant industrial users shall, at a frequency determined by the director of ~~public works~~utilities but in no case less than three (3) per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 34-3404 (f) of this ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director of ~~public works~~utilities, using the procedures prescribed in Section 34-3406 (m) of this ordinance, the results of this monitoring shall be included in the report.

(4) Users subject to BMP requirements must submit compliance reports in accordance with 403.12(b), (e), and (h).

(5) All significant industrial users must follow sampling requirements in 403.12 for periodic compliance reports.

(6) The Control Authority may reduce the requirement in paragraph (d)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the conditions outlined in paragraphs (i) through (v) in 40 CFR 403.12(e)(3).

(e) Reports of Changed Conditions. Each user must notify the director of ~~public works~~utilities of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(1) The director of ~~public works~~utilities may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Individual Discharge Permit application under Section 34-3404 (e) of this ordinance.

(2) The director of ~~public works~~utilities may issue an Individual Discharge Permit under Section 34-3404 (g) of this ordinance or modify an existing Individual Discharge Permit under Section 34-3405 (d) of this ordinance in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems:

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the director of ~~public works~~utilities of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) working days following such discharge, the user shall, unless waived by the director of ~~public works~~utilities, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

(g) Reports from Unpermitted Users. All users not required to obtain an Individual Discharge Permit shall provide appropriate reports to the director of ~~public works~~utilities as the director of ~~public works~~utilities may require.

(h) Non-Significant Categorical Industrial Users and Middle Tier Categorical Industrial User. The City reserves the right to assign "non-significant categorical industrial user" classification or "middle tier categorical industrial user" for qualified IUs allowing reduced reporting requirements in accordance with 40 CFR 403.12(i).

(i) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the director of ~~public works~~utilities within twenty-four (24) hours of becoming aware of the violation, and in writing to the director of ~~public works~~utilities within five (5) working days of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director of ~~public works~~utilities within thirty (30) days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

(1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or

(2) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(j) Notification of Changes in Discharge. Industrial Users must immediately notify both the POTW and the EPA of changes in discharge in accordance with 40 CFR 403.12(j).

(k) Notification of the Discharge of Hazardous Waste:

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Administrator, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 34-3406 (e) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 34-3406 (a), 3406 (c), and 3406 (d) of this ordinance.

(2) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director of ~~public works~~utilities, the EPA Regional Administrator, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law. Nothing herein shall be construed to limit, inhibit or diminish the City's ability to enforce its Spiller Pays Ordinance located at Chapter 11, Article III, of the Moline Code of Ordinances.

(Ord. No. 3060-2006; Sec. 34-3406(k)(5) repealed; new Sec. 34-3406(k)(5) enacted; 12/12/06)

(l) Analytical Requirements. All analyses shall be performed in accordance with procedures pursuant to Section 304(h) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the sampling and analytical techniques described in 40 CFR 136 are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Control Authority or other parties, approved by the EPA.

(m) Sample Collection: Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in paragraphs (2) and (3) below, the user must collect wastewater samples using flow proportional composite collection techniques. The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph. In the event flow proportional sampling is infeasible, the director of ~~public works~~utilities may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 34-3406 (a) and 34-3406 (c), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, director of public works utilities may authorize a lower minimum. For the reports required by paragraphs Section 34-3406 (d), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(4) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority.

(5) The City reserves the right to waive sampling for pollutants not expected to be present for qualified IUs in accordance with 40 CFR 403.8(f)(2)(v), 403.12(e).

(6) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(7) The report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(8) The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such IU. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(9) The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined wastestream formula.

(n) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(o) Record Keeping. Users subject to the reporting requirements of this ordinance, including documentation associated with BMPs, shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who

performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the director of ~~public works~~utilities.

(Ord. No. 3019-2019; Sec. 34-3406 repealed; new Sec. 34-3406 enacted; 7/16/19)

SEC. 34-3407. COMPLIANCE MONITORING.

(a) Right of Entry: Inspection and Sampling. The director of ~~public works~~utilities shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any Individual Discharge Permit or order issued hereunder. Users shall allow the director of ~~public works~~utilities ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director of ~~public works~~utilities or authorized representatives will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The director of ~~public works~~utilities shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The director of ~~public works~~utilities may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Whenever required by permit, an industrial user shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the City, installed and maintained at all times at user's expense, which shall have ample room in each sampling chamber or to permit the City to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the City from 8:00 a.m. to 5:00 a.m. five (5) days per week and at other times when the City has reason to believe that pollutants are being discharged which are in violation of this division.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director of ~~public works~~utilities and shall not be replaced. The costs of clearing such access shall be born by the user.

(6) Unreasonable delays in allowing the director of ~~public works~~utilities or pretreatment staff access to the user's premises shall be a violation of this ordinance.

(7) The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the City.

(8) Where required by the City, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.

(b) Search Warrants. If the director of ~~public works~~ utilities has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director of ~~public works~~ utilities may seek issuance of a search warrant from the appropriate court of Rock Island County.

(Ord. No. 3019-2019; Sec. 34-3407 (a) repealed; new Sec. 34-3407 (a) enacted; 7/16/19)

SEC. 34-3408. CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, Individual Discharge Permit applications, Individual Discharge Permits, and monitoring programs, and from the director of ~~public works~~ utilities' inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director of ~~public works~~ utilities, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 3019-2019; Sec. 34-3408 repealed; new Sec. 34-3408 enacted; 7/16/19)

SEC. 34-3409. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The director of ~~public works~~ utilities shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Definition - Significant Noncompliance:

(1) Chronic violations of wastewater Discharge limits, defined herein as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the director of ~~public works~~utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director of ~~public works~~utilities' exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the director of ~~public works~~utilities determines will adversely affect the operation or implementation of the local pretreatment program.

(9) Failure to perform or establish BMPs agreed to in the permit.

(Ord. No. 3019-2019; Sec. 34-3409 (a)(1) and (a)(5) repealed; new Sec. 34-3409 (a)(1), (a)(5), and (a)(9) enacted; 7/16/19)

SEC. 34-3410. ADMINISTRATIVE ENFORCEMENT REMEDIES.

(a) Notification of Violation. When the director of ~~public works~~utilities finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the director of ~~public works~~utilities may serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director of ~~public works~~utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the director of ~~public works~~utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Consent Orders. The director of ~~public works~~utilities may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the compliance orders

issued pursuant to Sections 34-3410 (d) and 34-3410 (e) of this ordinance and shall be judicially enforceable.

(c) Show Cause Hearing. The director of ~~public works~~utilities may order a user who has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director of ~~public works~~utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) working days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) Compliance Orders. When the director of ~~public works~~utilities finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the director of ~~public works~~utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) Cease and Desist Orders. When the director of ~~public works~~utilities finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director of ~~public works~~utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Administrative Penalties:

(1) When the director of ~~public works~~utilities finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the director of ~~public works~~utilities may assess an administrative penalty to such user in an amount at least one

thousand dollars (\$1,000.00). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation.

(2) A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(3) Users desiring to dispute such penalties must file a written request for the director of ~~public works~~utilities to reconsider the penalty along with full payment of the fine amount within thirty (30) days of being notified of the penalty. Where a request has merit, the director of ~~public works~~utilities may convene a hearing on the matter. In the event the user's appeal is successful, the payment shall be returned to the user. The director of ~~public works~~utilities may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(4) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(g) Emergency Suspensions. The director of ~~public works~~utilities may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director of ~~public works~~utilities may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director of ~~public works~~utilities may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director of ~~public works~~utilities may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director of ~~public works~~utilities that the period of endangerment has passed, unless the termination proceedings in Section 34-3410 (h) of this ordinance are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director of ~~public works~~utilities prior to the date of any show cause or termination hearing under Sections 34-3410 (c) or 34-3410 (h) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) Termination of Discharge. In addition to the provisions in Section 34-3405 (f) of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of Individual Discharge Permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(5) Violation of the pretreatment standards in Section 34-3401 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 34-3410 (c) of this ordinance why the proposed action should not be taken. Exercise of this option by the director of ~~public works~~utilities shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 3019-2019; Sec. 34-3410 (a), (c), (d), (e), (f)(1) and (h)(1) repealed; new Sec. 34-3410 (a), (c), (d), (e), (f)(1) and (h)(1) enacted; 7/16/19)

SEC. 34-3411. JUDICIAL ENFORCEMENT REMEDIES.

(a) Injunctive Relief. When the director of ~~public works~~utilities finds that a user has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the director of ~~public works~~utilities may petition through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains such violation or compels the specific performance of the Individual Discharge Permit, order, or other requirement imposed by this ordinance on activities of the user. The director of ~~public works~~utilities may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user, including any remedy or other action provided by this chapter.

(b) Civil Penalties.

(1) A user who has violated, or continues to violate, any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The director of ~~public works~~utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution.

(1) A user who, whether willfully or negligently violates any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment

standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day.

(2) A user who, whether willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be punishable by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. Severe offenses resulting in serious injury, death, or major property damage may be punishable by imprisonment.

(3) A user who, knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, Individual Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of one thousand dollars (\$1,000.00) per misdemeanor, per day.

(4) In the event of a second conviction, a user shall be punished by a fine of five thousand dollars (\$5,000.00) per misdemeanor, per day.

(d) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The director of ~~public works~~utilities may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the director of ~~public works~~utilities may take other action against any user when the circumstances warrant. Further, the director of ~~public works~~utilities is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 3019-2019; Sec. 34-3411 (a), (b)(1) and (c) repealed; new Sec. 34-3411 (a), (b)(1) and (c) enacted; 7/16/19)

SEC. 34-3412. SUPPLEMENTAL ENFORCEMENT ACTION.

(a) Performance Bonds. The director of ~~public works~~utilities may decline to issue or reissue an Individual Discharge Permit to any user who has failed to comply with any provision of this ordinance, a previous Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the director of ~~public works~~utilities to be necessary to achieve consistent compliance.

(b) Liability Insurance. The director of ~~public works~~utilities may decline to issue or reissue an Individual Discharge Permit to any user who has failed to comply with any provision of this ordinance, a previous Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) Water Supply Severance. Whenever a user has violated or continues to violate any provision of this ordinance, an Individual Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(d) Informant Rewards. The director of ~~public works~~utilities may pay up to one hundred dollars (\$100.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the Moline City Council may disperse up to ten percent (10%) of the fine or penalty actually collected by the City through the informant. However, a single reward payment may not exceed five hundred dollars (\$500.00).

(e) Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the director of ~~public works~~utilities.

(Ord. No. 3019-2019; Sec. 34-3412 (a), (b) and (c) repealed; new Sec. 34-3412 (a), (b) and (c) enacted; 7/16/19)

SEC. 34-3413. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(a) Upset:

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. 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.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the director of ~~public works~~utilities within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards or as otherwise required by law.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 34-3401 (a)(2) of this ordinance or the specific prohibitions in Sections 34-3401 (a)(3)c through 34-3401(a)(3)u [excluding 34-3401(a)(3)h] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit(s), and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass:

(1) For the purposes of this section,

a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

b. "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.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3)-(5) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director of public works utilities, at least ten (10) days before the date of the bypass, if possible.

(4) A user shall submit oral notice to the director of public works utilities of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass 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 bypass. The director of public works utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and the director of ~~public works~~utilities may take an enforcement action against a user for a bypass, unless

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. 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

c. The user submitted notices as required under paragraphs (3) & (4) of this section.

(6) The director of ~~public works~~utilities may approve an anticipated bypass, after considering its adverse effects, if the director of ~~public works~~utilities determines that it will meet the three conditions listed in paragraph (5) of this section.

SEC. 34-3414. PRETREATMENT CHARGES AND FEES.

(a) Purpose. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

(1) Fees for Individual Discharge Permit applications including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals; and

(5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(b) Established Permits and Fees.

(1) Permit Fees.

- a. An Individual Discharge Permit \$400.00
- b. Renewal of an Individual Discharge Permit \$350.00
- c. Supplemental (Baseline Monitoring) Report \$125.00
- d. Waste Hauler Permit
 - ERW \$ 50.00
 - Grease \$ 50.00
 - Septic \$ 50.00
 - Thin Stillage Corn syrup \$ 50.00
 - Industrial and Landfill Leachate No Fee
(included in an Individual Discharge Permit)

(2) Pretreatment Fees.

- a. Industrial User Sampling (per sample) \$ 150.00

b. In-House Laboratory Testing Fees.

BOD5	\$ 20.00
Total suspended solids	\$ 16.00
Chemical oxygen demand	\$ 18.00
Oxygen demand index	\$ 18.00
pH	\$ 5.00
Fecal coliform	\$ 30.00

c. Contract Laboratory Testing Fees.

Laboratory testing fees (testing done outside City) will be the cost of the laboratory test(s) plus ten percent (10%) of test cost(s).

(3) Hauled Waste Fees.

a. Camper Trailer Discharge

Camper trailers (Moline residents only)	No Fee
Camper trailers (Non-Moline residents)	\$ 10.00

b. Hauled Wastewater Receiving Fees

(based on tank capacity of container per load)

Industrial Waste (landfill leachate and thin stillage)

\$0.05/gallon – Moline Origin

\$0.05/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

Septic Waste

\$0.05/gallon – Moline Origin

\$0.07/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

Grease Trap Waste

\$0.15/gallon – Moline Origin

\$0.20/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

(4) Environmental Remediation Wastewater (ERW) Discharge Fee

\$0.0175/gallon

(Ord. No. 3029-2009; Sec. 34-3414 repealed; new Sec. 34-3414 enacted; 10/20/09)

(Ord. No. 3046-2011; Sec. 34-3414(c)(d) repealed; new Sec. 34-3414(c)(d) enacted; 11/22/11)

Ord. No. 3054-2013; Sec. 34-3414 repealed; new Sec. 34-3414 enacted; 11/19/13)

(Ord. No. 3025-2017; Sec. 34-3414(b)(2) repealed; new Sec. 34-3414(b)(2) enacted; 10/10/17)

(Ord. No. 3019-2019; Sec. 34-3414 (a)(1), (b)(1)(a), (b)(1)(b), and (b)(1)(d) repealed; new Sec. 34-3414 (a)(1), (b)(1)(a), (b)(1)(b) and (b)(1)(d) enacted; 7/16/19)

SEC. 34-3415. ENFORCEMENT PROCEDURES AND RESPONSES.

(a) Purpose and Policy. Industries found to be out of compliance with federal, state, or local requirements are subject to the conditions of the Enforcement Response Guide, of the WPC Division. Informal enforcement actions, verbal telephone notices, letters of violation, site visits, administrative orders, enforcement compliance schedules and administrative fines are administered by the director of ~~public works~~utilities, or in some cases delegated to other personnel. Enforcement actions which require legal action are made by the director of ~~public works~~utilities with review and recommendations by the city attorney of the City of Moline.

Violations and discrepancies that have been identified during the review process are to be evaluated as to the type of enforcement response necessary by the director of ~~public works~~utilities. In order to ensure equitable treatment of violators and provide a stronger basis for selection of appropriate responses to violations, the following Enforcement Response Guide (ERG) should normally be followed, unless mitigating circumstances can be shown.

The ERG indicates the type of noncompliance, the circumstances which might vary the type of response, and the range of responses for that particular category of noncompliance. The ERG has been developed with the intention of serving the following three main purposes.

- (1) It recommends enforcement responses that are appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance;
- (2) It provides a guide to encourage a uniform application of enforcement responses to comparable levels in types of violations, and it can be used as a mechanism to review the appropriateness of the response; and
- (3) It allows the industrial community to realize the importance of the pretreatment program along with proper operation of equipment and meeting standards and limits, along with responses by the WPC Division if and when various violations occur.

(b) Abbreviations and Definitions of Responses. The following abbreviations and definitions, in order of severity, when used in this section, shall have the designated meanings:

VTN Verbal Telephone Notice - is meant to describe a response to a very minor type of violation, which is normally conveyed verbally to the contact person at the industry and no further follow-up is expected. This is utilized when there is a very minor infraction, such as a report being received one or two days late.

SV Site Visit - a visit to the industrial site to discuss and observe the problem. This can be a substitution for VTN or NOV. The SV can also be made in conjunction with a written NOV. The SV also can require a response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature.

NOV Notice of Violation - is the most widely used and is a written notification to the Industrial User indicating the type of apparent violation and requesting a response within ten (10) days, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature.

CO Consent Order - A Consent Order would be in such cases where the WPC Division believed the Industrial User was committed to providing necessary corrective measures to

correct previous violations, and would utilize the Consent Order to outline minor compliance schedules, along with other conditions that might be required, such as additional monitoring, more reporting, etc. The order would normally contain a short time frame of above one (1) month to six (6) months.

SCH Show Cause Hearing - is a meeting to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) working days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the use appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

COM Compliance Order - This is a formal enforcement Compliance Order signed by both the WPC Division and the industry involved. This control mechanism is used when serious or long term violations of discharge limits occur that require the design and installation of new or additional pretreatment equipment. Usually the time-frame will be six (6) months to one (1) year. Violations of the COM can result in the next step, consisting of administrative penalties.

