

Protecting Our Water Environment



Metropolitan Water Reclamation District of Greater Chicago

SEWER PERMIT ORDINANCE

**AS AMENDED
July, 1999**

AN ORDINANCE

AN ORDINANCE REGULATING THE ISSUANCE OF PERMITS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF SEWERS, SEWERAGE SYSTEMS, TREATMENT FACILITIES AND SEWER CONNECTIONS DESIGNED TO DISCHARGE DIRECTLY OR INDIRECTLY INTO COLLECTION AND TREATMENT FACILITIES OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, OR INTO WATER WITHIN ITS TERRITORY, HEREAFTER TO BE KNOWN AS "THE SEWER PERMIT ORDINANCE."

For information or questions about this Ordinance, call the Local Sewer Systems Section of the MWRDGC's Engineering Department.

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Adopted July 10, 1969

Latest Amendment: July 8, 1999

**METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO**

100 East Erie Street
Chicago, Illinois 60611
(312) 751-5600

BOARD OF COMMISSIONERS

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Be it ordained by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago

Section 1. Authority and Purpose of this Ordinance.

This Ordinance is adopted under the authority of 'an act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois rivers, as amended, "(Illinois Compiled Statutes, Chapter 70, Sections 7, 7a, 7aa, 7b and 7f) and of the powers granted to the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, expressly or by necessary implication, under other provisions of said act, for the purpose of enabling the Metropolitan Water Reclamation District of Greater Chicago more effectively to protect the ability of its sewerage systems, interceptors, sewage disposal and treatment plants, works, and facilities to satisfactorily perform the functions for which they were designed, by controlling the nature, volume and the manner of discharge into said systems, plants, works, and facilities, and for the purpose of maintaining the stable operation of said systems and facilities, and for the protection of the waters within the district so as to preserve the public health.

Section 2. Definitions.

For the purpose of this Ordinance, the following definitions obtain:

- (a) **Board of Commissioners:** The Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago.
- (b) **District:** The Metropolitan Water Reclamation District of Greater Chicago, a municipal corporation, organized and existing under the laws of the State of Illinois.
- (c) **General Superintendent:** The General Superintendent of the Metropolitan Water Reclamation District of Greater Chicago.
- (d) **Industrial Waste:** The solids, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or

from the development, recovery or processing of natural resources.

- (e) **Other Wastes:** All decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.
- (f) **Maintenance:** The action required to prevent failure of the sewerage system and preserve its original function.
- (g) **Material Change:** Any deviation from the approved plans or specifications accompanying an application for which a permit has been issued under this Ordinance, that will affect capacity, flow or operation of a sewer, sewer system or connection to any sewer system.
- (h) **Permittee:**
 - 1. Any municipality, municipal corporation, sanitary district, utility company, township government or any other governmental body; or
 - 2. any municipality, municipal corporation, sanitary district, utility company, township government or any other governmental body jointly with any individual, individuals or corporation where application is made for installations on private property; or
 - 3. any individual, individuals, or corporation who owns property directly adjacent to any interceptor sewer of the Metropolitan Water Reclamation District of Greater Chicago, where direct connection to said interceptor is made or is contemplated by the owner of said property for the sole, exclusive and perpetual use of the owner of said property (and where the direct connection serves only that property immediately adjacent to said interceptor), who seeks permission to discharge sewage, industrial waste or other waste into facilities of the Metropolitan Water Reclamation District of Greater Chicago; or

4. any individual, individuals or corporation who provides an acceptable sewage treatment plant for the sole, exclusive and perpetual use of the owner, of the property being served thereby, which discharges into any waters or interceptor sewer of the Metropolitan Water Reclamation District of Greater Chicago in conformity with the ordinances of the Metropolitan Water Reclamation District of Greater Chicago, the rules and regulations of the Illinois EPA Division of Water Pollution Control and the statutes of the State of Illinois; or

5. any responsible individual, individuals, or corporation (not otherwise qualified as permittee under the provisions of Section 2(h)2, 3 or 4 of the Sewer Permit Ordinance), upon presentation of satisfactory evidence of responsibility as determined by the Board of Commissioners, where construction of sewers or sewerage systems is contemplated to serve property owned by said individual, individuals, corporation, in an unincorporated area, and the contemplated construction is intended for the sole, exclusive and perpetual use of the owner; provided that said unincorporated area is outside the jurisdiction of a local sanitary district and outside the area of a public utility company certificated for such service, and the township government declines to execute the permit application and to assume the obligations of a joint permittee, as provided in Section 2(h)2 of the Sewer Permit Ordinance.

