

## ARTICLE 8. INFILTRATION / INFLOW CONTROL PROGRAM

### § 800. Introduction

The separate **sanitary sewers** within the District's service area are designed and intended to receive and convey only domestic and industrial wastewaters together with a limited amount of **groundwater** infiltration. **Stormwater** runoff and excessive **groundwater** infiltration, however, have in many cases been entering and overloading **sanitary sewers** through deficiencies in the sewer systems such as open pipe joints, cracked or broken pipes, leaking manholes, and illegal connections (i.e., direct or indirect **stormwater/groundwater** connections to separate sanitary sewers). Sewer overloading arising from such deficiencies may cause health hazards, financial losses, and inconvenience to area residents. These detrimental conditions occur as a consequence of water pollution from treatment plant bypasses and sewage overflows into streams, and also as a result of backups of sewage into buildings and onto streets and yards. Excessive extraneous clear water flows also result in additional sewage treatment costs to the public. Since the enactment of the 1985 Sewer Summit Agreement (SSA), many communities have invested in rehabilitation efforts yet the sewer systems still have excessive **stormwater** inflow and **groundwater** infiltration (I/I) requiring further reduction. Many communities still need to establish on-going **maintenance** programs and budgets that continually renew local systems. The Illinois Environmental Protection Agency (IEPA) has imposed a special condition as part of the District's National Pollutant Discharge Elimination System (NPDES) Permits that requires the owners and/or operators of separate **sanitary sewer** systems that discharges directly and/or indirectly to the District's facilities (**satellite entities**) to implement measures in addition to those required under the SSA if excessive I/I causes or contributes to **sanitary sewer overflows** (SSOs) and/or **basement backups** (BBs). In order to address the requirements set forth in the NPDES Permits and other federal, state and local regulations, it is the intent of this Article to set forth a regionally applied Infiltration/Inflow Control Program (Program) for the rehabilitation and correction of **sanitary sewer** system deficiencies, and for the continuation of adequate long-term sanitary sewer management and **maintenance** programs by the **satellite entities** that are tributary to the District's facilities.

### § 801. Scope and Goals

1. The purpose of this Program is to provide a framework for asset management of separate **sanitary sewer** systems to meet the following goals:
  - A. Maintain infrastructure to prevent **sanitary sewer overflows** and **basement backups** due to sewer surcharging and other adverse sewer system conditions.
  - B. Comply with the District's NPDES Permits and all other applicable federal, state, and local laws and regulations.
  - C. Minimize extraneous flows transported to the District's facilities due to defective system components or illegal connections.

### § 802. Applicability

1. This Article applies to all **satellite entities** that own and/or operate a **sanitary sewer** system that discharges directly and/or indirectly to the District's facilities.

### § 803. General Requirements

1. All **satellite entities** shall implement and complete all Short Term Requirements as described in **§804** within five (5) years of (Insert Effective Date Here), the effective date of this Article or, for **satellite entities** that connect to the District's sewer system after the effective date of this Article, five (5) years from the date of connection. **Satellite entities** that have been notified by the District as being in compliance with the Short Term Requirements described in **§804** will be subject only to the requirement of the **Long Term Operation and Maintenance (O&M) Program** described in **§805**.
2. All **satellite entities** shall implement a **Long Term O&M Program** as described in **§805**.
3. All **satellite entities** shall submit annual reports of their progress and plans relative to their Short Term Requirements and **Long Term O&M Program** to the District as described in **§806**.
4. All **satellite entities** shall comply with the **SSA** and applicable federal, state, and local laws and regulations.
5. All **satellite entities** shall prioritize corrective action with the goal of preventing **SSOs, BBs** and system failures.
6. All **satellite entities** shall develop an adequate funding mechanism that will ensure program sustainability.

### § 804. Short Term Requirements

1. Each **satellite entity** shall complete the following Short Term Requirements:
  - A. Conduct a Sewer System Condition Assessment:
    - i. Conduct a prioritized condition assessment of high risk public **sanitary sewer** system infrastructure through various inspection and testing methods. The assessment shall prioritize: (a) areas with **SSOs** and/or **BBs**; (b) areas upstream of **SSOs** and **BBs**; (c) sub-basins known to surcharge; (d) areas with excessive wet weather flows and/or excessive lift station pumpage; and (e) areas with system deficiencies that could result in system failure.
    - ii. Recent documented condition assessment(s) can be used as credit toward this assessment.
    - iii. Utilize inspections to catalog illegal connections in high wet weather areas for disconnection in Private Sector Program.
  - B. Conduct Sewer System Rehabilitation:
    - i. Utilize assessment data to identify rehabilitation needs and begin development of a Capital Improvement Program based on severity of condition.
    - ii. Begin addressing high priority deficiencies according to CIP plan within three (3) years.