AP Administrative Penalties - An administrative penalty would be in such cases where all lower types of enforcement responses have failed and/or where deemed appropriate by the director of ~~public works~~utilities because of the nature and/or intent of the violation. The next response step is court action. The administrative penalties step exists to try to prevent court activity and yet to correct the problem and or show the seriousness of the problem to the industry involved. The fine is at least one thousand dollars (\$1,000.00) per violation with each day being considered a separate violation.

The administrative fine may also be part of a CO (Consent Order), and/or a COM (Compliance Order).

LIT Litigation - Litigation is utilized to define several courses of action, including civil suits for injunctive relief and/or civil penalties, criminal suits, termination of service, etc. These types of actions would all involve the courts, the city attorney, and would follow the procedures necessary for due process.

(c) **Utilizing Response Guide.** A screening process for identifying likelihood of violations will be conducted by the City within five (5) days of receiving information. Criteria for screening includes categorical and local limits, prohibited discharges, and potential violation items with corresponding range of responses listed in Section 34-3415(e)-(h). Utilizing the Enforcement Response Guide, the Pretreatment Coordinator will initiate the appropriate response and see that the files have been updated to show the type of action being taken and the response date, if one (1) is so indicated, and the type of action taken. The Pretreatment Coordinator will initiate any field sampling which he feels appropriate to substantiate previous data received, or to double check the response of an Industrial User to the action which they have indicated that they have taken.

At the end of each six (6) month period, the Pretreatment Coordinator will be responsible for reviewing the industry files to determine any SNCs, and if so, the Pretreatment

Coordinator shall be responsible for seeing that the SNCs are tabulated on an annual basis and that the name of all SNCs are published in the local daily newspaper.

Regular surveillance, sampling, and unannounced inspections to detect incidence of noncompliance not revealed by report submittals will be conducted by the City. These include unannounced annual inspections of all IUs to confirm IU classification, waiver conditions, and compliance to Pretreatment Program regulations.

(d) Significant Noncompliance. Instances of Significant Noncompliance (SNC) are Industrial User Violations which meet one or more of the following criteria:

(1) Violations of wastewater discharge limits

a. Chronic violations-. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.

b. Technical Review Criteria (TRC)-. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the average same average limit by more than the TRC in a six (6) month period.

There are two groups of TRCs:

1. Group I for conventional pollutants:

(BOD, TSS, fats, oil and grease) TRC = 1.4

2. Group II for all other pollutants: TRC = 1.2

c. Any other violation or violations of an effluent limit (average or daily maximum) that the director of ~~public works~~utilities has caused, along or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.

d. Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTWs exercise of this emergency authority to halt or prevent such a discharge.

(2) Violation of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the scheduled date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations which the director of ~~public works~~utilities considers to be significant.

(e) Responses to Violations of Sampling, Monitoring and Reporting:

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Failure to sample, monitor or report (routine reports), baseline monitoring report.	Isolated or infrequent.	VTN, SV, or NOV requiring a report within 10 days.
Failure to sample, monitor, report or notify.	IU does not respond to letters, does not follow through on verbal or written agreement, or frequent violation – SNC.	CO, COM, AP or LIT.

Failure to notify of effluent limit violation or slug discharge.	Isolated or infrequent. No known effects.	VTN, SV or NOV. If no response within 10 days, issue a CO.
Failure to notify of effluent limit violation or slug discharge.	Frequent or continued violation – SNC.	Show cause meeting, COM, AP, or LIT including penalties.
Failure to notify of effluent limit violation or slug discharge.	Known environmental or POTW damage results – SNC.	AP, LIT and penalties.
Minor sampling, monitoring or re-reporting deficiencies (computational or typographical errors).	Isolated or infrequent.	VTN, SV or NOV. Corrections to be made on next submittal CO if continued.
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports).	Isolated or infrequent.	SV, NOV or CO. Corrections to be made on next submittal.
Major or gross reporting deficiencies.	Continued. Remains uncorrected 30 days or more – SNC.	COM, AP or LIT.

Whenever a NOV is issued that requires a response and Industrial User fails to respond, the next level of enforcement should be undertaken.

(f) Responses to Violations of Compliance Schedules: (Construction phases or planning)

NONCOMPLIANCE CIRCUMSTANCES RANGE OF RESPONSE

NONCOMPLIANCE

CIRCUMSTANCES

RANGE OF RESPONSE

Reporting false information.

Any instance - SNC.

AP, LIT penalties. Sewer ban.

Missed Interim Date

Will not cause late final date or other interim dates.

NOV, SV.

Missed Interim Date.

Will result in other missed interim dates. Violation for good or valid cause.

NOV, SV or CO.

Missed Interim Date.

Will result in other missed interim dates. No good or valid cause - SNC.

NOV, COM, AP or LIT.

Missed Final Date.

Violation due to strikes, act of God, etc.

Contact permittee and require documentation of good or valid cause; show cause.

Missed Final Date.

90 days or more outstanding. Failure or refusal to comply without good or valid cause.

COM, AP or LIT including penalty.

Failure to install monitoring equipment.

Continued - SNC.

COM, AP to begin monitoring (using outside contracts, if necessary) & install equipment w/in minimal time.

Failure to mitigate non compliance

Does not result in harm

NOV

Does result in harm

AO with fine

Civil Action

Whenever an NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(g) Response to Violations of Discharge Limitations:

NONCOMPLIANCE CIRCUMSTANCES RANGE OF RESPONSE

NONCOMPLIANCE

CIRCUMSTANCES

RANGE OF RESPONSE

Exceeding final limits (categorical local or prohibited).

Infrequent or isolated minor violation.

VTN, SV or NOV. Retest of exceeded parameters within 30 days.

Exceeding Final Limits.

Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit.

VTN, SV, NOV, CO, AP or LIT if environmental harm resulted including penalty. Retest of exceeded parameters within 30 days.

Exceeding Interim Limits (categorical or local).

Without known damages.

NOV or CO. Retest of exceeded parameters within 30 days.

Exceeding Interim Limits.

Results in known environmental or POTW damage - SNC.

CO, COM, AP or LIT penalty. Retest of exceeding parameters w/in 30 days.

Reported Slug Load.

Isolated without known damage.

NOV, Show cause or CO.

Reported Slug Load.

Isolated with known interference, pass through or damage - SNC.
COM, AP or LIT including penalty.
Reported Slug Load.
Recurring - SNC.
LIT including penalty.
Discharge without a permit or approval.
One time without known environmental or POTW damage
CO.
Discharge without a permit or approval.
One time which results in environmental damage or continuing violation - SNC.
COM, AP O LIT and penalty. Request for criminal investigation.
Discharge without a permit or approval.
Continuing violation with known environmental or POTW damage.
COM, AP O LIT & penalty. Request for criminal investigation & disconnect.
Use of dilution instead of treatment
Initial violation
AO with fine
Recurring
SCH

Whenever a NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(h) Responses to Violations of Noncompliance Detected Through Inspections/Investigations:

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Minor violation of analytical procedures	Any instance.	VTN, SV.
Major violation of analytical procedures.	No evidence of intent.	NOV or CO.
Major violation of analytical procedures.	Evidence of negligence or intent - SNC.	COM, AP or LIT and penalty (possible criminal action).
Minor violation of permit condition.	No evidence of negligence or intent.	VTN, SV, or NOV. Immediate correction required.

Minor violation of permit condition.
Evidence of negligence or intent - SNC.
COM, AP or LIT and penalty (possible criminal action).
Major violation of permit condition.
Evidence of negligence or intent - SNC.
COM, AP or LIT and penalty (possible disconnect from sewer).
Failure to properly operate and maintain pretreatment equipment
Does not result in harm
NOV
Does result in harm
AO with fine
Civil Action
Denial of entry to inspectors
Entry denied or consent withdrawn
SCH
Consent of records denied
Obtain warrant and return to IU
Inadequate recordkeeping
Inspectors finds files incomplete to missing
NOV
Recurring
AO with fine

Whenever a NOV is issued that requires a response and the Industrial User fails to respond, the next level of enforcement should be undertaken.

(i) Time Frames for Responses:

(1) All violations will be identified and documented within five (5) working days of receiving compliance information.

(2) Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within thirty (30) days of violation detection.

(3) Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(4) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(5) All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance.

(j) IUs Subject to Reduced Reporting. IUs subject to reduced reporting may be inspected every two (2) years by the City.

(k) Confidential Information. Section. 34-3408 states requirements for handling confidential information, also applicable for enforcement response procedures.

(l) Evaluating the Need for Slug Control Plan. Requirements for a slug control plan are stated in Section 34-3402(c). Based on IU reports, IU surveys, the following information may be used to evaluate slug potential risks for an IU:

- (1) Raw materials inventories and storage locations (i.e., chemical utilization);
- (2) Locations of wastewater discharge points;
- (3) Site drainage patterns;
- (4) Location of floor drains, sumps, etc.;
- (5) Slug discharge prevention plans or control measures currently adopted;
- (6) Chemical inventory, including maximum and average storage volumes;
- (7) Comments, observations regarding existing control requirements and physical conditions such as floor drains, improper storage practices, and improper/inadequate containment of stored materials, operational data, and general process information; and
- (8) Slug risk classification.

IU SLUG DISCHARGE CATEGORY	SAMPLE ATTRIBUTES	RECOMMENDATIONS FOR SLUG DISCHARGE CONTROL
Low	No or significantly less than reportable quantities, local limits, etc. No process discharge No discernible pathways to sewer system	Notification requirements
Medium	Stores, uses batch discharges of generates somewhat less than reportable quantities of constituents, local limits, etc. Stores, uses or generates significant quantities of reportable constituents	Notification requirements Dependent on site-specific situation, select one or more elements of Slug Control Plan.
High	Stores, uses batch discharges or generates significantly greater than reportable quantities, local limits, etc. History of slugs or surcharges Poor housekeeping practices No Slug Control Plan in existence	Notification requirements Batch Discharge Requirements Slug Control Plan Required

(9) Data on response measures such as recommendations for equipment, structures, facility modifications and procedures for improving slug discharge prevention and response at the facility.

(m) IUs without permits. Refer to Section 34-3404(h) for plan to locate all possible IUs and enforcing administrative or legal action.

(Ord. 3019-2019; Sec. 34-3415 (c), (f), (g), (h) and (i) repealed; new Sec. 34-3415 (c), (f), (g), (h), (i), (j), (k), (l) and (m) enacted; 7/16/19)

SEC. 34-3416. MISCELLANEOUS PROVISIONS.

(a) Severability. If any provision, paragraph, word, or section of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect.

(b) Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this division are hereby repealed to the extent of such inconsistency or conflict.

DIVISION 5. ENVIRONMENTAL REMEDIATION WASTEWATERS

SEC. 34-3500. DEFINITIONS.

(a) Abbreviations. The following abbreviation shall have the designated meaning:

(1) ERG Enforcement Response Guide

(2) ERW Environmental Remediation Wastewaters

(3) IEPA Illinois Environmental Protection Agency

(4) IEPA DWPC Illinois Environmental Protection Agency, Division of Water Pollution Control

(5) IU Industrial User

(6) TCLP Toxic Characteristic Leaching Control Procedure

(7) UST Underground Storage Tanks

(b) Words and terms:

(1) Environmental Remediation Wastewaters. Contaminated wastewaters generated from, but not limited to: groundwater, lechate, surface run-off, or other aqueous wastes that exist on-site, or process streams generated by remedial activities. Examples of process wastestreams include without limitation scrubber effluent resulting from incineration of soil or solid waste; wastewater from soil washing activities; and water used to decontaminate equipment after remedial activities.

SEC. 34-3501. CITY REQUIREMENTS.

(a) Environmental Remediation Wastewaters (ERW), as defined in this ordinance, that are conveyed to the City by truck, rail, dedicated pipeline or sanitary sewer may be accepted by the City if all the requirements set forth in the following provisions of this

ordinance and all applicable administrative procedures established by the director of ~~public works~~utilities are met.

(b) Dischargers into the sanitary sewers of such ERW as defined in this ordinance shall pay an ERW Discharge Fee of \$0.0175 per gallon for each gallon of such wastewaters delivered to the City under the provisions of this ordinance. Such charge shall be in lieu of flow, BOD and TSS charges as established by ordinance and rate ordinances in effect from time to time.

(Ord. No. 3053-2013; Sec. 34-3501(b) repealed; new Sec. 34-3501(b) enacted; 11/19/13)

(c) Except as specifically superseded or modified herein, all rates and charges applicable to ERW, as defined in this ordinance, by reason of any City ordinance or ordinances, shall continue to be due and payable.

SEC. 34-3502. NON-HAZARDOUS WASTE.

In order for the City to receive any wastewater for treatment, there must be written assurances that the wastewater in Non-Hazardous as defined in 40 CFR 261 and 35 Illinois Administrative Code 721. This means that it must not be a listed hazardous waste and it must pass the four criteria as found in 40 CFR 261 of Section 20, which are summarized as follows:

- (1) It must not be a flammable waste, i.e., flashpoint must be >140 F.
- (2) It has a Ph not lower than 2.0 or higher than 12.5.
- (3) Does not contain any 'reactive' chemicals such as cyanides, sulfides capable of generating a toxic gas.
- (4) Passes the Toxic Characteristic Leaching Procedure (TCLP), which means it complies with all the criteria. Copies of the analysis must be on file at the City.

SEC. 34-3503. COMPLIANCE WITH SEWER USE ORDINANCE.

The ERW discharged must comply with the requirements as found in this Sewer Use Ordinance, General Pretreatment Requirements.

SEC. 34-3504. ERW DISCHARGE PERMIT.

(a) The user is required to complete an Individual Discharge Permit Application in order to obtain an ERW Discharge Permit. The user would be required to get an ERW Discharge Permit from the City before this particular ERW could be discharged. If the user has an existing Individual Discharge Permit, this permit would be amended to include these requirements.

(b) This ERW Discharge Permit would contain specific discharge limits and special conditions for the user. Permit review will follow the same time constraints as listed in Section 34-3404 of this ordinance. The potential user may have to provide certain chemical analysis and/or representative sample(s) to the City as necessary.

(Ord. No. 3019-2019; Sec. 34-3504 repealed; new Sec. 34-3504 enacted; 7/16/19)

SEC. 34-3505. PERMITTED ERW HAULER.

The aforementioned ERW that are hauled to the City by truck and tanker must be hauled by a City permitted ERW hauler. This is separate and different from IEPA special waste hauler permit, which is also required. The potential user can have its own truck and tanker permitted by filling out the appropriate City forms and paying the fifty dollar (\$50.00) permit fee. The permitted ERW hauler must comply with all City requirements relative to discharging at the treatment plant(s).

SEC. 34-3506. LETTER FROM IEPA.

Where deemed necessary by the director of ~~public works~~ utilities, the City will require a letter from the IEPA stating that the ERW is not a hazardous waste and shall determine that it is otherwise appropriate for the City to receive such waste.

SEC. 34-3507. ERW DISCHARGE COSTS AND MONITORING CHARGES.

The City will bill the user for the ERW discharges into the sanitary sewers as per ordinance, which is currently \$0.0175 per gallon. The costs for City sampling and analysis are also covered in the ordinance, and are separate charges from ERW Discharge Fee. (Ord. No. 3053-2013; Sec. 34-3507 repealed; new Sec. 34-3507 enacted; 11/19/13)

SEC. 34-3508. FLOW METERING REQUIREMENTS.

ERW that is discharged to the sanitary sewer from a facility must be measured volumetrically. This can be done either by installing a wastewater flow meter or a water metering device. If the ERW is trucked to the City's POTW for disposal, the volume discharged will be determined by the volume of the container or containment device on the truck.

SEC. 34-3509. SAMPLING MANHOLE.

For ERW discharged to the sanitary sewer, the potential user must provide a sampling point for the wastewater. In certain situations, a separate sampling manhole may be required. If a separate manhole is required, the sampling manhole must be constructed and approved according to City standards.

SEC. 34-3510. IEPA REQUIREMENTS.

(a) IEPA Construction Permit – If the potential user is required to install pretreatment equipment to control the pollutants in the ERW discharged, then the potential user would have to contact the Illinois Environmental Protection Agency, Division of Water Pollution Control (IEPA DWPC) concerning the need for a Construction Permit for the potential pretreatment system. The IEPA DWPC permit section would make the determination as to whether an IEPA Construction Permit would be necessary and such determination must be in writing and forwarded to the City.

(b) IEPA Connection Permit – The potential users will have to obtain a Connection Permit if: 1) the ERW will be hauled to the POTW(s), or 2) if the user is not already connected to the sanitary sewer, or 3) is already connected to the sanitary sewer, but the proposed ERW is substantially different than the normal process wastewater

discharged. The potential user bears the responsibility of filling out whatever forms are required by the IEPA DWPC in order to obtain any IEPA DWPC Connection Permit and the City shall have no responsibility therefor.

(c) Operator Class K License – If a pretreatment system is constructed, the IEPA may require a Certified Class K Operator for the pretreatment system. The IEPA Operator Certification Unit can assist in determining if a particular Class K Operator License is required for the personnel of a potential user to operate the pretreatment system.