(i.) **Sewage:** The water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other wastes as may be present.

Section 3. Minimum Engineering Standards of Design and Construction and Maintenance and Flood Control.

(a) In order to effect the intent and purposes of this Ordinance, it shall be the duty of the Board of Commissioners to establish appropriate written rules and regulations as to minimum engineering standards governing the design, construction and

maintenance of sewers and sewerage systems within the territory of the District, including requirements as to types of materials, methods of installation, maximum permissible rates of infiltration and other engineering parameters.

(b) Effective January 1, 1972, no permits shall be issued for sewer construction in unsewered or separate sewer areas when construction of the facilities to be served by the proposed sewer would result in run-off in excess of that from its natural or undeveloped state, unless (1) the local government having jurisdiction over the area in which the construction is contemplated shall have adopted a storm water detention or flood control ordinance acceptable to the District, together with a drainage plan and time schedule for its implementation approved by the District, or (2) the run-off rate from the area be restricted to be no greater than that from its natural or undeveloped state and that detention space for the excess storm water be provided in accordance with the current Manual of Procedures of the District. Provision shall be made for proper maintenance of any such detention facility.

Section 4. Permit Required for Sewer Construction.

(a) It shall be unlawful for any person, corporation, sanitary district, school district or other entity to construct, maintain or operate any sewer, sewerage system or private treatment plant that has been planned or designed to discharge, either directly or indirectly, into any sewer, interceptor sewer, sewage treatment plant or other facility maintained and operated by the District, or into waters within the territory of the District, without first having obtained a permit in writing for the construction and operation of such sewer, sewerage system or private treatment plant, which permit shall have been duly approved and issued under the authority of the District, and according to the terms and provisions of this Ordinance.

(b) It shall be unlawful for any person or corporation to install a connection, addition, extension, opening or penetration of any kind into any sewer or interceptor sewer that discharges directly or indirectly into any

sewer, interceptor sewer, sewage treatment plant or other facility maintained and operated by the District; or into waters within the territory of the District, without first having obtained the written permit required under Section 4(a) of this Ordinance.

(c) No permit shall be required for any connections, changes, or additions to or extensions of existing sewerage systems that receive or may receive only domestic or sanitary sewage:

- (1) From any building to be devoted solely to residential use, which contains less than twenty-five dwelling units; or
- (2) From any building, the use of which will not involve the risk of introduction into the sewer system of industrial waste or other waste by accident, spillage or otherwise; provided, however, that it shall be a requirement of the District in the construction of such building that a control sanitary manhole shall be installed.

(d) The permit provided for in Section 4(a) of this Ordinance shall always be required for any proposed direct connection to any interceptor sewer or other facility owned or operated by the District.

(e) It shall be unlawful for the owner or occupant of any building for which a permit is not required hereunder to cause or permit a change of use of such building to a use for which a permit is required hereunder, without first having obtained the written permit required under Section 4(a) of this Ordinance.

Section 5. Sewer Permit Application and Processing Fees.

(a) Except as hereinafter provided, each sewer permit applicant shall pay to the District a sewer permit application and processing fee in accordance with the terms and conditions hereinafter set forth. These fees are subject to change on an annual basis.

(1.) A sewer permit application fee shall be remitted by an applicant with each permit application required to be made pursuant to

this Ordinance. Said permit application fee shall be paid at the time of the filing of the sewer permit application, and no sewer permit shall be issued until all application and processing fees with respect thereto are paid in full.

(2.) The sewer permit application fee shall be computed on the basis of the following charges:

- i. A ~~\$850.00~~ non-refundable permit application fee; or
- ii. A \$500.00 non-refundable sewer connection authorization application fee; or
- iii. A \$100.00 non-refundable notification and request for inspection (sewer replacement) fee; and
- v. A ~~\$3.50~~ (three dollars fifty cents) for each foot of sanitary/combined sewer pipe included in the sewer permit application and any plans and specifications made a part hereof.

