

**METROPOLITAN WATER RECLAMATION
DISTRICT OF
GREATER CHICAGO**



RESOURCE RECOVERY ORDINANCE

As Amended

~~October 20~~November
16, 2017

AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE RECOVERY AND BENEFICIAL REUSE OF RESOURCES ADMITTED TO THE WATER RECLAMATION PLANTS UNDER THE JURISDICTION OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, HEREINAFTER TO BE KNOWN AS "THE RESOURCE RECOVERY ORDINANCE" ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO ON SEPTEMBER 1, 2016 AND AS AMENDED TO, AND INCLUDING, OCTOBER 20, 2016 AND NOVEMBER 16, 2017.

METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
100 East Erie Street
Chicago, Illinois 60611
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**METROPOLITAN WATER
RECLAMATION DISTRICT OF
GREATER CHICAGO
RESOURCE RECOVERY ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago that the Resource Recovery Ordinance, of the Metropolitan Water Reclamation District of Greater Chicago, as proposed herein, is adopted.

Section One- Purpose

The Resource Recovery Ordinance is adopted for the purpose of implementing a Resource Recovery Program as authorized by the Illinois Legislature at 70 ILCS 2650/1 *et seq.* entitled "An Act to create Sanitary Districts and to remove obstructions in the Des Plaines and Illinois Rivers approved May 29, 1889, as amended;" and subject to the applicable provisions of the Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.*), and permits issued thereunder.

Under this Resource Recovery Ordinance, as receipt capability becomes available, the Metropolitan Water Reclamation District of Greater Chicago may accept certain deliveries by truck or rail of high strength liquid waste, vegetative material, ~~and other,~~ woodchips, and other recovered resources upon such terms and conditions as the District may impose under its Resource Recovery Program to maximize the beneficial reuse of recovered resources for the production of renewable energy resources, to allow for the recovery and resale of valuable resources, to reduce greenhouse gases, to promote a more sustainable society, and to assist or enhance treatment operations at, or the beneficial reuse of

byproducts from, the District's water reclamation plants.

Section Two— Definitions

- (a) "Authorized Party" means a person or entity, or its agent, authorized to deliver high strength liquid waste, vegetative material, ~~and other,~~ woodchips, and other recovered resources to one of the District's water reclamation plants upon such terms and conditions as the Program Director may impose.
- (b) "Delivery" means a quantity of high strength liquid waste, vegetative material, ~~or other,~~ woodchips, or other recovered resources hauled or brought by truck or rail to one of the District's water reclamation plants upon such terms and conditions as the Program Director may impose.
- (c) "Delivery Authorization" means a written authorization from the Program Director allowing an authorized party to deliver high strength liquid waste, vegetative material, ~~or other,~~ woodchips, or other recovered resources to a District water reclamation plant.
- (d) "District" means the Metropolitan Water Reclamation District of Greater Chicago.
- (e) "Executive Director" means the Executive Director of the Metropolitan Water Reclamation District of Greater Chicago or his or her designee.
- (f) "Fats, oils and greases" or "FOG" means organic polar compounds derived from animal and/or plant sources that are composed of long chain triglyceride molecules.

- (g) "Hazardous waste" ~~shall mean~~ any waste so identified under the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., and relevant regulations (40 C.F.R. §§261.31-33), or by the Illinois Environmental Protection Agency under its solid waste disposal program, and relevant regulations (Title 35 Ill. Adm. Code §721), or any waste that generally exhibits the characteristics of being ignitable, corrosive, reactive or toxic.
- (h) "High strength liquid waste" means an aerobically or anaerobically digestible homogenous liquid or pumpable slurry waste that is: (i) high in concentrations of biochemical oxygen demand (BOD), fully-suspended liquefied chemical oxygen demand (COD), total volatile solids (TVS), or Total Phosphorous; (ii) non-hazardous; and (iii) free of debris, contaminants, or pollutants.
- (i) "Industrial waste" means all solid, liquid, or gaseous waste resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process for the development, recovery or processing of natural resources, or the enhancement of treatment processes.
- (j) "Other recovered resources" means any additional resources that may be used for the production of renewable energy resources, the recovery of non-renewable resources (including, but not limited to, concentrated phosphorous waste streams), and to assist or enhance treatment operations at, or the beneficial reuse of byproducts from, the District's water reclamation plants.
- (k) "Program Director" means the District Officer(s) designated by the Executive Director to create, oversee, and enforce the Resource Recovery Program, or any sub-program created thereunder.
- (l) "Resource Recovery Program" means the program and any sub-programs implemented by the Program Director setting forth the requirements, rules and regulations of the District's acceptance of deliveries of high strength liquid waste, vegetative material, ~~and other~~, woodchips, and other recovered resources at its water reclamation plants. The Resource Recovery Program can be found on the District's website at www.mwrd.org.
- (m) "Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with any ground, surface, storm or other waters that may be present.
- (n) "Source separated food waste" means solid, source-separated, clean food scraps, free of inorganic matter and non-digestible debris including plastic, plastic film, metal, bone, shells, hide, cardboard, and paper.
- (o) "Vegetative material" means ~~woodchips, brush, grass clippings, and leaves and twigs. Woodchips and twigs should be processed to a size measuring less than 1.0 inch in two dimensions. The District may, in its discretion, accept woodchips and twigs in larger sizes.~~ Vegetative material must be brought in bulk (unbagged) and be free of glass, gravel, plastic bags and other debris.