(d) IEPA Special Waste Stream Permit – If the ERW is to be hauled to the City by truck, the user will have to obtain an IEPA Special Waste Stream Permit. This application will be filled out by the user and sent to the City for signature. The user will mail this to the IEPA DWPC with copies to the City. If a Special Waste Hauler Permit is necessary, the hauler would be required to manifest the waste.

(e) The above criteria are listed as guidance only. Other specific criteria may vary and will be provided to any request, or at the time the request for discharge to the sanitary sewer is made to the director of public utilities or the IEPA DWPC.

SEC. 34-3511. SURFACE WATER RUN-OFF.

If the ERW is surface water run-off from stormwater associated with industrial activity as defined in 40 CFR 122.26(b)(14), then it shall be subject to ERW charge. However, if the source of ERW is potable water from washing of manufacturing services such as loading platforms and docks, then the industrial user shall not be subject to the ERW charge.

SEC. 34-3512. GROUNDWATER MONITORING WELLS.

(a) Development wastewater shall not be considered ERW and therefore shall not be charged at the rate of \$0.0175 per gallon, but shall be charged at the domestic rate and must first be settled out to remove suspended solids before discharging to the sanitary sewer or at the treatment plant. For purposes of this subsection, development wastewater shall be that water which contains sediment and clay and is encountered when the wells must be drilled and “developed” prior to ground pumping commencing at the site of the contamination.

(Ord. No. 3053-2013; Sec. 34-3512 repealed; new Sec. 34-3512 enacted; 11/19/13)

(b) Purge water, of volumes less than twenty (20) gallons may be discarded to the sanitary sewer and not require permit so long as such purge waters comply with the limits found in this ordinance. Said purge water will not be subject to the ERW charges imposed elsewhere in this ordinance. For purposes of this subsection, purge water shall be that water which is pumped out of several well volumes throughout the life of the groundwater monitoring well in order to take samples for analysis on an approximate quarterly basis.

SEC. 34-3513. GROUND WATER CLEAN-UP.

If the Industrial User (IU) is involved in a groundwater clean-up, which is generating ERW and wishes to use this ERW as a substitute for potable water in the normal processes which generate wastewater; then the IU shall not be charged the \$0.0175 per gallon ERW Discharge Fee. However, the IU must demonstrate and prove to the satisfaction of the City by clear and convincing evidence that it is not using this as process wastewater as a means

of avoiding the \$0.0175 per gallon ERW Discharge Fee. As part of this test, the IU must prove that they have not increased the amount of normal process wastewater to accommodate all of the ERW that is generated.

(Ord. No. 3053-2013; Sec. 34-3513 repealed; new Sec. 34-3513 enacted; 11/19/13)

SEC. 34-3514. UNDERGROUND STORAGE TANKS (UST) WASTEWATERS.

Wastewaters found in UST, which shall be removed as part of the UST Program are to be considered ERW. Since the removal of UST can be considered a form of environmental remediation, the wastewater generated from such a project, whether it be from the storage tank itself or removal and recovery of contaminated groundwater directly underneath the tank shall be considered ERW.

ARTICLE IV. STORMWATER UTILITY SERVICE

SEC. 34-4100. PURPOSE; INTENT.

(a) The purpose of this chapter is to protect the public health, safety, and welfare of the residents of Moline from damage from stormwater runoff and floods by reduction, control and prevention of the discharge of pollutants to the City's municipal separate storm sewer utility system and to require that property owners who discharge any stormwater into the City's storm sewer utility system pay for a share of the cost of the drainage facilities necessary to manage such stormwaters and floods.

(b) These regulations provide for the regulation of matters relative to the management of stormwater within the City of Moline and its extraterritorial jurisdiction. Its provisions include, but are not limited to, regulating drainage installations and improvements, requiring the preservation and enhancement of certain natural environmental features, requiring the installation of drainage improvements in developments, regulating uses, maintenance, and activities in floodplains and flood hazard areas, requiring permits, payment of fees and assurances of completion, and providing for inspections and control of work. The requirements, standards and specifications herein provided are in addition to any other applicable legal requirements.

(c) It is the intent of the City Council in enacting this chapter:

(1) To promote public health, safety, and welfare by permitting the movement of emergency vehicles during flooding periods and minimizing flood losses and the inconvenience and damage resulting from uncontrolled and unplanned stormwater runoff in the City;

(2) To establish a stormwater utility to coordinate, design, construct, manage, operate, and maintain the stormwater system, to prevent the infiltration of stormwater into the sanitary sewer system, and to fund same;

(3) To provide for and promote compliance by the City with federal and state laws governing the discharge of pollutants from the municipal storm sewer system and to provide for and promote compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued to the City for such discharge;

(4) To establish reasonable stormwater fees based on the use of stormwater and drainage facilities which will provide for a stable funding source to enable the City of

Moline to construct, operate, maintain, administer and replace the City of Moline stormwater system and for compliance with United States Environmental Protection Agency (USEPA) stormwater NPDES permit requirements;

(5) To encourage and facilitate urban water resources management techniques, including, without limitation, detention of stormwater and floods, reduction of the need to construct storm sewers, reduction of pollution, and enhancement of the environment;

(6) To maintain and improve the quality of water impacted by the storm drainage system within the City of Moline;

(7) To preserve property values by protecting new and existing buildings and improvements to buildings from damage due to stormwater flow;

(8) To assure that new developments and redevelopments do not increase flood or drainage hazards to others, or create unstable conditions susceptible to erosion;

(9) To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, and to protect water quality;

(10) To prevent the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system within the City of Moline;

(11) To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system;

(12) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.

(Ord. No. 3015-2004; Sec. 34-4100 (a) repealed; new Sec. 34-4100 (a) enacted; 03/02/04; Ord. No. 3030-2020; Sec. 34-4100(c)(2) amended; 10/13/20)

SEC. 34-4101. DEFINITIONS.

(a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

(1) Adverse Impacts are any negative impact on plant, soil, air, or water resources affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

(2) Applicant is any person, firm, or governmental agency who executes the necessary forms to procure official approval of the City of Moline of a development or permit to carry out construction of a new development or re-development from the City of Moline.

(3) Base Flood Elevation is the elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event, which has a one percent (1%) probability of being equaled or exceeded in any given year. The base flood elevation at any location is defined in the Flood Insurance Rate Maps (FIRM).

(4) Best Management Practices (BMPs) (with reference to stormwater BMPs) refers to management practices and methods to control pollutants in stormwater. BMPs are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with stormwater. Treatment controls remove

pollutants from stormwater. The selection, application, and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system.

(5) Building Official is the officer or other designated authority charged with the administration and enforcement of the International Building Code for the City of Moline.

(6) Building Permit is a permit issued by the City of Moline, for the construction, erection or alteration of a structure or building, and the related ground and surface preparation prior to, and after completion of, construction, erection or alteration of a structure or building.

(7) Bypass Flows is stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

(8) Certify or Certification means formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this article.

(9) Channel is any defined river, stream, creek, brook, natural or artificial depression, ponded area, on-stream lake or impoundment, abandoned mine, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(10) Channel Modification is the alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the man-made clearing of debris or removal of trash.

(11) ~~Director of engineering City Engineer~~ means the director of engineering city engineer for the City of Moline or said engineer's— designee.

(12) Director of finance means the director of finance for the City of Moline or said director's designee.

(13) Director of utilities means the director of the department of utilities for the City of Moline or said director's designee.

~~(14)~~ Clearing is any activity, which removes the natural vegetative ground cover.

~~(15)~~ Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.

~~(16)~~ Compensatory Storage is an artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

~~(17)~~ Conduit is any channel, pipe, sewer, or culvert used for the conveyance or movement of water, whether open or closed.

~~(18)~~ Contaminated means containing harmful quantities of pollutants.

~~(19)~~ Contractor means any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor. Contractor also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, or landscaping contractors, and material suppliers delivering materials to the site.

~~(1820)~~ Construction Site means any location where clearing, grading, filling, or similar activity occurs.

~~(1921)~~ County is the County of Rock Island, Illinois.

~~(2022)~~ Dam as defined by the Illinois Department of Natural Resources Office of Water Resources.

~~(2123)~~ Detention Basin is a facility constructed or modified to provide for the temporary storage of stormwater runoff, and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

~~(2224)~~ Detention Time is the amount of time stormwater is held within a detention basin.

~~(2325)~~ Development is any manmade change to real estate or property, including, but not limited to:

- a. The division or subdivision of any duly recorded parcel of property;
- b. Any construction, reconstruction or placement of a building, or any addition to a building where such addition is valued at more than one thousand dollars (\$1,000);
- c. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- d. Construction of roads, bridges, or similar projects;
- e. Redevelopment of a site;
- f. Filling, dredging, grading, clearing, excavating, paving, drilling, mining, or other non-agricultural alterations of a ground surface;
- g. Storage of materials or deposit of solid or liquid waste; or
- h. Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a property.

~~(2426)~~ Discharge means any addition or release of any pollutant, stormwater, or any other substance whatsoever into the storm drainage system.

~~(2527)~~ Discharger means any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any owner of a construction site or industrial facility.

~~(2628)~~ Domestic Sewage means sewage originating primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

~~(2729)~~ Drainage Plan is a plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property.

~~(2830)~~ Dry Basin is a detention basin designed to drain after temporary storage of stormwater flows and to normally be dry over much of its bottom area.

~~(2931)~~ Earthwork means the disturbance of soils on a site associated with clearing, grading, or excavation activities.

~~(3032)~~ Erosion is the general process whereby soil or earth is moved by rainfall, flowing water, wind, or wave action.

(3133) Excavation is any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located, or bulldozed and shall include the conditions resulting from such actions.

(3234) Excess Stormwater Runoff is the volume and rate of flow of stormwater discharged from new development or redevelopment which is or will be in excess of that volume and rate which existed before development or pre-development.

(3335) Existing Grade is the vertical location of the existing ground surface prior to excavation or filling.

(3436) Facility means any building, structure, installation, process, or activity from which there is, or may be, a discharge of a pollutant.

(3537) Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

(3638) Fill is any act by which earth, sand, gravel, rock, or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

(3739) Final Grade is the vertical location of the ground surface after grading work is completed in accordance with the plans.

(3840) Fire Protection Water means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.

(3941) Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

(4042) Grading is the excavation or fill of land, or any combination thereof, and shall include the conditions resulting from any excavation or fill.

(4143) Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.

(4244) Harmful Quantity means the amount of any substance that the director of engineering city engineer determines will cause an adverse impact to the storm drainage system or will contribute towards the failure of the City of Moline to meet the water quality based requirements of the NPDES permit for discharges from the MS4.

(4345) Hazardous Substance means any substance listed in Table 302.4 of 40 CFR Part 302.

(4446) Hazardous Waste means any substance identified or listed as a hazardous waste by the USEPA pursuant to 40 CFR Part 261.

(4547) Household Hazardous Waste (HHW) means any material generated in a household (including single and multiple residences) that would be classified as hazardous pursuant to the IEPA.

(4648) Hydrograph is a graph showing, for a given location on a stream or conduit, the flow rate with respect to time.

(4749) Hydrograph Method is the method that estimates runoff volume and runoff hydrographs for the point of interest by generating hydrographs for individual subareas,

combining them, and routing them through stream lengths and reservoir structures. Factors such as rainfall amount and distribution, runoff curve number, time of concentration, and travel time are included.

(4850) Illegal Discharge. See illicit discharge below.

(4951) Illicit Discharge means any discharge to the storm drainage system that is prohibited under this article.

(5052) Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.

(5153) Impervious Surface is that area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb stormwater, such as parking lots, roadways, driveways, sidewalks, patios, tennis courts, roofs, and other similar structures.

(5254) Infiltration is the passage or movement of water into the soil surfaces.

(5355) Jurisdiction means the City of Moline.

(5456) Loessal Soil is a sediment, commonly non-stratified and unconsolidated, composed predominately of silt sized particles with accessory clay and sand.

(5557) Lot is an individual platted parcel in an approved subdivision.

(5658) May means discretionary.

(5759) Major Drainage System is that portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

(5860) Mechanical Fluid means any fluid used in the operation and maintenance of machinery, vehicles, and any other equipment, including lubricants, antifreeze, petroleum products, oil, and fuel.

(5961) Minor Drainage System is that portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales, and, where manmade, is to be designed to handle a 10-year runoff event.

(6062) Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include, but are not limited to, compensatory storage, soil erosion and sedimentation control, and channel restoration.

(6163) Mobile Commercial Cosmetic Cleaning (or mobile washing) means power washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

(6264) Municipal Separate Storm Sewer System (MS4) means the system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, and ponds both owned and operated by the City of Moline and designed or used for collecting or conveying stormwater, and not used for collecting or conveying sanitary sewage.

(6365) Natural are conditions resulting from physical, chemical, and biological processes without intervention by man.

(6466) Natural Drainages are channels or other conveyances formed in the existing surface topography of the earth prior to changes made by unnatural causes.

(6567) NPDES means the National Pollutant Discharge Elimination System.

(6668) NPDES Permit means a permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(6769) Notice of Violation means a written notice detailing any violations of this article and any action expected of the violators.

(6870) Oil means any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

(6971) One Hundred-Year Event is a rainfall, runoff, or flood event having a one percent (1%) probability of being equaled or exceeded in any given year. A twenty-four (24 hour storm duration is assumed unless otherwise noted.

(7072) One Year Event is a rainfall, runoff, or flood event having a one hundred percent (100%) probability of being equaled or exceeded in any given year. A 24-hour storm duration is assumed unless otherwise noted.

(7173) Owner means the person who owns a facility, part of a facility, or land including the contract seller and contract purchaser.

(7274) Parcel is a contiguous lot or tract of land under one ownership. A lot or tract of land is land intended as a unit for the purpose of development or transfer of ownership.

(7375) Peak Flow is the maximum rate of flow of water at a given point in a channel or conduit.

(7476) Permittee is any person to whom a building permit or a grading and drainage permit is issued.

(7577) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

(7678) Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate of any pest.

(7779) Pet Waste (or Animal Waste) means excrement and other waste from animals.

(7880) Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

(7981) Pollutant means any substance attributable to water pollution, including, but not limited to, rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil, and sediment.

(8082) Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(8183) Positive Drainage is provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

(8284) Potable Water means water that has been treated to drinking water standards and is safe for human consumption.

(8385) Private Drainage System means all privately or publicly owned ground, surfaces, structures or systems, excluding the MS4, that contribute to or convey stormwater, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams, and any ground surface.

(8486) Public Improvement Plans means engineering drawings subject to approval by the director of engineering ~~city engineer~~ for the construction of public improvements.

(8587) Qualified Person means a person who possesses the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements & generally accepted industry standards for such activity.

(8688) Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose, or otherwise introduce into the storm drainage system.

(8789) Rubbish means non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

(8890) Sanitary Sewage means the domestic sewage and/or industrial waste that is discharged into the City of Moline jurisdiction sanitary and passes through the sanitary to a City of Moline sewage treatment plant for treatment.

(8991) Sanitary Sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a City of Moline sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

(9092) Sediment means soil (or mud) that has been disturbed or eroded and transported naturally by water, wind, gravity, or equipment tracking (tires, vehicles).

(9193) Sedimentation is the process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

(9294) Septic Tank Waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and aerated tanks.

(9395) Shall is mandatory.

(~~94~~96) Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(~~95~~97) Slope Disturbance Line is the line which delineates relatively level building areas from areas where slopes exceed 7 percent (7%) and where special precautions must be taken.

(~~96~~98) Small Quantity Generator Waste means any hazardous waste generated by a small quantity generator as defined by IEPA.

(~~97~~99) Solid Waste means any garbage, rubbish, refuse, and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining, or agricultural operations, and residential, community and institutional activities.

(~~98~~100) State means the State of Illinois.

(~~99~~101) Stormwater Utility means all surfaces, structures, and systems that contribute to or convey stormwater, including private drainage systems, the MS4, surface water, groundwater, waters of the state, and waters of the United States.

(~~100~~102) Storm Sewer is a closed conduit for conveying collected stormwater.

(~~101~~103) Stormwater means runoff resulting from precipitation.

(~~102~~104) Stormwater Pollution Prevention Plan (SWPPP) means a document that describes the best management practices to be implemented at a site, to prevent or reduce the discharge of pollutants.

(~~103~~105) Stream is any river, creek, brook, branch, flowage, ravine, or natural or man-made drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(~~104~~106) Stripping is any activity which removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of top soil.

(~~105~~107) Subdivision Development includes activities associated with the platting of any parcel of land into two or more lots and includes all construction activity taking place thereon.

(~~106~~108) Surface Water means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow, and runoff.

(~~107~~109) Ten-Year Event is a runoff, rainfall, or flood event having a ten percent (10%) probability of being equaled or exceeded in any given year. A 24-hour storm duration is assumed unless otherwise noted.

(~~108~~110) Time of Concentration is the elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

(~~109~~111) Tributary Watershed is all of the land surface area that contributes runoff to a given point.

(~~110~~112) Two-Year Event is a runoff, rainfall, or flood event having fifty percent (50%) probability of being equaled or exceeded in any given year. A 24-hour storm duration is assumed unless otherwise noted.