(Fees Amended at December 18, 1997 Board Meeting, effective January 1, 1998)

(3.) Exemptions:

- i. Governmental agencies seeking to construct public works projects (where ownership and control of the project is reposed with the governmental agency), the cost of which is financed by the proceeds of ad valorem property taxation, user charges, special assessments, or municipal bonds shall be exempt from the fee provisions of this Ordinance;
- ii. Municipalities and utility companies which apply for permits under this Ordinance to effect sewer rehabilitation work mandated by the District and The Illinois Environmental Protection Agency shall be exempted from the fee provisions of this Ordinance.

(4.) No refund or additional charges will be made with respect to the fees charged pursuant to this Ordinance if the final total fee, as determined from as-built plans for the project, varies by less than \$100.00 from the original total fee paid.

(5.) In addition to the foregoing fees herein above established, a \$50.00 processing fee shall be paid for each set of revised plans, drawings, specifications or any other supplementary filings submitted to the District by the applicant or his representative subsequent to the issuance of the permit.

(b) Connection Impact Fees

The Permittee/Co-permittee for any permit project, within Cook County, except for publicly owned facilities performing a local governmental function or real estate tax-exempt facilities and which discharge solely sewage into its sewers which is (a) thereafter annexed to the District, or (b) located in a greater than 500-acre Tax Increment Financing (TIF) district, shall pay a Connection Impact Fee to the District at a time that such area or a portion thereof is the subject of a sewer permit application to the District. The Connection Impact Fee will be assessed at the following rates per acre:

Residential Land Use	Units/Acre	Fee/Acre
Low Density and/or Medium Density	20 or less	\$3,750
High Density	21 or more	\$6,000
Other Land Use		
Commercial and/or Industrial	N/A	\$7,500

For permit service areas in a greater than 500-acre TIF district only, a preliminary connection impact fee is computed by multiplying the acreage of each Permanent Index Number (PIN) in the permit service area by the appropriate unit fee set forth in the table above. The preliminary connection impact fee

is multiplied by an adjustment factor which is equal to the number of years during the 12-year period immediately preceding the sewer permit application that real estate taxes for the District were **not paid** for that PIN in the permit service area, divided by twelve. The preliminary connection impact fee for each PIN in the permit service area is then multiplied by the adjustment factor. Each of the adjusted preliminary connection impact fees so computed is added together and the sum total is the Connection Impact Fee for the permit service area.

Ten percent (10%) of the Connection Impact Fee will be paid to the District with the sewer permit application. Fifty percent (50%) of the Connection Impact Fee will be paid no later than the first to occur of substantial completion or one year after construction begins. The remaining 40% of the Connection Impact Fee will be paid to the District no later than the first to occur of Permittee/Co-permittee's Request for Final Inspection or two years after sewer construction begins.

(c) Tax Increment Financing (TIF) District Service Fees for Sewer Permits issued with respect to projects within a TIF district other than for publicly owned facilities performing a local governmental function or real estate tax-exempt facilities and which discharge solely sewage into its sewers, shall be paid to the District for the duration of the TIF district. The municipal Permittee shall pay to the District an annual service fee equal to the difference between the amount of real estate tax paid to the District on account of each Permanent Index Number (PIN) in the permit service area and the actual cost of providing sewage transport and disposal service to those PINs. The amount of service fee for each parcel of real estate in the permit service area shall be calculated by multiplying the current equalized assessed valuation for each PIN in the permit service area by the tax rate for the District for each reporting year and then multiplying that product by the Operation, Maintenance and Replacement Factor established by the District for that tax year (as required by the District's User Charge Ordinance). That amount is compared to the

actual real estate tax receipts by the District for each PIN for that tax year. In the event the cost for providing actual sewage transport and disposal service exceeds the actual tax receipts by the District for that PIN, the difference is the Tax Increment Financing District Service Fee. The municipal Permittee shall furnish a tabulation to the Chief Engineer by September 1st of each year that the TIF district is in effect which shall list all parcels in the permit service area by PIN for each permitted project. For each PIN shown, he following information, which will be subject to audit and confirmation by the District shall be provided:

- a) The amount of real estate taxes actually paid to the District by the Cook County Treasurer for each reporting year for each PIN in the permit service area.
- b) The cost to the District for providing sewage transport and disposal services to each PIN in the permit service area, using the formula set forth above.
- c) The difference between a) and b) above.
- d) The TIF district service fee due to the District for that PIN, together with a total aggregate fee for that tax year for the permit service area.

The TIF District Service Fee shown to be owed in the tabulation shall be remitted to the District by the Permittee with the tabulation.