(p) "Waste stream"—~~shall~~ means any byproduct of a commercial, industrial, landscape or other process or operation.

~~(p)~~(q) "Woodchips" means any wood derived solid material made by cutting or chipping larger pieces of wood. Woodchips should be processed to a size measuring less than 1.0 inch in two dimensions. The District may, in its discretion, accept woodchips in larger sizes. Woodchips must be brought in bulk (unbagged) and be free of glass, gravel, plastic bags and other debris.

~~(e)~~(r) "Water reclamation plant" means any method, construction, device, arrangement or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial wastes or other wastes, or for the recovery of by-products from such sewage, industrial waste, or other wastes.

Section Three — Limited Applicability

(a) This Ordinance is limited to the regulation of deliveries of high strength liquid waste, vegetative material, ~~and other, woodchips, and other~~ recovered resources by an Authorized Party to a District water reclamation plant. This Ordinance does not regulate other deliveries (including, but not limited to, deliveries of treatment process chemicals) or any discharge to a sewerage system within the District's jurisdiction.

(b) Any high strength liquid waste, vegetative material, ~~or other, woodchips, or other~~ recovered

resources delivered under this Resource Recovery Ordinance are not subject to any other District Ordinance. To the extent that any of the provisions of this Resource Recovery Ordinance conflict with the provisions of any other District Ordinance, the provisions contained herein apply in lieu of those conflicting provisions for the delivery of high strength liquid waste, vegetative material, ~~or other, woodchips, or other~~ recovered resources to a District water reclamation plant.

(c) This Ordinance shall not apply to any intergovernmental agreements entered into by the District prior to the adoption of this Ordinance by the District. Further, the Cost provisions in Section Six of this Resource Recovery Ordinance shall not apply to contracts awarded by the District's Board of Commissioners under the provisions of the District's Procurement Act, or to future intergovernmental ~~—~~agreements approved by the District's Board of Commissioners.

Section Four — Regulation of Delivery

(a) High strength liquid waste, vegetative material, ~~and other, woodchips, and other~~ recovered resources that have been deemed acceptable by the District under its Resource Recovery Program shall be delivered directly to District water reclamation plants as receipt capability becomes available, in accordance with conditions set forth in the Delivery Authorization.

(b) The Program Director shall have full discretion to accept or reject any delivery, material, or any person or entity from participating in the

applicable Resource Recovery Program at any time for any lawful reason.

- (c) Only deliveries of high strength liquid waste, vegetative material, ~~and other, woodchips, and other~~ recovered resources will be accepted under this Ordinance.
- (d) The Program Director shall have the right to modify the Resource Recovery Program or create a sub-program to individually manage the delivery of high strength liquid waste, vegetative material, woodchips, or any other recovered resource, consistent with this Ordinance.

Section Five — Delivery Authorizations

- (a) Applications for written permission to deliver high strength liquid waste, vegetative material, ~~and other, woodchips, and other~~ recovered resources to the District shall be filed with the Program Director. One Application shall be filed by each person or entity seeking a Delivery Authorization. All information and documents required by the Program Director shall be included with the Application. The required information and documents may include, but are not limited to, a Material Acceptance Agreement, Statement of Characterization, Truck Hauler Identification Form, ~~Emerald Ash Borer Compliance Agreement (where applicable),~~ and all necessary certificates of insurance. If required by the Program Director, a sample of the high strength liquid waste, vegetative material, ~~or other, woodchips, or other~~ recovered resource to be delivered must be provided to the District for analysis and/or testing and inspection.