(~~111~~113) Uncontaminated means not containing harmful quantities of pollutants.

(~~112~~114) Used Oil (or Used Motor Oil) means any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

(~~113~~115) Utility Agency means private utility companies, the City of Moline or contractors working for private utility companies or the City of Moline, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television, and communication services.

(~~114~~116) Vacant is land on which there are no structures.

(~~115~~7) Waste (industrial or commercial waste) means any wastes produced as a by-product of any industrial, institutional, or commercial process or operation, other than domestic sewage.

(~~116~~118) Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(~~117~~119) Water of the State (or water) means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

(~~118~~120) Water Quality Standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

(~~119~~121) Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(~~120~~122) Watershed is all land area drained by, or contributing water to, the same channel, lake, marsh, stormwater facility, groundwater, or depressional area.

(~~121~~123) Wet Basin is a detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

(~~122~~124) Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands generally include swamps, marshes, bogs, and similar areas.

(123125) Yard Waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance, or land clearing operations.

(b) Abbreviations. The following abbreviations, when used in this article, shall have the designated meanings:

- BMP – Best Management Practices
- CFR – Code of Federal Regulations
- FEMA – Federal Emergency Management Agency
- HHW – Household Hazardous Waste
- IDPH – Illinois Department of Public Health
- IEPA – Illinois Environmental Protection Agency
- MS4 – Municipal Separate Storm Sewer System
- NPDES – National Pollutant Discharge Elimination System
- NRCS – Natural Resources Conservation Service
- RISWCD – Rock Island Soil and Water Conservation District
- SWPPP – Stormwater Pollution Prevention Plan
- USDA – United States Department of Agriculture
- US EPA – United States Environmental Protection Agency

(Ord. No. 3019-2019; Sec. 34-4101 (a)(4) repealed; new Sec. 34-4101 (a)(4) enacted; 7/16/19)

SEC. 34-4102. PROHIBITED ACTIONS.

(a) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in listed exemptions of this article. Common prohibited stormwater contaminants include trash, yard waste, stones, earth, concrete, wood, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, and sediment.

(b) Notwithstanding the listed exemptions of this section, any discharge shall be prohibited by this article if the discharge in question has been determined by the director of engineering~~city engineer~~ to be a source of pollutants to the storm drainage system.

(c) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system, are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. It is the intention of the City Council that this section shall apply retroactively.

(d) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to or be made to continue.

(e) Surface water shall be allowed to travel its natural or pre-regulations course unless changes are allowed by means of a drainage permit or drainage plans approved by the director of engineering~~city engineer~~. It shall be unlawful for any person to force surface water off that person's property and onto a neighboring property or to prevent surface

water which would have entered that person's property from doing so without approval granted by a drainage permit.

(f) No buildings or permanent structures, including impervious surfaces, may be placed wholly or in part within an easement that has been granted for access to drainage facilities of any type, including agricultural drainage conduit, without the written approval of the director of engineering~~city engineer~~; provided, however, streets, sidewalks and driveways may be allowed to cross easements by the shortest possible route, provided that the purpose of the easement is maintained and all other requirements are met.

(g) It shall be unlawful for any person to cause or maintain any obstruction within a watercourse or drainage facility of any type, except as may be specifically authorized by this article.

(h) No person shall interfere with BMPs implemented pursuant to this article.
(Ord. No. 3015-2004; Sec. 34-4102(b) repealed; new Sec. 34-4102(b) enacted; 03/02/04)

SEC. 34-4103. EXCEPTIONS TO PROHIBITED ACTIONS.

The following discharges are exempt from the regulations in this article:

- (1) Water line and fire hydrant flushing;
- (2) Landscape irrigation;
- (3) Rising ground waters;
- (4) Uncontaminated ground water infiltration;
- (5) Uncontaminated pumped ground water;
- (6) Discharges from potable water sources;
- (7) Foundation drains;
- (8) Air conditioning condensate;
- (9) Irrigation water (except for waste water irrigation);
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Sump and footing drains;
- (13) Storm sewer cleaning;
- (14) Water from private, non-commercial car washing on properties zoned residential;
- (15) Routine external building wash-down which does not use detergents;
- (16) Flows from riparian habitats and wetlands;
- (17) De-chlorinated pH neutral swimming pool discharges;
- (18) Residual street wash water;
- (19) Discharges or flows from fire fighting activities;
- (20) De-chlorinated water reservoir discharges; and
- (21) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and which do not use detergents.

SEC. 34-4104. REQUIREMENTS FOR CERTAIN DISCHARGERS.

(a) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(b) Minimization of Irrigation Runoff. Irrigation systems shall be managed to reduce the discharge of water from a site.

(c) Cleaning of Paved Surfaces Required. The owner of any paved parking lot, street, or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. Buildup of mechanical fluid, waste materials, sediment, or debris is a violation of this article. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water, or other methods in compliance with this article. This section does not apply to pollutants discharged from construction activities, the regulation of which is otherwise specified.

(d) Mobile Commercial Cosmetic Cleaning Operations. Mobile commercial cosmetic cleaning operations shall not discharge to the storm drainage system in violation of this article.

(e) Maintenance of Equipment. Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery, and equipment must be maintained to reduce leaking fluids.

(f) Materials Storage. In addition to other requirements of this article, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(g) Pet Waste. Pet waste shall be disposed of as solid waste or sanitary sewage in a timely manner, to prevent discharge to the storm drainage system.

(h) Pesticides, Herbicides and Fertilizers. Pesticides, herbicides, and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(i) Prohibition on Use of Pesticides and Fungicides Banned from Manufacture. Use of any pesticide, herbicide, or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the U.S. Environmental Protection Agency, or any federal, state or local jurisdiction is prohibited.

(j) Open Drainage Channel Maintenance. Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(k) Release Reporting and Cleanup. Any person responsible for a known or suspected release of materials which are resulting in, or may result in, illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting,

cleanup, containment, and any other appropriate remedial action in response to the release. In the event of such a release of non-hazardous materials, said person shall notify the ~~director of engineering city engineer~~ no later than the close of the next business day.

(l) Authorization to Adopt and Impose Best Management Practices. The City of Moline may adopt and impose requirements identifying BMPs for any activity, operation, or facility which causes or could cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at such person's own expense.

SEC. 34-4105. INSPECTION AND MONITORING OF DISCHARGES.

(a) The ~~director of engineering city engineer~~ may enter and inspect any private property or premises, including, but not limited to, any private property or premises which is, or may be, the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high risk facility, or the source of an illicit discharge, upon reasonable notice to the person owning said property or premises and the person in possession thereof and during normal business hours, for the purpose of performing investigations regarding the existence and source of contamination and determining from the person responsible for such property or premise or other appropriate individual the methods which are being or will be employed to stop, neutralize, remove, or otherwise remedy the contamination, and, as needed, to determine compliance or noncompliance with this article or with the conditions of a BMP plan approval. No person shall refuse entry or access to the ~~director of utilities city engineer~~ or said official's authorized representative when ~~he~~ they requests entry for the purpose of inspection and presents appropriate credentials. If requested, the person responsible for such property or premises shall receive a report from the ~~city engineer~~ director of utilities setting forth the findings of the inspection with respect to compliance status.

(b) The ~~director of utilities city engineer~~ may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is, or may be, the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high risk facility, or the source of an illicit discharge, at said person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the ~~director of utilities city engineer~~ shall prescribe and provide periodic reports relating to the discharge. To the extent practicable, the ~~director of utilities city engineer~~ shall recognize and approve the sampling procedures and test methods established by Part 136 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

(c) The City of Moline shall make inspections as required and shall notify the grading and drainage permit holder in the event that the work fails to comply with the requirements of this article. The notification of any deficiencies in the work or violations of this article shall be posted at the site and mailed to the owner of the site by ordinary mail.

The owner of the site shall notify the ~~city engineer~~ director of utilities:

(1) Two (2) working days prior to the start of any land disturbing activities,

(2) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), and

(3) After final stabilization and landscaping and prior to removal of temporary sediment controls.

(d) If at any stage of the grading of any development site the City of Moline determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to cause prohibited sediment to discharge onto any property, public way, stream, lake, wetland, or drainage structure, the City of Moline may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing, installation of plant materials for erosion control, and recommendations of a certified professional in erosion and sediment control or a professional engineer, which may be made requirements for further work.

(e) Where it appears that erosion may result in siltation leaving the project limits or where grading is impeding flow of upstream stormwater because the grading on any development site is not complete, work shall be stopped and the drainage permit holder required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the director of utilities ~~city engineer~~ shall specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

SEC. 34-4106. VIOLATIONS OF THIS ARTICLE AND NOTICE OF VIOLATION.

(a) Right of Entry and Sampling. Whenever the appropriate official has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article, the appropriate official shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this article. In the event that the owner or occupant refuses entry after a request to enter has been made, the law director is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

The appropriate official shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges or said discharges shall be prohibited from discharging into the stormwater drainage system.

(b) Notice of Violation. Whenever an authorized enforcement person determines that a person has violated or failed to meet a requirement of this article, the enforcement person will order compliance by written notice of violation to the responsible person. In the case of an improved property, posting the written notice on the property or mailing such notice by certified mail, return receipt requested, will constitute written notice. Whenever possible, a copy of the notice of violation will also be mailed by certified mail or email when an address has been provided through appropriate permitting procedures.

The notice of violation shall include:

- (1) The name of the responsible person or property owner;
- (2) The date and location of the violation;
- (3) A description of the violation;
- (4) Actions that must be taken by the responsible person to remedy the violation;
- (5) The deadline within which the required actions must be completed;
- (6) Enforcement actions that may be taken by the law director;
- (7) Notice date.

Any person receiving a notice of violation may file a written appeal to the director of utilities~~city engineer~~ within fifteen (15) days of the notice date. The director of utilities~~city engineer~~ will affirm, modify, or rescind the notice in writing, within 15 days of the date of the appeal. If the recipient of a notice of violation is dissatisfied with the outcome of the appeal to the director of utilities~~city engineer~~, the appeal process outlined in Section 34-4300, of this article will be followed.

(c) Enforcement Action without Prior Notice. Any person who violates or fails to meet a requirement of this article will be subject, without prior notice, to one or more of the enforcement actions identified in this article when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, or to the health, safety, or welfare of persons or to the storm drainage system.

(d) Enforcement Actions. Any person who fails to comply with, or appeal, a notice of violation, or fails to comply with an appeal decision of the director of utilities~~city engineer~~, will be subject to one or more of the following enforcement actions:

(1) Stop Work Order. The director of utilities~~city engineer~~ may issue a stop work order to the owner and contractors on a construction site, by posting the order at the construction site and distributing the order to all City of Moline departments whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval necessary to commence or continue construction or to assume occupancy at the site. A notice of violation shall accompany the stop work order, and shall define the compliance requirements.

(2) Abatement of an Illicit Connection. The director of utilities~~city engineer~~ may terminate an illicit connection. Any expense related to such abatement shall be fully reimbursed by the property owner, and, if unpaid, shall become a lien against the property upon which the illicit connection is made.

(3) Abatement of a Violation on Private Property. When a property owner is not available, not able, or not willing to correct a violation which poses an imminent threat to life, health, or public safety, the director of utilities~~city engineer~~ may enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the director of utilities~~city engineer~~ to enter upon the premises for these purposes. Any expense related to such abatement shall be fully reimbursed by the property owner and, if unpaid, shall become a lien against the property upon which the violation is made.

(4) Recovery of Costs. Within thirty (30) days after abatement by the director of utilities~~city engineer~~, the director of utilities~~city engineer~~ shall notify the property owner

of the costs of abatement, including administrative costs, and the deadline for payment. The property owner may appeal the recovery costs as outlined in this article. Any expense related to said abatement shall be fully reimbursed by the property owner, and, if unpaid, shall become a lien against the property upon which the violation is made.

(5) Termination of Utility Services. After notice to the customer and property owner concerning the proposed disconnection, the ~~director of utilities~~city engineer shall have the authority to order the disconnection of City of Moline water, sanitary sewer, and/or sanitation services, upon a finding by the ~~director of utilities~~ city engineer that the disconnection of utility services will remove a violation of this article that poses a substantial and imminent threat to public health or the environment.

(e) Legal Remedies for Violations of this Article. Notwithstanding any other remedies or procedures available to the City of Moline, if any person violates this article, the city attorney may commence an action for appropriate legal and equitable relief, including without limitation, damages and court costs. The city attorney may also seek a temporary restraining order, a preliminary or permanent injunction, or any of them, which restrains or compels the activities on the part of the discharger.

DIVISION 2. CONSTRUCTION REGULATIONS.

SEC. 34-4200. GENERAL REQUIREMENTS FOR ALL CONSTRUCTION SITES.

(a) Responsible entity. Any owner of a site of construction activity shall be jointly and severally responsible for compliance with the requirements of this article.

(b) Waste disposal. Solid waste, industrial waste, yard waste and any other pollutants or waste, on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash, or otherwise be released from the site is prohibited.

(c) Ready-Mixed concrete. Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing, or used in transporting, or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.

(d) Erosion_and_Sediment_Control. BMPs shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Sediment tracked onto public streets shall be removed immediately.

(e) Continued_compliance. Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this article, in the course of maintenance, reconstruction, or any other construction activity on the site.

SEC. 34-4201. DRAINAGE PERMITS.

(a) Class 1 Drainage Permit.

Any construction that meets one of the following thresholds shall require a Class 1 drainage permit:

(1) Any construction that will include the addition of an impervious surface area (i.e., streets, roof, patio, parking area, or any combination thereof) greater than or equal to 500 square feet and less than one acre (43,560 square feet);

(2) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area greater than or equal to 500 square feet and less than one acre (43,560 square feet);

(3) Any land disturbing activity that will exceed 100 cubic yards, but does not otherwise require a Class 2 grading and drainage permit;

(4) Any land disturbing activity on the sloping side of the slope disturbance line, but does not otherwise require a Class 2 grading and drainage permit; or

(5) Construction of one or more single-family dwellings constructed as part of a subdivision development with an approved stormwater pollution prevention plan. Those that are part of development for which there is a Class 2 grading and drainage permit will not be required to calculate pre-project and post-project discharge rates.

The drainage system for a parcel containing the proposed construction site shall be designed to restrict the peak rate of discharge from the total parcel (one (1) hour storm with a one (1) year) to pre-project levels. The ~~director of engineering city engineer~~ will estimate the peak discharge rates. If the estimated post-development peak discharge rate must be reduced, the ~~director of engineering city engineer~~ will recommend appropriate stormwater control options. If a mutually acceptable option cannot be developed, the appeal process outlined in this article will be followed.

The issuance of a drainage permit shall constitute an authorization to do only that work which is described on the approved sketch. A Class 1 drainage permit shall be valid for one year after the date of issuance.

(b) Class 1 Drainage Permit and Application Forms.

Class 1 drainage permits and application forms shall include the following:

(1) Name(s), address(es), and 24-hour telephone numbers of the owner and developer of the site, the contractor(s), and of any consulting firm retained by the applicant identifying the principal contractor;

Certification that all construction covered by the drainage permit will be undertaken in compliance with Section 34-4200 (general requirements for all construction sites) of this article;

(3) A plan showing existing and proposed topography;

(4) A grading plan acceptable to the ~~director of engineering city engineer~~ showing the amount of impervious area being created; and

(5) An application fee as set forth in this article.

(c) Class 2 Drainage Permit.

Any construction that meets one of the following thresholds shall require a Class 2 drainage permit:

(1) Any construction that will include the addition of an impervious surface area (i.e., streets, roof, patio, parking area, or any combination thereof) greater than one acre (43,560 square feet), or

(2) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area greater than one acre (43,560 square feet).

(d) Class 2 Drainage Permit and Application Form.

A Class 2 drainage permit and application form shall include the following:

(1) Name(s), address(es), and telephone numbers of the owner and developer of the site, the contractor(s) and of any consulting firm retained by the applicant identifying the principal contractor.

(2) Certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

(3) An application fee as set forth in this article.

(4) A faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the city attorney, in an amount deemed sufficient by the ~~city engineer~~ director of utilities, to cover all costs of improvements, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the ~~director of utilities~~ public works ~~Utilities engineering division~~, and inspection costs to cover the cost of failure of improvement or repair of improvements installed on the site on a form acceptable to the ~~director of utilities~~ city engineer. (See sample in the Appendix 1). Upon satisfactory completion of the improvements in the ~~director of utilities~~ city engineer's written opinion, the required security will become void.