- iii. Disconnect direct and indirect cross connections identified during inspections within one year of identification.
    - iv. Repair uncovered or broken service lateral cleanout caps within one year of identification.
  - C. Develop and submit to the District for approval a **Private Sector Program (PSP)** that addresses disconnection of illegal private inflow sources and removal of infiltration due to private laterals.
  - D. Develop and submit to the District for approval a **Long Term O&M Program** conforming to **§805.3**.
2. The District will support **satellite entities'** efforts by providing the following:
- A. The District will complete an interceptor capacity allocation analysis to inform communities of built capacity and set maximum allowable flow rates.
  - B. The District will work with the Council of Government organizations to encourage consolidation of Information Technology platform with secure access to provide **satellite entities** access to Geographic Information System (GIS), Computerized Maintenance and Management System (CMMS) platforms and a customer support system software that tracks reports from the **satellite entities** regarding sewer service.
  - C. The District will work with the Council of Government organizations to encourage cross-community cleaning, inspection and repair contracts that offer an economy of scale to **satellite entities**.
  - D. The District will seek unit pricing for flow monitoring and look into providing software tracking of flow information to interested communities.
  - E. The District will continue meeting with the Advisory Technical Panel (ATP) to provide templates and guidance documents for this program.

#### **§ 805. Long Term O&M Program**

- 1. Under this Program the **satellite entities** will develop a comprehensive operation and **maintenance** program to prevent **SSOs** and **BBs** by removing I/I sources, addressing deficiencies of their **sanitary sewer** system, maintaining and restoring system capacity, and preventing system failures. This plan will include an-adequate funding mechanism for the program.
- 2. Each **satellite entity** shall implement the **Long Term O&M Program** and **PSP** developed and approved under **§804**.
- 3. The **Long Term O&M Program** must include the following elements:
  - A. Sewer System Management: Adequate and trained/qualified staff will be provided to implement all aspects of the **Long Term O&M Program**. Staff will be periodically trained

for safety, sewer inspection, **maintenance** and rehabilitation work. Records of all work completed under the **Long Term O&M Program** will be maintained.

- B. Sewer System Map: The sewer system map will be maintained and updated on an annual basis.
  - C. Sewer System Inspection: A continuous inspection program will be implemented to assess the condition of the system, identify I/I sources, and keep the system map current. Results of the inspections will be utilized to prioritize system **maintenance** and rehabilitation work.
  - D. Sewer System **Maintenance**: A continuous **maintenance** program will include sewer cleaning and other preventive **maintenance** work required as a result of the inspection program. The **maintenance** work performed will maintain system capacity.
  - E. Sewer System Rehabilitation: A continuous rehabilitation program will correct system defects and deficiencies found as a result of the inspection program. The rehabilitation work performed will address the removal of I/I sources, ensure system integrity, and restore system capacity.
  - F. Sewer System Capacity Evaluation: Periodic evaluations will be made to determine if adequate capacity exists within the system and identify areas of inadequate capacity.
  - G. Material and Equipment: Adequate and proper material and equipment will be provided to implement all aspects of the **Long Term O&M Program**. The materials will be periodically inspected to assure that an adequate supply is available and in a working condition.
  - H. A CIP will be developed and updated as additional deficiencies are identified under the inspection program. The CIP will detail a plan and schedule to address all long term corrective work.
  - I. The **PSP**, which addresses disconnection of illegal private inflow sources and removal of infiltration due to private laterals.
  - J. A plan for funding all aspects of the **Long Term O&M Program** and the **PSP** will be provided.
4. Each **satellite entity** shall consult the Technical Guidance Manual for additional details regarding the **Long Term O&M Program** requirements.