(Adopted at the Board Meeting of May 7, 1998;
Amended, Board Meeting of July 9, 1998;
Amended, Board Meeting of November 5, 1998;
Amended, Board Meeting of July 8, 1999)

Section 6. Plans and Specifications to be Submitted.

(a) All applications for permits required under Section 4 of this Ordinance shall be on forms prescribed by the District. Such applications shall be submitted to the General Superintendent, together with plans and specifications prepared by a licensed registered professional engineer, showing details of the proposed construction. The General Superintendent shall review the application,

plans and specifications for the purpose of ascertaining whether or not they comply with the rules and regulations established under Section 3 of this Ordinance, and he may approve same and issue the permit, or he may reject such application, in which case he shall transmit to the applicant, within ten working days from the date of receipt of such application, a notice of such rejection, together with his written recommendations for such revisions and/or modifications as shall be required to meet with his approval, and no permit under Section 4 of this Ordinance shall be approved or issued without approval by the General Superintendent of the plans and specifications for the proposed construction. A copy of such approved plans and specifications shall be kept in the files of the District, and all construction performed under authority of the permit required under Section 4 of this Ordinance shall be done in strict compliance and conformity with such approved plans and specifications.

(b) In the event that it should be necessary or desirable to make material changes in the construction proposed under plans and specifications that have been approved as required under Section 6(a) of this Ordinance, revised plans and specifications shall be submitted, together with a written statement as to the reason for the proposed changes, and the General Superintendent may approve such revised plans and specifications, in which case he shall cause a supplemental written permit to be issued, or he may reject such revised plans and specifications on the same terms and in the same manner as is provided for such rejections under Section 6(a) of this Ordinance.

(c) All applications, plans and specifications shall be promptly reviewed, and the District shall, within ten working days of the receipt of each application, make written response to the applicant, or his agent, by approval, or by rejection, or by request for additional information.

(d) The rejection of any permit application shall be subject to reconsideration by the Board of Commissioners upon the written request of the applicant or his agent, made within twenty days of the receipt of such rejection, and the Board of Commissioners shall have twenty days from the receipt of

such request for reconsideration, within which to act thereon and respond to the applicant in writing.

Section 7. Assignment of Permit.

No permit issued under Section 4 of this Ordinance may be assigned or transferred without the consent in writing of the General Superintendent, and any such assignment or transfer without said written consent shall be void and of no legal effect.

**Section 8. Maintenance by the Permittee.
—Bond Required in Certain Cases.**

(a) It shall be the duty and responsibility of every permittee to whom a permit has been issued for the construction and operation of any facility or connection under Section 4 of this Ordinance to keep said facility or connection in a proper state of repair and maintenance after same has been completed and placed in operation and use.

(b) No permits shall be issued for the construction, extension, operation and maintenance of sewage treatment plants, oxidation pond, or other treatment facility unless accompanied by a bond with sufficient surety to assure proper construction, extension, operation and maintenance of any such treatment plant, oxidation pond, or other sewage treatment facility within the borders of the District, said bond to terminate upon connection of said sewage treatment plant, oxidation pond, or other sewage treatment facility to an intercepting sewer or treatment plant of the District; and it shall be one of the conditions for issuing a permit for the construction, extension, operation and maintenance of a sewage treatment plant, oxidation pond or other treatment facility, that the person, persons, partnership or corporation requesting said permit be required in its or their application to agree that it/they will provide any additional security required by the Board of Commissioners of the District for the life of the permit, to guarantee full and complete performance including the execution of any and all documents that may be required by the Board of Commissioners in support thereof; and said bond shall be approved as to form

and legality by the Law Department of the District; and as to engineering details by the Chief Engineer.

**Section 9. Construction Specifications
where Permit is not required.**

All sewer connections from buildings where a permit is not required under the provisions of this Ordinance shall nevertheless conform to such minimum engineering standards as to design and construction and maintenance as are established by the General Superintendent to carry out the purposes of this Ordinance. Construction in flood hazard areas shall conform to all applicable, Federal, State and local flood plain requirements.