(5) The following information shall be submitted for both existing and proposed property conditions for all applicable developments: a topographic survey of the property at two-foot (2) contours (or one-foot contours for relatively flat areas where additional detail will be required to see drainage designs) unless otherwise specified or approved by the ~~director of engineering~~ city engineer keyed to a consistent datum specified by the ~~director of engineering~~ city engineer; and an existing drainage and proposed drainage plan for the property and one hundred (100) feet surrounding the property at a scale of not more than one hundred (100) feet to one (1) inch, and including the following (unless otherwise specified by the ~~director of engineering~~ city engineer):

- a. Property boundary, dimensions, and approximate acreage;
- b. Building setback lines;
- c. All existing and proposed structures and sizes;
- d. Square feet of existing and proposed impervious surface;
- e. All existing, or proposed easements;
- f. All existing, abandoned, or proposed water or monitoring well head locations;
- g. All existing, abandoned, or proposed watermains;
- h. All sanitary sewer lines and septic systems;
- i. The banks and centerline of streams and channels;
- j. Shoreline of lakes, ponds, and detention basins with normal water level elevation;
- k. Farm drains and tiles;

- l. Location, size and slope of stormwater conduits and drainage swales;
 - m. Existing and proposed topography;
 - n. Detention facilities;
 - o. Roads, streets and associated stormwater inlets including finished grades;
 - p. Base flood elevation, flood fringe, and regulatory floodway;
 - r. A vicinity map showing the relationship of the site to its general surroundings at a scale of not less than two thousand (2,000) feet to one (1) inch (1:24,000);
 - s. Title, scale, north arrow, legend, seal of licensed professional engineer, date, and name of person preparing plans;
 - t. Sub-watershed boundaries within the property;
 - u. Wetlands and buffer lines;
 - v. Route of overflows;
 - w. USTs, pumps, product lines, oil/water separators;
 - x. Abandoned mines; and
 - y. Soil Classifications.
- (6) The following certifications and design statements shall be provided:
- a. Basis of design for the final drainage system components;
 - b. A statement giving any applicable engineering assumptions and calculations;
 - c. A statement by the design engineer of the drainage system's provision for handling events greater than the 100 year, 24 hour runoff;
 - d. Design calculations and other submittals as required by this article; and
 - e. A statement of certification of all drainage plans, calculations, and supporting data by a licensed professional engineer.
- (7) A depiction of environmental features of the property and immediate vicinity including the following:
- a. The limits of designated regulatory and non-regulatory wetland areas;
 - b. The location of trees greater than eight (8) inches in diameter in areas to be disturbed;
 - c. Any designated natural areas or prime farmland; and
 - d. Any proposed environmental mitigation features.
- (8) Any and all local, state, or federal maps marked to reflect any proposed change in the floodway delineation, base flood, or 100-year frequency flood elevation that will change due to the proposed project.
- (9) Conditional approval by FEMA or other regulatory agencies of the proposed changes in the floodway map that have been made if the floodway delineation, base flood, or 100-year frequency flood elevation will change due to the proposed project.
- (10) Engineering calculations and data supporting all proposed plans. Hydrologic design shall be completed in accordance with Section 34-4202 (hydrologic design criteria) of this article. Detention system design shall be completed in accordance with Section 34-4203 (detention system design criteria) of this article.
- (11) If the project involves channel modification, the following information shall be submitted:

- a. A discussion of the purpose and need for the proposed work;
- b. Discussion of the practicability of using alternative locations or methods to accomplish the purpose of the proposed work;
- c. Analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected;
- d. Copies of permits required by any other governmental entity; and
- e. Additional information as required by this article.

(12) Stormwater pollution prevention plan (SWPPP) prepared in accordance of this article.

(e) Permit Exceptions. Except as exempted below, no person shall commence construction prior to obtaining the appropriate drainage permit as defined below. The director of utilities~~city engineer~~ will approve drainage permits.

In order to preclude inappropriate phasing of developments to circumvent the intent of this article, when a proposed development activity will occur on a lot or parcel of land that has contiguous lots or parcels of lands owned by the same property owner, then the criteria as defined in this section will be applied to the total land area compiled from aggregate ownership parcels.

A drainage permit shall not be required for the following:

- (1) Any construction activity below the minimum thresholds for a Class 1 drainage permit.
- (2) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the NRCS, and including the construction of agricultural structures.
- (3) The maintenance of any existing stormwater control facility including dredging, levee restoration, tree removal or other function that maintains the original design capacities of the facility.
- (4) The construction of, improvements to, or the maintenance of, any street, road, highway or interstate highway or other public infrastructure performed by the City of Moline; provided, however, that the intent of this article will be honored by the City of Moline -for such improvements.
- (5) Subdivision Improvements. The requirements for obtaining a grading and drainage permit are waived for a period of three (3) years after passage of this article if the preliminary plat of a subdivision was approved by the City Council prior to the passage of this article. All other requirements of the article shall remain in effect.
- (6) Non-Subdivision Improvements Requiring a Building Permit. The requirements for obtaining a grading and drainage permit for non-subdivision related improvements requiring a building permit are waived for the duration of the building permit if the building permit was issued prior to the passage of this article. All other requirements of the article shall remain in effect.
- (7) Improvements that previously did not require a permit. The requirements for obtaining a grading and drainage permit for construction that did not require a permit prior to passage of this article are waived for a period of one (1) year if the construction commenced prior to the passage of this article. All other requirements of the article shall remain in effect.

(f) Submittal, Review and Approval.

If a building and/or grading/fill permit is also required for the development, drainage permit application shall be submitted to the building official at the time application is made for a building and/or grading/fill permit. Departments of the City of Moline shall coordinate their activities to prevent unnecessary delays.

(1) Each application for a drainage permit shall be reviewed and acted upon according to the following procedures. The ~~director of utilities~~city engineer shall:

a. Provide a written evaluation to the applicant regarding the adequacy and effectiveness of the proposal to address the provisions of this article. The ~~director of utilities~~city engineer may retain the services of an independent professional to perform this evaluation. The City of Moline may assess a fee to be charged to the applicant for this evaluation service as set forth in this article.

b. Conduct onsite inspections during the active construction phases of development projects to determine whether site development is in compliance with the approved grading and drainage plans, and determine any adjustments needed to the approved plans. After construction has been completed, determine whether permanent site stabilization has been achieved and identify operation and maintenance needs.

c. Prepare correspondence as needed regarding the effectiveness (or corrective measures needed) or adequacy of soil erosion and sediment control measures.

d. Consult with land developers, consultants, and contractors concerning the design criteria, installation and maintenance procedures and other information regarding BMPs recommended under the provisions of this article.

e. After review of the application and required submissions, the ~~city engineer~~director of utilities shall either:

(i) Approve the drainage permit;

(ii) Approve the drainage permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of this article, and issue an approval subject to these conditions; or

(iii) Deny the drainage permit, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(2) No approval for a drainage permit shall be issued for an intended development site unless one or more of the following conditions apply:

a. Land use regulations that apply to the development have been approved by the City of Moline where applicable;

b. Such permit is accompanied by, or combined with, a valid building and/or grading/filling permit issued by the building official;

c. The proposed earth moving is coordinated with any overall development program previously approved by the ~~city engineer~~director of utilities for the area in which the site is situated;

d. All relevant federal, state, and local permits have been obtained by the applicant; or

e. Applicant is successful in the appeals process where applicable.

(3) Amendments to stormwater drainage plans shall be submitted to the ~~city engineer~~director of utilities and shall be processed and approved or disapproved in the same manner as the original plans.

(g) Other Agency Permits.

(1) The ~~city engineer~~director of utilities shall not issue a drainage permit unless all required federal, state, and drainage district permits have been obtained by the applicant and copies thereof reviewed by the ~~city engineer~~director of utilities. The acquisition of these permits shall be the sole responsibility of the applicant. The granting of a drainage permit under these regulations shall in no way affect the owner's responsibility to obtain the approval required by any other statute, article, or code, or to meet the requirements of other City of Moline ordinances and regulations, including but not limited to: building permits; grading and filling permits; Section 404 of the Clean Waters Act; Section 106 of the National Historic Preservation Act; Section 10 of the Rivers and Harbors Act; or permitting required by the Illinois Department of Natural Resources, Office of Water Resources in accordance with the Rivers, Lakes and Streams Act, 615 ILCS 5/4.9 et seq.; the Soil and Water Conservation Districts Act, 70 ILCS 405/1 et seq.; the Farmland Preservation Act, 505 ILCS 75/1 et seq.; the Illinois Groundwater Protection Act, 415 ILCS 55/1 et seq.; and the NPDES and Section 401 of the Clean Water Act through the Illinois Environmental Protection Agency, Division of Water Pollution Control; and the Threatened and Endangered Species Act, 16 USC 1531 et seq.

(2) Any work involving the construction, modification, or removal of a dam as defined herein, per 92 Ill. Adm. Code 702 (Rules for Construction of Dams), shall require an IDNR/OWR Dam Safety Permit prior to permit being issued by the City of Moline. Any development involving work in waters of the United States, including wetlands and streams, as identified and regulated by the U.S. Army Corps of Engineers, shall require permits or sign-offs from the corps prior to the issuance of a City of Moline permit.

(h) Permit Limitations.

(1) The issuance of a drainage permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit or on the plans and specifications approved by the ~~city engineer~~director of utilities.

(2) The issuance of a permit or the approval of drawings and specifications shall not be construed to be a permit for, nor an approval of, any violation of, or deviation from, the provision of these regulations or any other article, law, rule, or regulation.

(3) The issuance of a permit, based upon drawings and specifications, shall not prevent the ~~city engineer~~director of utilities from thereafter requiring the correction of errors in said drawings and specifications or from stopping unlawful construction operations being carried on thereunder.

(4) The drainage permit shall be valid until the completion date noted in the permit. The ~~city engineer~~director of utilities may grant an extension if relevant design and construction standards have not changed and if in the ~~city engineer~~director of utilities's opinion, the work approved under the permit does not unduly adversely affect the health, safety, and general welfare of the public. In all other circumstances, a new permit shall be acquired before work is started or continued. The ~~city engineer~~director of utilities may require modification of the SWPPP to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

(i) Liability.

(1) Nothing in this article is intended to relieve the applicant for a drainage permit of responsibility for damage to persons or property otherwise imposed by law nor shall liability for any such damage be placed in any manner upon the City.

(2) The City of Moline, its employees, officers, or agents, will not be made liable for any damage, by (1) the issuance of a drainage permit under this article, (2) compliance with the provisions of that drainage permit or conditions attached to it by the ~~city engineer~~director of utilities, (3) failure of the City of Moline to observe or recognize hazardous or unsightly conditions, (4) failure of the City of Moline officials to recommend denial or to deny a drainage permit, or (5) exemptions from drainage permit requirements of this article.

(3) The City of Moline will maintain those drainage facilities that are on public land, public rights-of-way, and easements, and have been dedicated and accepted for maintenance or stipulated by agreement for maintenance by the City of Moline. All other drainage facilities, when located on other than public property, shall be the responsibility of the owner of the property on which they exist or the owner of the drainage facility, regardless of whether or not dedicated easements exist over said facilities and the City shall have no responsibility or liability therefore.

The responsible party shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and appropriate quality assurance procedures. Abandonment and alteration, either structural or operational, of all facilities and systems shall occur only following application and issuance of a permit.

(k) Retention of Plans. Plans, specifications, and reports for all site developments shall be retained by the ~~city engineer~~director of utilities -as required by Illinois Statute by law.

SEC. 34-4202. CLASS 2 PROJECTS – HYDROLOGIC

(a) Reference Standards. Design standards for hydrologic design shall comply with these regulations and with the applicable provisions of the IDOT drainage and design manuals. Where the IDOT drainage and design manuals do not detail requirements, the Illinois Urban Manual, latest edition, shall be used. Where this article imposes greater restrictions than those imposed by the IDOT drainage and design manuals or those required by other provisions of law or article, the provisions of this article shall prevail.

(b) Release Rates. The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the total property under development for the two year, 24-hour, ten year, 24-hour, and one hundred year, 24-hour events (three (3) recurrence interval events to consider) to pre-project levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. Where a detailed hydrologic or hydraulic model exists, release rates shall be established and incorporated as part of this article.

(c) Drainage System Design and Evaluation. The following criteria should be used in evaluating and designing the drainage system. The design will provide capacity to pass the

ten (10) year, 24 hour peak flow in the minor drainage system and an overload flow path (major drainage system) for flows in excess of the design capacity. Whenever practicable, the stormwater systems shall not result in the inter-basin transfer of drainage unless no other alternative exists.

The design rainfall recurrence interval shall be set by the design application as follows:

- Detention 100 year event
- Emergency Overflow Routing 100 year event
- Bridges 100 year event
- Roadway Underpasses 50 year event
- Swales, Ditches, and Culverts 25 year event
- Storm Sewers 10 year event

(d) Design Methodologies. An applicable hydrologic design method may be selected from the IDOT drainage manual with the following modifications and clarifications. Minor conveyance systems for areas up to 100 acres, and Major conveyance systems for up to 10 acres may be designed using the Rational Formula. Design runoff rates may be calculated using a continuous simulation model or by event hydrographic methods. If event hydrographic methods are used they must be HEC-HMS, HEC-1, SCS TR20, or SCS TR55, XP-SWMM. Event methods must incorporate the following assumptions:

- (1) Antecedent moisture condition 2 (normal moisture); and
- (2) Huff or SCS type 2 distribution.

For design events the Illinois State Water Survey Bulletin 70 (Northwest) rainfall data must be used. Storage volumes for detention must be 24 hour events. Stormwater conveyance capacities must be designed for the critical duration creating the highest peak. The following table lists data from Bulletin 70.

Frequency Distributions (in inches) for Zone 1

Illinois State Water Survey, Bulletin 70

Duration

Frequency

2-month event

6-month event

1-year event

2- year event

5- year event

10-year event

25-year event

50-year event

100-year event

Duration

Frequency

2-month event

6-month event

1-year event

2- year event
5- year event
10-year event
25-year event
50-year event
100-year event
48 hr
1.47
2.24
2.80
3.42
4.28
4.96
6.07
7.02
8.07
24 hr
1.40
2.08
2.57
3.11
3.95
4.63
5.60
6.53
7.36
18 hr
1.30
1.92
2.37
2.86
3.63
4.26
5.15
6.01
6.92
12 hr
1.23
1.81
2.24

2.71

3.43

4.03

4.88

5.66

6.51

6 hr

1.06

1.56

1.93

2.33

2.96

3.48

4.20

4.90

5.69

2 hr

0.84

1.23

1.52

1.83

2.33

2.74

3.31

3.86

4.47

1 hr

0.67

0.98

1.21

1.46

1.86

2.18

2.63

3.07

3.51

30 min

0.52

0.77

0.95

1.15
1.46
1.71
2.07
2.42
2.77
15 min
0.38
0.57
0.70
0.84
1.07
1.25
1.51
1.76
1.99
5 min
0.17
0.25
0.31
0.37
0.47
0.56
0.67
0.78
0.89

(e) Positive Drainage. All developments must be provided an overland flow path that will pass the one hundred (100) year event, 24 hour flow within designated drainage easements or the public right-of-way with a freeboard of at least one (1) foot. Overland flow paths shall be provided drainage easements unless the flow is contained in the public right-of-way.

(f) Culvert, Road and Driveway Crossings. Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(g) Vegetated Filter Strips and Swales. To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales, and shall be designed to follow criteria in the Illinois Urban Manual. Whenever practicable, runoff from impervious surfaces should be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(h) Maintenance Considerations. The stormwater drainage system shall be designed to minimize and facilitate maintenance. Use of native vegetation is strongly encouraged to

reduce maintenance, increase wildlife habitat, and to provide other benefits. Where nonnative vegetation is used, turfed side slopes shall be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outfalls, which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposit and removal. Site access for heavy equipment shall be provided. A stormwater pollution prevention plan (SWPPP) for the ongoing maintenance of all stormwater management system components including wetlands is required prior to plan approval. The plan shall include:

- (1) Maintenance tasks;
- (2) The party responsible for performing the maintenance task;
- (3) A description of all permanent public or private access maintenance easements and overland flow paths, and compensatory storage areas; and
- (4) A description of dedicated sources of funding for the required maintenance.
 - (i) Provisions for Agricultural Drainage. Upon development of an area serviced by agricultural drainage, the following shall apply:

- (1) Existing easements for any agricultural drainage systems located underneath areas that will be developed shall be preserved. If no such easement exists, an easement shall be dedicated for access and maintenance as provided for in this article.

- (2) All agricultural drainage systems that serve upstream areas outside of the development and that are located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage, provided, however, that the existing drainage district system may remain in place with the approval of the appropriate entity.

- (3) Agricultural drainage systems that, due to development, will be located underneath streets, driveways, and other paved areas as allowed by this article, shall be replaced with conduits meeting the City of Moline standard specifications, as needed to prevent the collapse of the agricultural drainage conduit.

- (4) Agricultural drainage systems may be relocated within the development area upon the approval of the ~~city engineer~~ director of utilities. Such relocation shall maintain sufficient slope and capacity to prevent sedimentation and to prevent an increase in scouring or structural damage to the conduit. Such relocation shall only be with the consent and approval of the appropriate entity responsible for the system.

- (j) Waterway Modifications. Waterway modification is acceptable if the purpose is to restore natural conditions and improve water quality. If the proposed development activity involves a waterway modification, it must be demonstrated that:

- (1) Water quality and other natural functions would be significantly improved by the modification or the impacts are offset by the replacement of an equivalent degree of natural resource values,

- (2) The activity has been planned and designed, and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the stream or body of water affected, and

- (3) All appropriate permits have been obtained by the permittee from all other governmental entities.