## **§ 806. Annual Reporting**

1. All **satellite entities** shall submit to the District Annual Reports of their progress and plans relative to their Short Term Requirements and **Long Term O&M Program**. Annual Reports must be submitted regardless of the degree of progress made during the reporting period. Among other uses, the District will utilize the Annual Reports to prepare and distribute an annual status report regarding progress made by the **satellite entities** on their I/I identification and removal efforts.

2. During the first five (5) years after the effective date of this Article, or during the first five (5) years after the date of connection for **satellite entities** that connect to the District's sewer system after the effective date of this Article, **satellite entities** must demonstrate the following:
  - A. Completion of their Short Term Requirements described in **§804.1.A** and **§804.1.B**.
  - B. Development of their **PSP** described in **§804.1.C**.
  - C. Development of their **Long Term O&M Program** described in **§804.1.D**.
3. **Satellite Entities** shall demonstrate that they are implementing their **PSP** and **Long Term O&M Program** by summarizing the following items on Annual Report forms provided by the District. :
  - A. Public and private sector **SSOs** and **BBs**.
  - B. **Sanitary sewer** system inspection, **maintenance** and rehabilitation activities.
  - C. All completed rehabilitation projects.
  - D. All completed CIP work.

#### **§ 807. Non-Compliance**

1. Any **satellite entity** may be found to be in non-compliance with this Article for the following reasons:
  - A. Failure to demonstrate adequate annual progress toward implementing and completing the Short Term Requirements described in **§804** within five (5) years of the effective date of this Article or, for **satellite entities** that connect to the District's sewer system after the effective date of this Article, within five (5) years from the date of connection.
  - B. Failure to demonstrate adequate implementation of the approved **Long Term O&M Program** as described in **§805**.
  - C. Failure to demonstrate adequate implementation of the approved **PSP** described in **§805.3.A**.
  - D. Failure to submit an Annual Report or submission of an Annual Report that does not meet the requirements of **§806**.
  - E. Failure to otherwise comply with any provision of this Article.

#### **§ 808. Administrative Proceedings: Notice of Non-Compliance**

1. Whenever it shall appear to the **Director of Engineering** that non-compliance with a provision of this Article exists, the **Director of Engineering** shall, as soon as practical, issue a written **Notice of Non-Compliance (NONC)** to the **satellite entity** responsible for the apparent non-compliance. The **NONC** shall advise the **satellite entity** of the nature of the non-compliance and shall require the **satellite entity** to investigate the alleged non-compliance, determine remediation measures, and develop a schedule to correct the non-compliance. The **NONC** may be sent via Certified Mail,

Return Receipt Requested, or may be served personally by a representative of the **District** to the **satellite entity**, or its representative.

2. The **Director of Engineering** may request a conciliation meeting concurrent with the issuance of a **NONC** for the purpose of investigating the **NONC** and for establishing a compliance schedule. In the event a conciliation meeting is not requested by the **Director of Engineering**, the **satellite entity** may request a conciliation meeting within seven (7) calendar days of receipt of a **NONC**. The **Director of Engineering** shall use his or her best efforts to convene the conciliation meeting within forty-five (45) calendar days of issuance of the **NONC**. During conciliation proceedings, the **satellite entity** may be required to furnish the **District** with such information as is reasonably necessary to demonstrate compliance with this Article. The **Director of Engineering** may continue the conciliation meeting from time to time as deemed necessary to further compliance with this Article.
3. A **satellite entity** engaging in conciliation proceedings with respect to a **NONC** shall submit a **compliance report and schedule** to the **Director of Engineering** within sixty (60) calendar days after the conciliation meeting, or upon such further date as determined appropriate by the **Director of Engineering**. In the event that no conciliation meeting is held, the **satellite entity** shall submit the **compliance report and schedule** within sixty (60) calendar days after the receipt of the **NONC**.
4. The **compliance report and schedule** shall establish a final compliance date, representing a date certain upon which all conditions contained in the **NONC** are remedied. The **compliance report and schedule** shall be executed by the **satellite entity** or its authorized representative and shall be certified as to accuracy and completeness.
5. Within twenty-one (21) calendar days after receipt of the **compliance report and schedule**, the **Director of Engineering** shall accept the **compliance report and schedule** as filed or shall request such further amendments to the **compliance report and schedule** as deemed necessary to insure compliance with the requirements of this Article.
6. No later than twenty-one (21) calendar days after the final compliance date, the **Director of Engineering** shall review the compliance status of the **satellite entity** and shall advise the **satellite entity** in writing whether the **satellite entity** has adequately remedied the condition(s) contained in the **NONC**.
7. If it appears to the **Director of Engineering** that the **satellite entity** subject to a **NONC** has failed to respond within forty-five (45) calendar days after service, or has failed to submit a **compliance report and schedule** acceptable to the **Director of Engineering**, or has failed to achieve compliance on or before the final compliance date, the **Director of Engineering** may at his or her discretion either issue an amendment to the **NONC** or make a Recommendation for Show Cause to the **Executive Director**. The issuance of a Recommendation for Show Cause may trigger a loss of eligibility for the **satellite entity** to receive District-sponsored funding assistance.