**Section 10. Violations. Notice—Hearing—
Recommendation—Order.**

(a) Whenever it shall appear to the General Superintendent that a violation of any provision of this Ordinance may exist, including the fact that a permit required thereunder has not been issued, or that construction performed under authority of a duly issued permit does not comply with the conditions of such permit, or fails to conform with the plans and specifications that were approved in connection therewith, or that a sewer, sewerage system, treatment plant or facility or sewer connection is not being maintained and operated in accordance with the provisions of this Ordinance, the General Superintendent shall, as soon as practicable, notify the Permittee or whomsoever is responsible for the apparent violation to appear before the Board of Commissioners or its duly designated representative and show cause why he should not be found in violation of this Ordinance.

Such notice shall specify the time and place where a hearing will be held, and notice of such hearing shall be served personally or by registered or certified mail at least ten (10) working days before said hearing; and in the case of a municipality or a corporation such service shall be upon an officer or agent thereof. The Board of Commissioners may itself conduct the

hearing and take evidence, or may designate any of its members or any officer or employee of the District or any other person:

(1) To issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings; and

(2) To take the evidence.

Thereafter the Board of Commissioners shall review said evidence and any recommendations which may be presented in connection therewith, and shall make such findings and issue such orders as it deems appropriate to the enforcement of compliance with the provisions of this Ordinance. Testimony taken at the hearing provided for herein shall be under oath and recorded stenographically, and the transcript so recorded must be made available to any member of the public or to the respondent or party to such hearing upon payment of the usual charges therefore.

(b) When the violation referred to in Section 10 (a) above does not appear to be clearly willful, and does not involve an emergency endangering the public health, the alleged violator shall be made aware of the violation prior to the show cause hearing so as to allow the alleged violator an opportunity to correct the violation and secure compliance with the provisions of this Ordinance and the terms and conditions of permits issued hereunder prior to the show cause hearing.

(c) With respect to violations of the Sewer Permit Ordinance cited after August 31, 1984, an inspection fee of \$100.00 shall be charged by the District for each on-site inspection made by the District to ascertain or confirm compliance by a violator hereunder with the construction, operation, and maintenance provisions of this Ordinance or permit issued pursuant to this Ordinance. Such inspection(s) shall be made when requested by a Permittee, or if no such request(s) is (are) made, then upon the compliance date established by an order of the Board of Commissioners, and thereafter as circumstances may reasonably require.

After a hearing on an alleged violation the Board may, in addition to any fine imposed, order any person found to have committed a violation to reimburse the District for the costs of the hearing, including any expenses incurred for inspection, sampling, analysis, administrative costs, and court reporter and attorney fees.

Payment of the above-described costs shall be made by the violator within 30 days of its receipt of an invoice therefore prepared and transmitted by the District to the violator. Invoices issued hereunder which shall be in arrears for more than 30 days shall be subject to an additional late payment charge of 1 1/2% per month until paid.

Section 11. Penalties.

Whoever violates any provisions of this Ordinance, or any amendment hereafter adopted, or fails to comply with an order of the Board of Commissioners issued in accordance with the provisions of this Ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day's continuance of such violation or failure shall constitute a separate offense. The Attorney for the District shall take such action as he may deem necessary to enforce collection and payment of all penalties, to restrain violations of, and to compel compliance with, the provisions of this Ordinance, and with the conditions of any permit issued hereunder.

Section 12. Right to Repeal or Amend Ordinance.

The District reserves the right at any time, and from time to time, to repeal or amend this Ordinance or any provisions thereof; and all permits are issued subject to such right. Where conditions so warrant, the Board of Commissioners after a hearing may waive any of the requirements of this Ordinance and waive any other requirements imposed by rules and regulations adopted for the implementation of this Ordinance.

Section 13. **Sewage and Waste Control Ordinance; Pollution Control Board Rule and Regulations.**

Any construction performed under a permit issued under the provisions of this Ordinance shall comply with the provisions of the District's 'Sewage and Waste Control Ordinance' and the rules and regulations of the Illinois Pollution Control Board, wherever the same are applicable.

Section 14. **Construction Under Former Ordinances.**

Construction under any permit issued prior to the effective date of this Ordinance shall be governed by the provisions of the ordinances in force at the time said permit was issued.

Section 15. **Permits not Required in Municipalities 500,000 Population.**

Nothing in this Ordinance shall be construed to require permits in municipalities having a population of over 500,000.

Section 16. **Effect of Court Decisions.**

If the provisions of any section of this Ordinance shall be declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provision of the remaining paragraphs shall nevertheless continue in full force and effect.

Section 17. **Effective Date.**

This Ordinance became effective on the 1st day of January 1970. The last amendment became effective July 8, 1999.