SEC. 34-4203. DETENTION SYSTEM CRITERIA.

(a) Referenced Standards. Design standards for detention basin design and construction shall comply with the provisions of the following, unless otherwise stated by this article:

- (1) IL Urban Manual, latest edition
- (2) IDOT Standard Specifications, latest edition
- (3) IDOT Drainage Manual, latest edition
- (4) IL Department of Natural Resources Dam Safety Regulations
- (5) Clean Water Act (discharges regulated by the United States EPA through NPDES Permits)
- (6) City of Moline Standard Details and Specifications
- (7) City of Moline Subdivision and Zoning Ordinances

(b) Detention Storage Requirements. —The design storage to be provided in the detention basin shall be based on the runoff from the runoff difference before and after development from the one hundred (100) year, 24 hour event. All detention basin storage shall be computed using hydrograph methods utilizing reservoir routing (also called modified puls or level pool) or equivalent method as described by this article.

(c) Waiver of Requirements.

(1) The requirement for stormwater detention and release rate does not apply when:

(a) The development is in accord with the approved site plan and is on a lot in a new subdivision for which detention is otherwise provided; or

(b) The development is on a lot or parcel in a subdivision for which detention was provided and approved prior to the effective date of these regulations.

(2) The requirement for stormwater detention and release rates may be waived by the ~~city engineer~~director of utilities when he/she determines it is in the best interest of the City of Moline -to require a fee in lieu of detention as described in Section 34-4203(o).

(d) Ownership. Detention basins are owned by the property owner (or a homeowner's association) unless otherwise described by this article or indicated by the ~~city engineer~~director of utilities. Property developers shall contact the ~~city engineer~~director of utilities to inquire about the ownership and maintenance responsibility of existing regional detention basins which may affect the development.

(e) Maintenance and Repair Responsibilities.

(1) ~~Director of engineering~~City engineer-approved detention ponds and associated inflow and outflow systems are maintained by the property owner absent any specific legal agreement to the contrary.

(2) Maintenance agreements may be required at the option of the ~~city engineer~~director of utilities to define parties responsible for the maintenance of commercial detention basins.

(3) For all detention basins existing in the City of Moline on the date of adoption of this article as well as detention basins constructed after the effective date, the detention basin owner shall be responsible for the following items:

a. An annual report on the detention basin condition, using the checklist, shall be submitted to the ~~city engineer~~director of utilities.

b. At five (5) year intervals, the basin shall be inspected by a professional engineer registered in the State of Illinois. A report of this inspection shall be submitted to the ~~city engineer~~director of utilities within sixty (60) days of the inspection. The inspection shall include an evaluation of the checklist items in the attached checklist. An annual report is not required the year the five year report is due.

c. Detention basin owners shall notify subsequent owners of their maintenance responsibilities and transfer basin maintenance records to the party with active maintenance responsibility.

(f) General Basin Design Requirements.

(1) Erosion Control. Temporary and permanent erosion control shall be required for all detention basins in accordance with this article.

(2) Verification and Final Approval.

a. Erosion protection shall be inspected by the ~~city engineer~~director of utilities throughout the subdivision project duration, as determined by the ~~city engineer~~director of utilities.

b. Detention basin storage volume shall be verified to the satisfaction of the director of engineering~~city engineer~~ through as-built surveys or other means.

c. Inflow, outflow, and emergency overflow elevations shall be verified through as-built surveys.

d. Final vegetative cover and permanent erosion control shall be inspected for completeness of cover.

e. The basin will receive final approval from the ~~city engineer~~director of utilities upon fulfillment of b, c, and d above, and the anniversary date of maintenance and repair reporting will be recorded as such in the office of the ~~city engineer~~director of utilities.

f. All basins must receive final approval of the ~~city engineer~~director of utilities within ninety (90) days of substantial completion as determined by the ~~city engineer~~director of utilities of any of the following:

1. The first phase (as shown on approved plans) of construction of public ~~utilities~~utilities and roadways in any approved Subdivision project. Detention structures for the ultimate development area must be constructed during the first phase of the project, and approved at its completion. The detention structures must then be maintained and repaired in conformance with this article, during any future construction phases.

2. Parking areas, floor slabs and/or other impervious areas (as shown on approved plans, and not including sidewalks) for work on an individual lot requiring an individual permit under this article.

3. Mass earthwork or rough grading, if no other phased construction is scheduled to be started within one hundred eighty (180) days.

g. Failure to receive final approval as required will be considered a violation of this article.

(3) Infiltration Practices. To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement shall follow criteria in the Illinois Urban Manual. An appropriate sediment control device shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than seventy-two hours over

eighty percent of the dry basin's bottom area for the maximum design event. The bottom of infiltration basins or trenches shall be a minimum of three feet above the seasonally high groundwater and bedrock level if practicable. Engineering calculations demonstrating infiltration rates shall be included with the application.

(4) Side Slopes. The side slopes of all detention basins at one hundred (100) year event, 24 hour capacity should be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than three (3) to one (1) (horizontal to vertical) – provided, however, that certain types of basins have different requirements as defined by this Article. Detention basin side slopes above normal pool shall be designed with permanent erosion protection consisting of grass, non-grass vegetation, or other similar permanent finish. At least six (6) inches of topsoil must be provided on side slopes above normal pool elevation whenever non-structural, permanent erosion control is not being used. Permanent erosion protection shall be aesthetically suitable to the development or existing surrounding land use.

(5) Overflow Structures. All stormwater detention basins shall be provided with an overflow structure capable of safely passing the 100 year, 24 hour inflow at a stage at least one foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the one hundred (100) year event, 24 hour inflow rate. Weirs, dams, and specialized outflows shall be designed by a professional engineer registered in the State of Illinois.

(6) Detention Basin Outlet Design.

(a) Backwater on the outlet structure from the downstream drainage system shall be reviewed and approved by the director of engineering ~~city engineer~~ upon developer's design of the outlet.

(b) Minimum detention outlet size. Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of twelve (12) inches. If design release rates call for smaller outlets, a design that minimizes the possibility of clogging shall be used.

(7) Other Design Requirements.

(a) "Bubble up" outlets are prohibited.

(b) Pumped outlets and other active control structures are discouraged and must be pre-approved in writing, prior to installation, on a case-by-case basis by the director of engineering ~~city engineer~~.

(c) Temporary erosion techniques shall be used as required to ensure a full stand of cover vegetation in minimum time.

(8) Location Requirements.

(a) In subdivisions, detention basins and their one hundred (100) year design high water shall be contained within platted lots dedicated for drainage purposes. In redevelopments, detention basins and their one hundred (100) year design high water shall be contained within a drainage easement.

(b) Detention basin lots shall have a minimum of twenty (20) feet of frontage on a right-of-way for the purpose of providing unrestricted access for maintenance. Exceptions may be made for infill development.

(c) A twenty (20) feet minimum setback shall be required from all property lines to the normal pool elevation which is considered to be the elevation of the water level at the permanent depth of the wet basin pool rather than the temporary depth during drainage events.

(d) Detention basins shall be provided with a minimum of one (1) foot of freeboard above the one hundred (100) year design water elevation.

(e) There shall be at least two (2) feet of freeboard between the one hundred (100) year design water elevation and all boundaries of the parcel or easement containing the basin.

(9) Accommodating Flows from Upstream Tributary Areas. Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Flows from neighboring properties may be bypassed from the onsite detention system of the site being developed.

(10) Upstream Areas Meeting Article Requirements. When there are areas which meet the storage and release rate requirements of this article, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative as determined by the ~~director of engineering~~ city engineer. Storage needed for the applicant's property shall be computed as described in this article. However, if the City of Moline decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for applicant's property alone.

(11) Early Completion of Detention Facilities. Where detention or retention are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

(g) Wet Detention Basin Design. Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and, as much as feasible, to be available for recreational use.

(1) Wet Basin Depths. Wet basins shall be at least three feet deep, excluding near-shore banks and safety ledges. If fish habitat is to be provided they shall be no less than ten (10) feet deep over twenty-five (25%) percent of the bottom area to prevent winterkill.

(2) Wet Basin Shoreline Slopes. The side slopes of wet basins at the normal pool elevation shall not be steeper than five to one (5 to 1) horizontal to vertical. It is recommended that native aquatic vegetation be established around the perimeter to provide protection from shoreline erosion. Slopes below a depth of 8 feet are permitted to be two to one, in accordance with IDOT Standard Specifications Section 204.

(3) Permanent Pool Volume. The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the two (2) year, twenty-four (24) hour event at a minimum.

(4) Wet Basin Inlet and Outlet Orientation. The distance between detention inlets and outlets shall be maximized. Inlets and outlets shall be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or

other natural constraints. Designers are encouraged to use baffles or berms in the basin bottom to prevent short-circuiting. There shall be no low flow bypass between the inlet and outlet. The minimum flow length shall be ten (10) feet with a recommended minimum ratio of two to one (2:1) for width.

(5) Safety Ledge. All wet detention basins shall have a level safety ledge at least four feet in width two and one-half to three (2.5 to 3) feet below the normal water depth.

(6) Aeration. Wet bottom basins shall have a natural or artificial means of aeration.

(7) Dewatering. An outlet structure shall be provided to allow dewatering of the pond for maintenance. Gravity dewatering is strongly preferred.

(8) Soil Permeability. Wet bottom basin design shall include an evaluation of soil permeability. A basin liner shall be included in the design if needed to ensure water retention to normal pool elevation.

(9) Detention/Sedimentation. It is encouraged that consideration of routing runoff from the development through a stilling basin be considered.

(h) Dry Detention Basin Designs. In addition to the other requirements of this article, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses.

(1) Dry Basin Drainage. Dry basins shall be designed so that eighty percent (80%) of their bottom area shall have standing water no longer than seventy-two (72) hours for any runoff event less than the one hundred (100) year, twenty-four (24) hour event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.

(2) Minimum Bottom Slope. Dry bottom basins shall have two percent (2%) minimum bottom slopes or underdrain systems as approved by the director of engineering ~~city engineer~~.

(3) Low Flow Channel. Dry bottom basins may include a low flow channel with some form of erosion protection.

(4) Velocity Dissipation. Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.

(5) Dry Basin Inlet and Outlet Orientation. Dry basin inlet and outlet orientation shall be the same as for wet basins.

(6) Temporary Sediment Trap. A sediment trap shall be constructed at each major inlet to a dry basin during construction. The temporary sediment trap should be designed in accordance with criteria in the Illinois Urban Manual.

(i) Detention on Prime Farmland. The placement of detention basins shall avoid the utilization of prime farmland. All detention basin construction shall examine potential impacts to adjacent agricultural land and shall address measures that will be implemented to eliminate such impacts and comply with other relevant permitting.

(j) Detention in Flood Plains. The placement of detention basins within the flood plain is strongly discouraged because of questions about the reliable operation of such basins during flood events. However, the stormwater detention requirements of this article may be fulfilled by providing detention storage within flood fringe areas on the project site,

provided the following provisions are met as well as all required state, federal, and local permits.

(1) Detention in Flood Fringe Areas. The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the base flood elevation occupied by the detention basin, including any berms. The release from the detention storage provided shall be controlled consistent with the requirements of this chapter. The applicant shall demonstrate its operation for all stream-flow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(2) Detention in Floodways. Detention basins shall be placed in the flood way only in accordance with this article.

(3) On-stream Detention. On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this article with respect to water quality and control of the 5 year and 100 year, 24 hour events from the property. The volume of detention shall be provided in addition to the existing stream flood way storage. Further criteria are presented in this article. If on-stream detention is used in watersheds larger than one square mile, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

- a. Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
- b. Shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
- c. Shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
- d. Shall not involve any stream channelization or the filling of wetlands without approval/permitting from all other appropriate governmental entities;
- e. Shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include at minimum, runoff reduction BMP's.
- f. Shall not occur downstream of a wastewater discharge;
- g. Shall not contribute to the duration or flood frequency of any adjacent land.

(k) Drainage into Wetlands, Rivers, Streams, Lakes, Ponds. Wetlands, rivers, streams, lakes, and ponds shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this article, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, streams, lakes, or ponds:

(1) Detention in Wetlands, Rivers, Streams, Lakes, or Ponds. Existing wetlands, rivers, streams, lakes, or ponds shall not be modified for the purposes of stormwater detention

unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions and complies in all other respects with other relevant permitting. Existing storage and release rate characteristics of wetlands, rivers, streams, lakes, or ponds shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

(2) Sediment Control. The existing wetlands, rivers, lakes, or ponds shall be protected during construction and as further regulated in this chapter.

(3) Alteration of Drainage Patterns. Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to wetlands, rivers, streams, lakes, or ponds. Drainage patterns shall not be altered by development to direct runoff offsite to other than natural drainage outlets existing prior to development.

(4) Detention/Sedimentation. All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the two (2) year, twenty-four (24) hour event and hold it for at least twenty-four (24) hours, before being discharged to the basin. This basin shall be constructed before property grading begins and shall be maintained throughout the construction process.

(5) Vegetated Buffer Strip. A buffer strip of at least twenty-five (25) feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a wetland, river, stream, lake, or pond.

(l) Street Detention. If streets are to be used as part of the minor or major drainage system, ponding depths shall follow the criteria below:

(1) Principal and Minor Arterials

(a) Flow from a ten (10) year storm shall not inundate the center twenty (20) feet of the pavement.

(b) Flow from a fifty (50) year storm shall be carried without damage to any building.

(2) Collector Streets

(a) Flow from a ten (10) year storm shall not inundate the center ten (10) feet of the pavement.

(b) Flow from a fifty (50) year storm shall be carried without damage to any building.

(3) Local Streets

(a) Flow from a ten (10) year storm shall not top the curb.

(b) Flow from a fifty (50) year storm shall be carried without damage to any building.

(m) Parking Lot Detention. The maximum stormwater ponding depth in any parking area shall not exceed six (6) inches.

(n) Rooftop Detention. Rooftop storage of excess stormwater shall be designed and constructed to meet with the City of Moline building code.

(o) Fee in Lieu of Detention.

(1) For the purpose of satisfying the requirements for stormwater detention or compensatory storage for a development or redevelopment on a property for which detention or compensatory storage was not previously provided, a fee in lieu of detention or compensatory storage may be assessed against the development prior to the issuance of a permit. Fees shall be calculated to establish the property's fair share of costs to provide

detention or compensatory storage for the watershed or drainage basin in which the property exists. The cost figures used for detention shall be actual costs for detention or compensatory storage being provided by contract or estimated costs for planned detention or compensatory storage facilities approved by the ~~city engineer~~ director of utilities. All revenues received through such fees shall be used for no purpose other than defraying public costs associated with providing detention or compensatory storage facilities.

(2) The City of Moline also may require a fee for each acre-foot of detention needed in lieu of the applicant building a basin on site, provided the property will discharge stormwater into existing or proposed detention facilities with added capacity for the additional runoff.

(p) Cooperative Detention. The City of Moline will review and, if approved by the ~~director of engineering~~ city engineer, permit joint detention facilities developed through cooperative efforts that comply with all requirements of this article.

SEC. 34-4204. STORMWATER POLLUTION PREVENTION PLAN (SWPPP); IN GENERAL.

(a) General.

(1) The area disturbed shall be assumed to include the entire property area unless the applicable plans specifically exclude certain areas from disturbance.

(2) The owner bears the responsibility for implementation of the SWPPP and notification of all contractors and utility agencies on the site.

(3) SWPPP must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading, and the construction of individual homes. The Class 2 drainage permit holder will not be required to provide an SWPPP for the activities of utility agencies.

(4) The regulations for construction or post-construction management will be used for all regulated construction sites that are contained in the most recent edition of the Illinois Urban Manual.

(5) The City of Moline will use the Illinois Department of Transportation (IDOT) system of compliance that is outlined in the Bureau of Design and Environment (BDE) design manual.

(6) The subsequent owners of individual lots in a subdivision with an approved SWPPP bears the responsibility for continued implementation of the approved SWPPP for all construction activity within or related to the individual lot, excluding construction managed by utility agencies.

(b) Requirements For Utility Construction.

(1) Utility agencies shall be responsible for compliance with the requirements of this article.

(2) Utility agencies shall develop and implement BMPs to prevent the discharge of pollutants on any site of utility construction within the City of Moline. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Sediment tracked onto public streets shall be removed immediately by the utility agency.

(3) Prior to entering a construction site, utility agencies shall obtain a copy of any SWPPP's for the project from the owner. Any disturbance to BMPs resulting from utility construction shall be repaired immediately by the utility agencies in compliance with the SWPPP.

(c) Required Documentation. A Class 2 drainage permit requires the execution and record maintenance of the following forms and reports (see also the erosion control plan action matrix, NPDES action matrix - IDOT). The most current version of the standard forms from IDOT and the IEPA shall be used. The approved project erosion control documents shall be kept on file at the construction site or at a nearby field office and must be made available to the general public upon request.

(1) A Stormwater Pollution Prevention Plan (SWPPP) using the IDOT SWPPP Template (form BDE 2342).