#### **§ 809. Administrative Proceedings: Show Cause before the Board of Commissioners**

1. Upon recommendation of the **Director of Engineering** as set forth in §808.7, the **Executive Director** may order the **satellite entity** to appear before the **Board of Commissioners** or its duly

designated representative and show cause why the **satellite entity** should not be found in non-compliance of this Article.

2. The **Board of Commissioners** shall promulgate procedural rules governing administrative proceedings pursuant to this Article.

#### **§ 810. Notice of Show Cause**

1. Notice to the **satellite entity** shall specify the date, time and location of a hearing to be held by the **Board of Commissioners** or its designee. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) working days before said hearing.

#### **§ 811. Show Cause Hearing and Imposition of Penalties by the Board of Commissioners**

1. The **Board of Commissioners** or its designee may conduct a Show Cause hearing.
2. The **Board of Commissioners** shall establish a panel of independent hearing officers, from which a designee must be selected, to conduct all hearings not presided over by the **Board of Commissioners**. All hearing officers shall be attorneys licensed to practice law in the State of Illinois.
3. All hearings shall be on the record and any testimony taken at a hearing shall be under oath and recorded stenographically. The transcripts so recorded must be made available to any member of the public or to the **satellite entity** or party to such hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue in the name of the **Board of Commissioners** notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.
4. The **Board of Commissioners**, or the hearing officer, shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses.
5. For hearings conducted by a hearing officer, after all evidence has been presented, the hearing officer shall issue a report based upon the preponderance of the evidence in the record, which includes findings of fact, conclusions of law, an order, and, if non-compliance is proved, recommended penalties as detailed under §811.8. The Report shall be transmitted to the **Board of Commissioners**, along with a complete record of the hearing if so requested by the hearing officer or the **Board of Commissioners**.
6. The **Board of Commissioners** shall either approve or reject the report. If the report is rejected, the **Board of Commissioners** shall remand the matter to the hearing officer for further proceedings. If the report is accepted by the **Board of Commissioners**, it shall constitute the final order of the **Board of Commissioners**.
7. The final determination regarding the imposition of penalties rests within the sole discretion of the **Board of Commissioners**.
8. Penalties may be assessed as follows:

- A. Loss of eligibility for any funding assistance that can be provided by the District for the development and implementation of the Program as required under this Article;
- B. Loss of status as an **Authorized Municipality** as described in this **Ordinance**;
- C. Reporting of the **satellite entity's** non compliance to the **IEPA** and/or **USEPA**; and
- D. The denial of a watershed management permit for **qualified sewer construction** as described in Article 7 of this **Ordinance**.

#### **§ 812. Legal and Equitable Relief**

- 1. The **General Counsel** of the **District** shall take such action deemed necessary to compel compliance with the provisions of this Article.
- 2. In the enforcement of this Article, the **District** shall have the authority to institute, or cause to be instituted, any and all actions, legal or equitable, including appeals, which are required for the enforcement of this Article without first exhausting the administrative remedies set forth herein.

#### **§ 813. Injunctive Relief**

- 1. In addition to the penalties provided in Article 8, whenever a **satellite entity** violates any provision of this Article or fails to comply with any order of the **Board of Commissioners**, the **District**, acting through the **Executive Director**, may apply to the Circuit Court of **Cook County**, or other Court having jurisdiction, for the issuance of an injunction restraining the **satellite entity** from violating or further violating this Article or failing to comply with a Board Order.

#### **§ 814. Judicial Review**

- 1. The Administrative Review Act of the State of Illinois and the rules adopted under such act, shall govern all proceedings for judicial review of final orders of the **Board of Commissioners** issued under this section.