- (b) The Program Director shall use his or her best efforts to issue a written Delivery Authorization, or written denial thereof stating the reason(s) for rejection, within 30 calendar days of the date of his receipt of an Application.
- (c) The Program Director may decline to issue Delivery Authorizations on the basis that receipt capability is not available, or for any other reason in the District's best interest.
- (d) The Program Director may issue a Delivery Authorization on a provisional basis to perform any tests on, or assessments of, the high strength liquid waste, vegetative material, ~~or other, woodchips, or other~~ recovered resource proposed in an Application. A provisional Delivery Authorization may also be issued to allow the Program Director to evaluate the proposed delivery system. The Program Director may collect a reduced or zero delivery charge from the Authorized Party during the provisional Delivery Authorization period. Upon expiration of a provisional Delivery Authorization, the Program Director may issue the Authorized Party a new or revised Delivery Authorization, subject to the delivery charges in this Ordinance, as applicable.
- (e) One Delivery Authorization shall be issued to each person or entity under the name of that person or entity whose Application has been approved.
- (f) Each Delivery Authorization issued shall be valid for a period of up to five years. Delivery Authorizations issued on a provisional basis for high

strength liquid waste or other recovered resources shall not exceed a term of 180 days. Delivery Authorizations issued on a provisional basis for vegetative material or woodchips shall not exceed a term of 270 days.

- (g) The Delivery Authorization will designate the location and manner in which deliveries may be accepted, and the period of time during which such deliveries shall be permissible.
- (h) The District may authorize deliveries of high strength liquid waste, vegetative material, ~~and other,~~ woodchips, and other recovered resources upon such terms and conditions as the Program Director may lawfully impose under the Resource Recovery Program.
- (i) The Program Director may prohibit a delivery from an Authorized Party, at any time, if he or she determines that the water reclamation plant lacks receipt capability, it is necessary for effective water reclamation plant operation, or it is otherwise in the District's best interest.
- (j) The Program Director may reject a delivery from an Authorized Party, at any time, if he or she determines that the delivered material does not meet the criteria of the Delivery Authorization, or for any other violation of the Delivery Authorization or this Ordinance.
- (k) The Program Director may suspend or revoke a Delivery Authorization for violation of any provision of this Ordinance or the Resource Recovery Program, by giving written notice to the Authorized Party indicating the nature of the violation.

- (l) Any Authorized Party whose Delivery Authorization has been revoked, suspended, or not renewed and any person or entity whose Application has been denied may request a review of the Program Director's decision. Such request must be made in writing, to the Executive Director, and must clearly state the reason(s) why such Authorized Party, person, or entity believes that the revocation, suspension or denial should be reversed. Any request for review must be received by the Executive Director within 30 calendar days of the date of notification that the Delivery Authorization has been denied, revoked or suspended. The Executive Director shall use his best efforts to issue a written decision setting forth his reasons therefore within 30 calendar days of the date the request for review was received by his office. An Authorized Party may not make deliveries during the period of review without the written approval of the Executive Director.

Section Six — Cost

- (a) For high strength liquid waste and other liquid recovered resources, a nonrefundable fee of \$250.00 for the review and processing of an initial application for a Delivery Authorization is required at the time the application is submitted.
- (b) For high strength liquid waste and other liquid recovered resources, the fee in Section 6(a) above shall cover the initial review and processing for one proposed waste stream. If an entity applies to deliver more than one waste stream in a single initial application for a Delivery

Authorization, an additional fee of \$250 per additional waste stream will be charged.