(2) A Contractor Certification Statement (CCS) prepared prior to the start of construction by the contractor responsible for erosion control using the IDOT CCS template (form BDE 2342a). The drainage permit holder shall provide the contractor responsible for erosion control with a copy of the IEPA NPDES statewide permit ILR10.

(3) A Notice of Intent (NOI) shall be filed at least 48 hours prior to the start of construction and shall be prepared by the drainage permit holder (the original sent by certified mail to the IEPA with transmittal copy to the ~~city engineer~~ director of utilities, and a copy kept in the project erosion control file). Use the IDOT NOI template (Found in forms section of the IDOT construction manual WPC 623).

(4) A NPDES / Erosion Control Inspection Report (ECIR) shall be prepared by the drainage permit holder on a weekly basis and after any 1/2-inch rainfall (to be kept in project erosion control file). Use current IDOT ECIR template (BC 2259).

(5) An Incidence of Non-Compliance (ION) and corrective action shall be filed by the drainage permit holder within five (5) working days of the incident (the original sent by certified mail to the IEPA with transmittal copy to the ~~city engineer~~ director of utilities -and a copy kept in the project erosion control file). Use current IDOT ION template (found in forms section of the IDOT construction manual WPC 624).

(6) A Notice of Termination (NOT) shall be filed upon final stabilization of erosion (minimum 70% viable vegetative growth) by the drainage permit holder (the original sent by certified mail to the IEPA with transmittal copy to the ~~city engineer~~ director of utilities and a copy kept in the project erosion-control file). Use current IDOT NOT template V (found in forms section of the IDOT construction manual WPC 621).

d) Applicability and Guidelines.

(1) It is the responsibility of the drainage permit holder to prepare and maintain documentation to meet the NPDES permit requirements for private grading and construction projects.

(2) The ~~city engineer~~ director of utilities -shall be given immediate access to all required project NPDES documents.

(3) All notices sent to the IEPA shall be copied to the ~~city engineer~~ director of utilities.

(e) Referenced Standards. Design standards for erosion and sediment control shall comply with the most current provisions of the USEPA regulations, IEPA regulations, IDOT erosion control / NPDES guidelines and per the "Illinois Urban Manual," prepared by the

United States Department of Agriculture, Natural Resources Conservation Service unless otherwise stated by this article.

(f) General Erosion And Sediment Control Design Features. The following principles shall apply to all construction taken under the authorization of a Class 2 drainage permit.

(1) New development or redevelopment shall be designed to create the least potential for erosion. The disturbance of slopes greater than seven percent (7%) should be avoided wherever possible. Natural contours should be followed as closely as possible.

(2) Natural vegetation shall be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(3) Special precautions shall be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond or wetland. Preventive measures shall reflect the sensitivity of these areas to erosion and sedimentation.

(4) The smallest practical area of land should be exposed for the shortest practical time during development.

(5) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading, and maintained to remove sediment from run-off waters from land undergoing development.

(6) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be reviewed and approved by the ~~city engineer~~ director of utilities.

(7) Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(8) Permanent vegetation and structures shall be installed and functional as soon as practical during development. Disturbed areas shall be stabilized with approved permanent measures within seven (7) calendar days following the end of active disturbance or redisturbance.

(9) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.

(10) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.

(11) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

(12) All temporary soil erosion and sediment control practices shall be maintained to function as intended until the contributing drainage area has been permanently stabilized at which time they shall be removed within thirty (30) days after final site stabilization.

(g) Materials and Construction Notes.

(1) Silt fence and coconut fiber shall be installed in accordance with the material and construction requirements of the Illinois Urban Manual.

(2) Erosion control blankets, bales, seeding, and rip rap shall be installed in accordance with material and construction requirements of the Illinois Urban Manual, latest edition.

(h) Testing and Inspection. For testing and inspection purposes, the residents weekly NPDES / erosion control inspection report BC 2259 from the IDOT construction manual must be followed.

(i) Drainage Plan Requirements. A drainage plan shall be submitted showing all measures necessary to meet the objectives of this article throughout all phases of construction. The development of a drainage plan shall follow the requirements of this article and the procedures in the latest edition of the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control which is hereby incorporated into this article by reference in haec verba. Standards and specifications for BMPs shall follow the requirements of this article and the criteria in the latest edition of the Illinois Urban Manual which is hereby incorporated into this article by reference. The ~~city engineer~~ director of utilities may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this article. Permanent soil erosion and sediment control features needed at the completion of any development site shall be included in the submittal.

The submitted drainage plan shall include:

(1) Mapping and Descriptions. The existing and proposed erosion and sediment control features of the property and immediate vicinity including:

- a. Items as required for the drainage plan submittal;
- b. Location of the slope disturbance line;
- c. Location and description of the soil erosion and sediment control measures to be employed during construction;
- d. For any structures proposed to be located on the slope side of the slope disturbance line, the map shall include the limits of disturbance including: tree removal, soil erosion and sediment control measures during construction, details of method(s) proposed for providing slope stability, permanent stormwater control measures, and permanent erosion and sediment control measures all being certified by a registered professional engineer or a "Certified Professional Erosion Control Specialist;"
- e. The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the USDA NRCS;
- f. Location and description, including standard details, of all sediment control measures and specifics of sediment basins and traps, including outlet details;
- g. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation (type and extent of tillage, weed control, planting equipment, etc.), expected seeding dates, type, method and rate of lime and fertilizer application (soil fertility testing required), kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures; and
- h. Location and description of all runoff control measures, including diversions, waterways, and outlets.

(2) Larger sites, at the discretion of the ~~city engineer~~ director of utilities, and those requiring a SWPPP, may also require the following:

(a) Location and description of methods to prevent tracking of sediment off-site including construction entrance details, as appropriate;

(b) Description of dust and traffic control measures;

(c) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;

(d) Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of soil erosion control structures and measures during development and after development is completed.

(j) Site Development Requirements. On-site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and functional prior to initiating clearing, grading, stripping, excavating, or fill activities on the site.

(1) For new developments or re-developments of more than one (1) acre but less than five (5) acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(2) For new developments or re-developments of one (1) acre or more, a sediment basin or equivalent control measure shall be constructed at the down slope point of the disturbed area.

(3) Sediment basin and sediment trap designs shall provide for both "dry" detention and "wet" detention sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized as regulated in this article. The release rate of the basin shall be that rate as regulated in this article. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

(4) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the 1-year sediment load and a sediment removal schedule may be substituted.

(5) To the extent possible, or as otherwise regulated in this article, all desirable trees eight (8) inches in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be protected following criteria from IL Urban Manual prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "No Construction Zone" shall be established and marked at the perimeter of the dripline of each tree which is to be preserved.

(6) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as regulated in this Article. All constructed or modified channels shall be stabilized within forty-eight (48) hours, consistent with the following standards and as required in the referenced handbooks:

a. For grades up to four percent (4%), seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

b. For grades of four to eight percent (4-8%), sod or an equivalent control measure shall be applied in the channel.

c. For grades greater than eight percent (8%), rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.

(7) Land disturbance activities in stream channels shall be avoided, where possible, or as regulated by this article. If disturbance activities are unavoidable, the following requirements shall be met:

a. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

b. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.

c. Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.

(8) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(9) Soil storage piles containing more than ten (10) cubic yards of material shall not be located with a downslope drainage length of less than fifty (50) feet to a roadway, drainage channel, or abandoned mine. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately surrounding the perimeter of the pile.

(10) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent and shall not be deposited into an abandoned mine.

(11) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

SEC. 34-4205. MODIFICATIONS TO SWPPP APPROVALS.

A BMP plan approval issued under this article may be modified in order to comply with any federal, state or local law, regulation, order or standard, or when, in the opinion of the ~~city engineer~~ director of utilities, a modification is necessary to accurately control changes in the character or amount of pollutants or the characteristics of stormwater discharged into the municipal separate storm sewer system, or any other applicable condition. A holder shall be given a thirty (30) day notice of the impending modification. Deadlines for compliance with the modified requirements shall be determined on a case-specific basis.

Amendments to stormwater drainage and detention, or drainage plans, shall be submitted to the ~~city engineer~~director of utilities and shall be processed and approved or disapproved in the same manner as the original plans.

SEC. 34-4206. GROUNDS FOR REVOCATION OF A SWPPP APPROVAL.

The ~~city engineer~~director of utilities may revoke a permit:

- (1) Where there has been any false or inaccurate statement or misrepresentation as to a material fact in the application or plans on which the permit was based; or
- (2) When work is performed contrary to the provisions of the application or plans on which the permit is based.

When a permit is revoked, the ~~city engineer~~director of utilities shall inform the permittee, in writing, of the specific steps the permittee must take in order to have the permit reissued or otherwise reinstated. It shall be unlawful to continue any work authorized by a permit after revocation of that permit until that permit is reissued or until a new permit is issued.

In cases where the permittee wishes to appeal the decision of the ~~city engineer~~director of utilities, the appeal process outlined in Section 34-4300 will be followed. An appeal shall stay all proceedings in furtherance of the action appealed from unless the ~~city engineer~~director of utilities certifies to the stormwater board of appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property.

SEC. 34-4207. NONCOMPLIANCE WITH TERMS OR CONDITIONS OF A SWPPP PLAN APPROVAL PROHIBITED.

It shall be unlawful to refuse or fail to comply with the terms or conditions of a BMP plan approval issued under this article. Punishment for violation of this article shall be as set forth herein.

SEC. 34-4208. PROVIDING FALSE INFORMATION AND TAMPERING PROHIBITED.

(a) It shall be unlawful for any person to provide false information to the ~~city engineer~~director of utilities or anyone working under the ~~city engineer's~~director of utilities' supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article, any BMP Plan approval granted under this article, or any inspection, record keeping or monitoring requirement carried out or imposed under this article.

(b) It shall be unlawful for any person to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this article or a BMP plan approval issued hereunder.

DIVISION 3. STORMWATER BOARD OF APPEALS; VARIANCES; APPEALS OF PLANS OR PERMITS.

SEC. 34-4300. STORMWATER BOARD OF APPEALS.

(a) Creation, Membership and Procedure.

(1) A stormwater board of appeals consisting of three (3) members shall include the city administrator, director of ~~public works~~utilities, and city planner, or each said official's designee.

(2) Meetings of the board shall be open to the public, minutes shall be kept of proceedings, showing the action of the board and the vote of each member upon each question, all of which shall be filed immediately in the office of the city clerk.

(3) Two (2) members of the board shall constitute a quorum. The board shall act by resolution, and the concurring vote of two (2) members shall be necessary to reverse any order, requirement, decision, or determination of the ~~city engineer~~director of utilities, or to decide in favor of an applicant any matter upon which it is required to pass under this article, or to effect any variation in the requirements of this article.

(4) The stormwater board of appeals, after a public hearing, may: 1) Determine and vary the requirements and regulations of this article in harmony with their general purpose and intent, where the stormwater board of appeals makes written findings of fact in accordance with the standards herein after prescribed and further finds that there are as described in this article in the way of carrying out the strict letter of requirements and regulations of this article; and 2) uphold, modify, or overrule the decision of the ~~city engineer~~director of utilities.

A written application for a variance from the requirements of this article or an appeal of a decision by the ~~city engineer~~director of utilities shall be filed within thirty (30) days of the time that the applicant became aware of the need for the variance or the decision. The application shall fully state the grounds of the request and the facts relied upon by the applicant. Each application shall be filed with the ~~city engineer~~director of utilities. Said application shall be accompanied by a fee toward the costs of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon the written request of the applicant.

The ~~city engineer~~director of utilities will review and transmit recommendations to the stormwater board of appeals, which shall review such recommendations prior to granting or denying the variance.

(b) Variances. The stormwater board of appeals shall not vary the requirements and regulations of this article unless evidence is presented that proves that the following three situations exist:

(1) The land in question is of such shape or size, or is affected by such physical conditions, or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this article;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) The granting of the variance will not be detrimental to the public welfare, environment, or injurious to other property in the vicinity of the subject property.

The stormwater board of appeals shall hold a public hearing on each application for variance within thirty- (30) days after the application for a variance is received by the ~~city engineer~~director of utilities. Within thirty- (30) days after the public hearing, the stormwater board of appeals shall approve the variance with the conditions it deems

necessary, deny the variance, or take other such action as appropriate to effectuate this article.

(c) Appeals. The stormwater board of appeals shall consider each application for modification to the decision of the ~~city engineer~~ director of utilities at a public meeting within thirty (30) days after the appeal application is received by the ~~city engineer~~ director of utilities. Within thirty (30) days after the public meeting, the appropriate entity shall uphold, modify, or overrule the decision of the ~~city engineer~~ director of utilities.

(d) Judicial Review. All final administrative decisions of the stormwater board of appeals shall be subject to judicial review, pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

DIVISION 4. STORMWATER UTILITY SERVICE CHARGES.

SEC. 34-4400. IN GENERAL.

(a) All owners of real property located within the City of Moline which property discharges into the stormwater system shall be charged for and shall pay the City of Moline for the use of the stormwater system based on the relative amount and rate of flow of stormwater which is determined to be entering the stormwater system from and as a result of the owner's real property. The impact of the stormwater from the real property upon the stormwater system shall be determined on the basis of the flat rates or the measurements contained and set forth in this section.

(1) FLAT RATE CHARGES:

Commencing on January 1, 2005, and continuing thereafter, the owners of real property specified herein shall pay to the City of Moline a quarterly stormwater utility service charge for the following real property which discharges into the stormwater system:

\$5.84 per quarter for residential parcels having a maximum of four (4) dwelling units on less than 0.25 acres of land;

\$11.24 per quarter for residential parcels having a maximum of four (4) dwelling units on 0.25 to under 0.50 acres of land;

\$23.07 per quarter for residential parcels having a maximum of four (4) dwelling units on 0.50 to 2.00 acres of land.

(2) CHARGES BASED ON INDIVIDUALLY MEASURED LAND AREA:

Commencing on January 1, 2005, and continuing thereafter, the owners of nonresidential property or residential property measuring greater than 2 acres, shall pay to the City of Moline a quarterly stormwater utility service charge computed in the following manner:

\$87.83 per acre multiplied by the following factors for the acreage of the following types of land area:

- A. A factor of 0.95 for Impervious Area
- B. A factor of 0.15 for Pervious Area

(b) Notwithstanding any other provision contained herein, in no event shall any owner specified herein pay less than \$5.84 per quarter.

(c) Properties which discharge to an approved stormwater detention or retention system, retain stormwater on site, reduce the amount of impervious areas as part of redevelopment, or are 100% vacant pervious property, or discharge directly to the Mississippi or Rock Rivers, may be eligible to receive up to a 100% discount from the quarterly stormwater utility service charge; said discount shall be incrementally granted by the ~~city engineer~~director of utilities based on the percentage detention, retention, or reduction of the post-development discharge, pursuant to the BMP plan. Requests for discount shall be addressed to the ~~city engineer~~director of utilities and submitted to code compliance. Requests shall include the percentage discount requested with numerical justification for the amount, a physical description of the property with topographic maps, aerial photos, drainage studies, and other relevant information upon which the request is based.

SEC. 34-4401. PROPERTY SUBJECT TO STORMWATER UTILITY SERVICE CHARGE.

All real property located within the City of Moline, which property discharges into the stormwater system, and except as otherwise provided in this section, whether publicly or privately owned and whether subject to or exempt from real property taxation, shall be subject to the stormwater utility service charges fees established and set forth under this section. Streets, highways and railroads, however, shall not be subject to the stormwater utility service charges established and set forth under this section.

SEC. 34-4402. BILLING.

The billing for stormwater utility service charges shall be combined with the billing for other City of Moline utility services or may be assessed with the property tax billing, or assessed as a special assessment or issued on a stand alone basis at the discretion of the City Council. The basis for the billing shall be computed by the city administrator or by the city administrator's designee. Payment of bills shall be applied first to any charges for stormwater utility services, then as provided in Sec. 34-2129 (i).

SEC. 34-4403. APPEALS CONCERNING FEES.

Any property owner aggrieved by the property classification or property type assigned to his or her property under this section or aggrieved by the computation of the stormwater utility service charge affecting his or her property under this section, may appeal such actions, determination and/or computations to the ~~city engineer~~director of utilities, or to the ~~city engineer's~~director of utilities' designee. Such appeal shall be in writing and shall state the reason and basis for the appeal. The ~~city engineer~~director of utilities shall consider the appeal and make a written determination thereon, which such written determination shall be provided to the property owner taking or filing the appeal. If the property owner is not satisfied with the written determination of the ~~city engineer~~director of utilities, the property owner may then request in writing that the property owner's appeal be heard and decided by stormwater appeals board. If the property owner is not satisfied with the written determination of the stormwater board of appeals, the property owner may then request in writing that the property owner's appeal be heard and decided by City Council. Such written request for City Council review shall be filed with the city

clerk within ten (10) days of the property owner's receipt of the written determination from the stormwater appeal board. The decision of the City Council shall be final in such appeals. In case of a successful appeal by the property owner, said property owner shall be entitled to no more than one (1) year of refunds or recoveries of fees paid prior to the appeal.

(Ord. No. 3003-2015; Sec. 34-4403 repealed; new Sec. 34-4403 enacted; 02/10/15)

SEC. 34-4404. COLLECTION/LIEN.

