

Council Bill/Resolution No. 3021-2022

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 34, "WATER and SEWERS," of the Moline Code of Ordinances, Section 34-1100, "GROUNDS FOR TERMINATION," Section 34-2103 "SERVICE TAPS," Section 34-2121, "CHARGES AND COLLECTIONS," Section 34-2126, "DEPOSIT FOR TEST OF METER," Section 34-3402, "PRETREATMENT OF WASTEWATER," Section 34-3403, "ENVIRONMENTAL REMEDIATION WASTEWATERS," and Section 34-3414, "PRETREATMENT CHARGES AND FEES," by repealing said sections in their entirety and enacting in lieu thereof new Sections 34-1100, 34-2103, 34-2121, 34-2126, 34-3402, 34-3403 and 34-3414 dealing with the same subject matter.

WHEREAS, staff has reviewed various fees related to utility service and a number of fees were recommended to be adjusted to allow the true cost of service to be charged; and

WHEREAS, fees in question relate to service provided to specific customers; and

WHEREAS, the best industry practice is to charge only those customers receiving specific services, rather than having the entire customer base subsidize specific activities; and

WHEREAS, staff recommends amendments to Chapter 34 of the Code of Ordinances pursuant to direction provided by City Council during the fee review roundtable meeting held on August 16, 2022; and

WHEREAS, said fees will be effective January 1, 2023.

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

That Chapter 34, "WATER and SEWERS", of the Moline Code of Ordinances, Section 34-1100, "GROUNDS FOR TERMINATION", Section 34-2103 "SERVICE TAPS", Section 34-2121 "CHARGES AND COLLECTIONS", Section 34-2126 "DEPOSIT FOR TEST OF METER", Section 34-3402 "PRETREATMENT OF WASTEWATER", Section 34-3403 "ENVIRONMENTAL REMEDIATION WASTEWATERS", and Section 34-3414 "PRETREATMENT CHARGES AND FEES", is hereby amended by repealing said sections in their entirety and enacting in lieu thereof new Sections 34-1100, 34-2103, 34-2121, 34-2126, 34-3402, 34-3403 and 34-3414 dealing with the same subject matter; provided, however, that said contract is in substantially similar form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit A.

CITY OF MOLINE, ILLINOIS

DocuSigned by:

S. Kayapata

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September 20, 2022

Date

Passed: September 20, 2022

Approved: September 27, 2022

Attest: *Janice L. Hill*
City Clerk

Chapter 34 Fee adjustments: Redlined version for council consideration.

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 and stormwater drainage bills not paid within twenty (20) days after date of statement shall receive a pre-termination 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 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 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~~ ~~forty-five~~ ~~dollar~~ (~~\$45.00~~~~55.00~~) charge will be made for turning off water service. When service is reinstated, a ~~thirty-five~~ ~~forty~~ ~~dollar~~ (~~\$35.00~~~~40.00~~) charge will be made for turning water service back on. Bills due for water, sewerage 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. 34-2103. 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~~ ~~one hundred thirty~~ dollars (~~\$110.00~~~~130.00~~) 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) or less inches in size, the property owner shall pay a fee of ~~three hundred twenty-five~~ ~~three hundred sixty~~ dollars (~~\$325.00~~~~360.00~~) 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. 34-2121. 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 ½-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 ½-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

(3) 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 ½-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 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 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 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-one hundred~~ dollars (~~\$90.00~~100.00) 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 or accounts and 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~~ forty dollars (~~\$35.00~~40.00) shall be assessed for turning on water during business hours for existing customers. A fee of ~~fifty-fifty-five~~ dollars (~~\$50.00~~55.00) 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-fifty-five~~ dollars (~~\$50.00~~55.00). 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~~ one hundred-five dollars (~~\$85.00~~105.00) for each occurrence shall be charged to turn on a water service outside of the normal business hours of the accounts and 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 personnel. 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-twenty-five~~ dollars (~~\$15.00~~~~25.00~~) 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) 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 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 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 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(f)(1)(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. 34-2126. 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 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

Meter Size Fee Structure

5/8"	\$132.50 <u>140.00</u>
3/4"	\$132.50 <u>140.00</u>
1"	\$132.50 <u>140.00</u>
1-1/2"	\$212.00 <u>230.00</u>
2"	\$212.00 <u>230.00</u>
3"	\$305.00 <u>330.00</u>
4"	\$305.00 <u>330.00</u>
6"	\$305.00 <u>330.00</u>

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. 34-3402. 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, 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 and the IEPA for review, and shall be acceptable to the director of public works 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 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 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, 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 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 may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director of public works 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 ("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 one hundred~~ dollars (~~\$50,00100.00~~) 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 Moline Wastewater Treatment Plant.

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 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 two and one quarter~~ cents (~~\$0.01750.0225~~) 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 onw hundred~~ dollar (~~\$50-00100.00~~) 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, 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 ~~\$0.0175-0.0225~~ 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 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 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. 34-3414. 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~~500.00
- b. Renewal of an Individual Discharge Permit \$~~350.00~~400.00
- c. Supplemental (Baseline Monitoring) Report \$~~125.00~~150.00
- d. Waste Hauler Permit
 - ERW \$ ~~50.00~~100.00
 - Grease \$ ~~50.00~~100.00
 - Septic \$ ~~50.00~~100.00
 - Thin Stillage Corn syrup \$ ~~50.00~~100.00
 - Industrial and Landfill Leachate No Fee
(included in an Individual Discharge Permit)

(2) Pretreatment Fees.

- a. Industrial User Sampling (per sample) \$ ~~150.00~~175.00
- 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
 - Ammonia \$15.00

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Total Phosphorus \$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~~0.075/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

Septic Waste

\$0.05/gallon – Moline Origin

~~\$0.07~~0.10/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

Grease Trap Waste

\$0.15/gallon – Moline Origin

~~\$0.20~~0.25/gallon – Non-Moline Origin (Rock Island County only unless otherwise approved by director)

(4) Environmental Remediation Wastewater (ERW) Discharge Fee

~~\$0.0175~~0.0225/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)