- (c) For high strength liquid waste and other liquid recovered resources, an Authorized Party will be charged a fee of \$250.00 for renewal of a Delivery Authorization.
- (d) Should any Delivery Authorization for delivery of high strength liquid waste and other liquid recovered resources require interim testing for any reason, or should a modification of the Delivery Authorization be required, the Authorized Party shall be charged a \$250 fee for any additional analysis and/or testing.
- (e) The charge for delivery of high strength liquid waste, and other liquid recovered resources in conformance with this Ordinance is \$.05 per gallon calculated based upon the nominal capacity of the delivery vehicle irrespective of the actual volume delivered
- (f) The charge for delivery in conformance with this Ordinance of source separated food waste, or equivalent, is \$25.00/ton.
- ~~(g)~~ The charge for delivery in conformance with this Ordinance of vegetative material is ~~\$120.00/ton.~~
- ~~(g)~~~~(h)~~ There is no charge for delivery of woodchips in conformance with this Ordinance.
- ~~(h)~~~~(i)~~ After-hours deliveries, if accepted solely for the convenience of an Authorized Party, may be charged at double the schedule of fees established by this Section.

Section Seven--- Deliveries

- (a) Deliveries shall be accepted at the District's water reclamation plants and/or at such other locations as determined by the Program Director.
- (b) The normal working hours for deliveries shall be established by the Program Director and included in the Delivery Authorization.
- (c) The Program Director may, under special circumstances, authorize after-hours deliveries. Requests for such deliveries must be made in writing to the Program Director.
- (d) The Delivery Authorization is limited to vehicles specifically authorized by the Program Director.
- (e) The Program Director shall have the right to monitor, inspect and/or test any delivery.

Section Eight--- Monitoring

The Program Director may commence an investigation when he or she has any reason to believe that any delivery under a Delivery Authorization pursuant to this Ordinance is found to fall outside the agreed upon maximum or minimum accepted concentrations acceptable for such delivery, or otherwise contained any material not allowed under the Delivery Authorization or in this Ordinance. Based upon the result of any such investigation, and in the sole discretion of the Program Director, the District may impose any and all relief against the Authorized Party including, but not limited to, revocation or suspension of the Delivery Authorization and recovery of the fees and costs associated with the necessary investigation and/or disruption to normal water reclamation plant operations.

Section Nine----Prohibited Activity

- (a) The delivery hereunder of anything other than high strength liquid waste, vegetative material, ~~and other,~~ woodchips, and other recovered resources as defined in this Ordinance is prohibited.
- (b) Any delivery not consistent with a current Delivery Authorization is prohibited.
- (c) The delivery of cleanings from chemical toilets, septic tanks, and cesspools is prohibited under this Ordinance.
- (d) The delivery of the contents of any holding tank is subject to the review and prior written approval of the Program Director.
- (e) In no case will any vehicle that holds a permit issued by Illinois Environmental Protection Agency for hauling hazardous waste, or any vehicle that is used or has been used to pump or hold hazardous wastes, be allowed to make a delivery.

Section Ten— Rules and Regulations

The Resource Recovery Program, including all rules and regulations for the delivery of high strength liquid waste, vegetative material, ~~or other,~~ woodchips, or other recovered resource to a District water reclamation plant, are set forth in the Delivery Authorization and are made a part of, and incorporated into, each Delivery Authorization. Violation of any of the provisions of the Ordinance, Resource Recovery Program, or the Delivery Authorization may result in the revocation or suspension of the Delivery Authorization.

Section Eleven---- Administration

Under this Ordinance, the Program Director shall establish, administer, and enforce the Resource Recovery Program for the delivery of high strength liquid waste, vegetative material, ~~and other,~~ woodchips, and other recovered resources to the District's water reclamation plants.

Section Twelve--- Insurance

An Authorized Party shall carry such insurance as is deemed necessary by the Program Director to protect the District against all claims for damages incurred during the delivery of or as a consequence of the delivery of high strength liquid waste, vegetative material, ~~or other,~~ woodchips, or other recovered resources to a District water reclamation plant. The Authorized Party shall supply the District with evidence of insurance upon receipt of a demand by the District for proof of insurance

Section Thirteen--- Severability Clause

The invalidity of any portion of this Ordinance shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part. Any portion repealed or adjudged invalid or unconstitutional is severable from the remaining provisions and said remaining provisions shall continue in full force and effect.

Section Fourteen—Effective Immediately

This Ordinance shall take effect immediately upon and after its passage and publication as provided by law.

Approved:

Mariyana T. Spyropoulos, President
Board of Commissioners Metropolitan Water Reclamation District of Greater Chicago

Approved as to form and legality:

| _____
~~Ronald M. Hill~~ Susan T. Morakalis
General Counsel

Lisa Luhrs Draper
Head Assistant Attorney