If billed as one bill with water and sewerage charges, stormwater service charges shall be a lien upon real estate as earlier provided in this article. If billed on a stand-alone basis, any unpaid stormwater utility service charges shall constitute a lien against the property affected pursuant to this section. Any such stormwater utility service charges which have remained unpaid for a period of six (6) months prior to March 31 of any year may, after notice to the owner of the property, by resolution of the City Council, be certified to the city collector, who shall place such charges and/or fees on the next appropriate tax billing and record such lien with the county recorder. In the alternative, the City Council may authorize and direct the law director to take appropriate legal action to collect all such unpaid stormwater utility service charges.

SEC. 34-4405. DRAINAGE PERMIT FEES.

The fee for a Class 1 drainage permit shall be \$150.00. The fee for a Class 2 drainage permit shall be \$250.00. Where a technical code has been adopted by the City of Moline for which no fee schedule is shown in the article, the fee required shall be in accordance with the schedule established by the City Council.

SEC. 34-4406. USE OF FUNDS COLLECTED.

All funds collected by the City of Moline as stormwater utility service charges and permit fees shall be delivered to the ~~accounts and finance officer~~ director of finance to be deposited in a separate account and shall be used solely for the construction, operation, maintenance, administration and replacement of the stormwater system within the City of Moline and for compliance with USEPA stormwater NPDES permit requirements.

SEC. 34-4407. SECTIONS INAPPLICABLE TO DISCHARGES OR ACTIVITIES AUTHORIZED BY A NPDES PERMIT.

The provisions of this article shall not apply to a discharge or activity specifically authorized by a NPDES Permit.

SEC. 34-4408. REGULATIONS FOR THE OPERATION, MANAGEMENT, ADMINISTRATION AND MAINTENANCE OF THE STORMWATER SYSTEM.

The ~~city engineer~~ director of utilities may promulgate regulations for the operation, management, administration and maintenance of the stormwater system and for connection to such stormwater system. All such regulations promulgated by the ~~city engineer~~ director of utilities hereunder shall be submitted to the City Council for City

Council review and approval. The regulations shall take effect upon approval of same by the City Council.

DIVISION 5. ENFORCEMENT AND PENALTIES FOR VIOLATION FOR THIS ORDINANCE.

SEC. 34-4500. ENFORCEMENT.

In addition to all other remedies available to the City, violation of any part of this ordinance may be addressed by referral to the Administrative Hearing Officer established under Chapter 2 of the Moline Code of Ordinances, or by prosecution in circuit court as provided in Sec. 1-1107 of the Moline Code of Ordinances. In no event shall any enforcement action under this ordinance be taken for an alleged violation of this ordinance if any of the following conditions exist: (a) IEPA has issued a notice of violation with respect to the same violation and is proceeding with enforcement action; (b) IEPA has issued an administrative order with respect to the same alleged violation and is proceeding with enforcement action, or; (c) IEPA has commenced and is proceeding with enforcement action or has completed any other type of administrative or civil action with respect to the same alleged violation. However, enforcement action under this ordinance may be pursued for continued or continuing violations, and each day or part thereof that a violation of this ordinance continues shall be considered a separate violation.

SEC. 34-4501. PENALTIES.

Any person who violates any provision of this ordinance or any provision of a BMP plan approval issued under this ordinance shall be guilty of a violation and, upon adjudication, shall be punished as provided above, including those penalties set forth in Sec. 1-1107 of this code.

SEC. 34-4502. EXISTING AUTHORITIES.

Nothing in this ordinance shall be construed to limit the existing authority of the City to enforce rules and regulations regarding: (a) charges, limits and restrictions on the discharge of waste into the sanitary sewerage system of the City; (b) requirements of any subsequent stormwater management manual of the City; (c) health or sanitation ordinances of the City; or (d) ordinances governing the sanitation of premises where animals are kept. This ordinance shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City. Compliance with this ordinance or a BMP plan approval issued hereunder shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

SEC. 34-4503. SEVERABILITY.

The provisions of this ordinance are declared to be severable, and if any provision of this ordinance is declared unconstitutional or held invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this ordinance in which such determination shall have been made.”

(Ord. No. 3035-2006; Art. IV repealed; new Art IV enacted; new App. 1 and 2 enacted; 08/15/06)

Amendment Reference Notes

(1) Ord. No. 2002-08-08; Chapter 34, "PUBLIC UTILITIESUTILITIESUTILITIES," repealed; new Chapter 34, "WATER AND SEWERS," enacted; 08/27/02

(2) Ord. No. 3035-2006; Art. IV repealed; new Art IV enacted; new App. 1 and 2 enacted; 08/15/06

The following are ordinance amendment references to sections that were eliminated pursuant to this Art. IV repeal and enactment.

Sec. 34-4117 repealed; new Sec. 34-4117 enacted; Ord. No. 3015-2004; 03/02/04

Sec. 34-4117 repealed; new Sec. 34-4117 enacted; Ord. No. 3088-2004; 10/12/04

Sec. 34-4118 repealed; new Sec. 34-4118 enacted; Ord. No. 3015-2004; 03/02/04

Sec. 34-4119 repealed; new Sec. 34-4119 enacted; Ord. No. 3015-2004; 03/02/04

(3) Prior and subsequent ordinance amendments are referenced below the corresponding sections.

APPENDIX 1.

SAMPLE LETTER OF CREDIT; SAMPLE PERFORMANCE BOND.

SAMPLE

LETTER OF CREDIT

(name of bank)

(City bank's located) , (State)

Irrevocable Credit No. Date: , 20

City of Moline, Illinois All drafts must be marked:

, Illinois "Drawn under Credit No. ,

dated , 20

Gentlemen:

We hereby open an Irrevocable Letter of Credit in the amount of

(\$) in your favor for the account of

(Developer), the developer of (name of project) ,

proposed in the City of Moline , Illinois, or within its territorial jurisdiction, for the benefit of the City of Moline.

Said money hereunder shall be available by your drafts at sight drawn on us drawn in the name of the City of Moline, Illinois. All drafts so drawn must be marked "Drawn under (name of bank) , Credit No. dated , 20 ."

Drafts must be accompanied by a signed statement by the ~~City Engineer~~ director of utilities of the City of Moline, Illinois, that the request is for the installation or construction of improvements required pursuant to the plans, specifications, and cost estimates dated , 20 , and approved by the City of Moline, Illinois, and on file with the ~~director of utilities~~ City Engineer. Further, all requests for disbursements under this Letter of Credit made prior to (must be 2 years after filing) , 20 , shall be submitted by developer and

accompanied by a certified estimate of units and value of work completed with contractor's sworn statement and waiver of mechanics' liens, all approved by the Developer's engineer and the ~~City Engineer~~director of utilities of the City of Moline, Illinois. It is understood as to all disbursements that the ~~City Engineer~~director of utilities shall approve partial drawings only as long as there remains a sufficient balance to the Credit to cover said engineers then current estimate of costs for the required improvements which at that time remain to be completed but in no case shall his approval exceed ninety percent (90%) of the value of work completed.

In the event that all of the work for the improvements is not completed to the satisfaction of the City on or before (1 day short of 2 years after filing) , 20 , the funds remaining under this Letter of Credit shall be available to the City of Moline, Illinois upon presentation of their draft at sight drawn on us in the name of the City of Moline, Illinois. This draft so drawn must be marked as specified hereinabove. Further, such draft shall be accompanied by a signed statement by the ~~City Engineer~~director of utilities of the City of Moline, Illinois as follows: "I, (name) , ~~City Engineer~~director of utilities for the City of Moline, Illinois, do hereby certify that work on required improvements for the project named has not been completed to the satisfaction of the City of Moline on or before (ten days short of two years after filing) , 20 .

This Credit shall expire on (2 years after filing) , 20 ; provided, however, the undersigned shall notify the ~~City Engineer~~director of utilities by certified mail, return receipt requested, at least 90 days prior to expiration date that this Letter of Credit is about to expire and provided, however, in no event shall this Credit expire except upon prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the specifications, and agreements for the project, without notice from the City of the amendments or modifications.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts, drawn under and in compliance with the terms of this Credit, that same shall be honored upon presentation to the drawer. This Credit must accompany any draft which exhausts the Credit and must be surrendered concurrently with the presentation of such draft.

We hereby undertake and engage that all demands made in conformity with this Credit will be honored upon presentation. If, within ten (10) days of the date any demand made in conformity with this Credit is presented, we fail to honor same, we agree to pay all attorneys' fees, court costs, and other expenses incurred by the City of Moline in enforcing the terms of this Credit.

Dated: , 20 .
(name of bank)

By
(title)

Attest:

(title)

SAMPLE

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that _____, as
PRINCIPAL, _____, as SURETY, and _____,
as ADDITIONAL SURETY, are held and firmly bound unto the City of Moline

_____, Illinois, as OBLIGEE, in the sum of

(\$ _____) lawful money of the United States, for the payment whereof to the Obligee, the Principal and the Surety, and Additional Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED AND DATED, THIS _____ day of _____, 20____.

WHEREAS, application was made to the Obligee for approval of a project entitled "_____" , located in the City of Moline, Illinois, filed with the ~~City Engineer~~ director of utilities -of the City of Moline-, Illinois, on _____, 20____, said project may be approved upon certain conditions, one of which is that a performance bond in the amount of _____ (\$ _____), to be filed with the City Clerk to guarantee certain improvements in said project.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal shall within two (2) years from the date hereof will and truly make and perform the required improvements and construction of public improvements in and adjacent to said project in accordance with the specifications of the City of Moline -and the Stormwater Regulations of the City of Moline-, then this obligation to be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided aforesaid within the term of this Performance Bond, the City Council may thereupon declare this bond to be in default and collect the sum remaining payable thereunder and upon receipt of the proceeds thereof, the City of Moline shall install such improvements as are covered by this bond and commensurate with the extent of development that has taken place in said project but not exceeding the amount of such proceeds.

Principal

By: _____ Principal

Surety

By:

Attorney in Fact

Additional Surety

Approved as to Form:

By:

APPENDIX 2. COVENANT

Covenant To Be Included In Subdivision Covenants

Stormwater Detention Basin

A stormwater detention basin has been constructed within the subdivision, in accordance with the requirements of the municipal stormwater ordinance, and is so designated as "Detention Basin" on subdivision plat. The detention basin shall provide for the temporary detention of stormwater runoff from the subdivision to meet release rates as required by the municipality.

The real estate upon which the detention basin is located, designated as Outlot A on the Plat, shall be deeded from the Developer to the Homeowner's Association upon the sale of 75% of the lots within the Subdivision.

The Developer as owner, and subsequent to the conveyance of title, the Homeowners Association as owner, shall be responsible for the following:

An annual report on the detention basin condition, using the checklist, designated below, shall be submitted to the ~~City Engineer~~ director of utilities.

At five (5) year intervals, the basin shall be inspected by a professional engineer registered in the State of Illinois. A report of this inspection shall be submitted to the ~~City Engineer~~ director of utilities within sixty (60) days of the inspection. The inspection shall include an evaluation of the checklist items in the checklist below. An annual report is not required the year the five year report is due.

The Developer, as owner, shall notify the Homeowners Association of its maintenance responsibilities and transfer basin maintenance records to the Homeowners Association.

Each owner of an improved lot within the Subdivision shall be assessed by the Homeowners Association for the cost of maintaining the Detention Basin and for the cost of complying with the requirements of these covenants and the requirements of the municipality. The Declaration regarding the establishment of a Homeowners Association and the procedures for the assessment and collection of dues for the cost of maintaining the detention basin shall be filed and recorded by the Developer as a separate document.

DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS AND CONDITIONS REGARDING THE ESTABLISHMENT OF A HOMEOWNERS ASSOCIATION FOR THE STORM WWATER DETENTION BASIN SYSTEM AS LOCATED WITHIN

Dated

Filed

To The Public

This Declaration, made on the date hereinafter set forth by _____, hereinafter referred to as "Declarant".

WITNESSETH:

Whereas, Declarant is the owner of certain property in the City of _____, _____ County, Illinois, which is more particularly described as:-

NOW, THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property, and for the purpose of complying with stormwater retention requirements of the City of _____. These covenants, restrictions and conditions shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest in the described property or any part thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1. "Association" shall mean and refer to Homeowners Association of _____, Inc., an Illinois nonprofit corporation, its successors and assigns.
2. "Properties" shall mean and refer to that certain real property hereinbefore described, more particularly described as: Lots _____ through _____ of _____, City of _____, Illinois, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.
3. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map or plat of the properties.
4. "Member" shall mean and refer to every person or entity who hold membership in the association.
5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
6. "Declarant" shall mean and refer to _____, to successors and assigns, if such successors or assigns should acquire more than one undeveloped lot from the Declarant for the purpose of Development.
7. "Developer" shall mean the same as "Declarant."

ARTICLE II
MEMBERSHIP AND VOTING RIGHTS

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract Sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No owner shall have more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment by the Association. Ownership of such lot shall be the sole qualification for membership.

ARTICLE III
ESCROW FUND FOR MAINTENANCE

The primary source of funds for maintenance of the master stormwater detention system shall be an escrow fund. Declarant shall establish the Escrow Fund at some local banking

institution at such time as the first lot in The Properties is transferred to an owner other than the Declarant. The Association shall have the power to expend the escrow fund for maintenance authorized in accordance with the provisions of Article V.

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENT

1. Creation of the lien and Personal Obligation of Assessments. The Declarant, for each improved Lot owned within the Properties, hereby covenants, and each Owner of any Lot by acceptance of a Deed therefor, whether or not it shall be so expressed in such Deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, such assessments to be established and collected from time to time as hereinafter provided. The term "improved Lot" shall mean any Lot having a building erected thereon and ready for occupancy as approved by the City of _____, Illinois. The annual assessments, together with interest, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each assessment together with interest, costs and reasonable attorney's fees for collection, shall also be the personal obligation of the person or entity who was the owner of such property at the time the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them.

2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to maintain the stormwater detention basin system, as provided for under the Restrictive and Protective Covenants of _____. The Board of Directors of the Association shall establish a budget by January 1st of each year and shall levy an assessment upon each improved Lot without the Subdivision by February 1st of each year, payable by the 1st day of May.

3. Notice and Quorum for Any Action Authorized Under Section 3. Written notice of any meeting called for the purpose of establishing the budget and making the assessment shall be sent to all members not less than 15 days nor more than 30 days in advance of the meeting. At the first such meeting called, the presence of Members or of proxies entitled to cast 50% of all votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

4. Uniform Rate of Assessment. Annual assessments must be fixed at a uniform rate for all improved Lots and shall be collected on an annual installment basis, except as hereinafter provided.

5. Date of Commencement of Annual Assessments; Due Dates. The annual assessments provided for herein shall commence as to all improved Lots on the first day of the month following the conveyance of any such improved Lot. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors of the Association shall fix the amount of the annual assessment against each lot at least 30 days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The annual assessment shall be paid in one annual payment, and the due dates and delinquency dates shall be uniformly established by the Board of Directors of the Association. The Association shall, upon

demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot are current or delinquent. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

6. Effect of Non-payment of Assessments: Remedies of the Association. Any annual payment not paid within 30 days after the due date shall bear interest from the date of delinquency at the rate of 10% per annum. The Association may bring any action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property by an action in equity. In any such action, interest, costs and reasonable attorneys fees shall be added to the amount of the delinquent assessment and collected as part of said judgment. In the event of such foreclosure, if the Association waives any and all rights to a deficiency judgment against the Owner, the period for redemption as provided by the statutes of the State of Illinois shall be reduced to six months from the date of foreclosure sale. Any lot ultimately acquired by the Association through Judges Deed after such a foreclosure shall be sold by the Association within a reasonable time either at public or private sale, and any surplus remaining after the payment of assessments, interest, costs and attorney's fees shall be paid over to the former Owner of said Lot. No Owner may waiver or otherwise escape liability for the assessments provided for herein by non-use of the Detention Basin or by abandonment of his Lot.

7. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage placed upon any Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to Mortgage foreclosure or any assessments as to payments which became due prior to such sale or transfer, provided that such sale or transfer shall not extinguish the personal obligation of the prior Owner or his heirs, successors or assigns, for payment of such assessment. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE V

GENERAL PROVISIONS

1. Enforcement. The Association, or any Owner shall have the right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants or reservations now or hereafter imposed by the provisions of this Declaration. The Association shall have the sole right to enforce, by proceedings at law or in equity, the liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability. Invalidation of any one of these covenants or restrictions by judgment or Court Order shall in no wise affect any other provisions which shall remain in full force and effect.

3. Duration. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of 21 years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of 10 years each.

4. Amendment. This Declaration may be amended during the first 21 year period by an instrument signed by not less than 75% of the Lot owners and thereafter by an instrument signed by not less than 65% of the Lot Owners, provided, however, that no such

amendment shall be valid or effective until is has been, and a certified copy of said resolution, and a certified copy of the amendment adopted by the Lot Owners, having both been recorded in the office of the Recorder of Rock Island County, Illinois.

By:

OWNER AND DECLARANT

By:

OWNER AND DECLARANT