CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
June 7, 2016
7:30 p.m.

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Proclamation**
   a. Crystal Lake Public Library Summer Reading Program

5. **Approval of Minutes – May 17, 2016 Regular City Council Meeting**

6. **Accounts Payable**

7. **Public Presentation**
   The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.

8. **Mayor's Report**

9. **City Council Reports**

10. **Consent Agenda**
    a. TMJ Land, Inc. (Querhammer & Flagg Funeral Home), 50 W. Terra Cotta Ave.-Motion to refer the petitioner's request to the July 6, 2016 Planning and Zoning Commission meeting for zoning consideration and to the July 19, 2016 City Council meeting for the annexation public hearing.

11. **Aroma Coffee & Wine House, 77 E. Woodstock St. – City Code Amendment to increase the number of Class "3" liquor licenses.**

12. **Crystal Lake Brewing, 150 N. Main St. – Temporary Use Permit request to allow mobile food vendors.**

13. **Crystal Lake Lions Club Lease Amendment-Final Lease Agreement.**

14. **Kensington Subdivision (Formerly Bryn Mawr Phase II), North of Route 176, West of Bryn Mawr Lane - Annexation Public Hearing, Annexation agreement amendment to allow R-2 PUD, R-3B PUD and B-2 PUD zoning, Comprehensive Plan Amendment, and Rezoning to R-2 PUD Single Family, R-3B PUD Multi-Family Residential and B-2 PUD General Commercial.**

15. **Amending Chapter 435, Sewer Use, of the City Code.**

16. **Resolution to support the application for Highway Safety Improvement Program funding for the Congress Parkway and Exchange Drive Signalization Project.**

17. **Resolution to support the application for Illinois Transportation Enhancement Program funding for the Main Street and Crystal Lake Avenue Gateway Improvement Project.**

18. **Resolution authorizing the execution of a contractual agreement with the Illinois Department of Revenue to enable the Crystal Lake Police Department to participate in the fiscal year 2017 Tobacco Enforcement Program.**

19. **Discussion Only – Downtown Property Owner Survey for Potential Special Service Area.**

20. **Discussion Only – Pocketed Annexations.**

21. **Adoption of a resolution designating items as surplus equipment and the execution of agreements with Obenauf Auction Services, Inc. and other specialized brokers for the sale of surplus equipment and the scrapping of items in accordance with the City's scrap metal policy.**

22. **Bid award and resolution authorizing the execution of a service contract with Copenhaver Construction Inc. for trench drain, grate and catch basin installation.**

23. **Bid award and resolution authorizing the execution of a contract with Detroit Salt Co. for untreated road salt and Compass Minerals America Inc. for treated road salt for 2016/2017 with the option for a second year.**

24. **Council Inquiries and Requests.**

25. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**

26. **Reconvene to Regular Session.**

27. **Library Board Reappointments.**

28. **Adjourn.**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.

Agenda Item No: 10a

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: TMJ Land, Inc. (Querhammer & Flagg Funeral Home) - Annexation Referral - 500 W. Terra Cotta Avenue

Recommendation: Motion to refer the petitioner's request to the July 6, 2016 Planning & Zoning Commission meeting for zoning consideration and to the July 19, 2016 City Council meeting for the annexation public hearing.

Staff Contact: Michelle Rentzsch, Community Development Director

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Background: The petitioner is requesting annexation of three parcels that total approximately 2.9 acres, located at 500 W. Terra Cotta Avenue. The property is improved with Querhammer & Flagg Funeral Home.

The petitioner respectfully requests that this matter be referred to the July 6, 2016, Planning & Zoning Commission meeting for zoning consideration and the July 19, 2016, City Council meeting for the annexation public hearing.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 11

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: City Code Amendment to Increase the Number of Class "3" Liquor Licenses– Applicant: Aroma Coffee & Wine House.

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class "3" Liquor Licenses from the current permitted 6 licenses to 7 licenses.

Staff Contact: Eric Helm, Deputy City Manager

Background:
The City has received a request from Dawn Kincaid, president/owner of Aroma Coffee & Wine House, for the Council to consider the adoption of an ordinance providing for an amendment to the liquor license restriction provisions of the City Code, increasing the number of Class "3" liquor licenses from the current 6 licenses to 7 licenses. Aroma Coffee & Wine House will be located at 77 E. Woodstock St. in the old Carl's Furniture store.

Section 329-5-B of the City Code permits the issuance of a Class "3" liquor license for the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and 10:00 a.m. on Sunday and 1:00 a.m. on Monday.

Other current holders of a Class "3" liquor license are, Chili's Grill & Bar, Fire Bar and Grill, Georgio's Chicago Pizzeria & Pub, Las Cazuelitas, Pablo's Mexican Restaurant and Texas Roadhouse.

The applicant does not currently hold a liquor license with the City of Crystal Lake. The applicant has completed a criminal background check, which showed no criminal record. The issuance of the license will be dependent on the issuance of Certificate of Occupancy and all other supporting documents.

Votes Required to Pass:
Simple majority

Ord. No. 7224
File No. 255L

DRAFT COPY

The City of Crystal Lake Illinois

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CRYSTAL LAKE

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be amended as follows:

1. Class 3 License shall be increased from 6 to 7.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 7th day of June, 2016.

City of Crystal Lake, an
Illinois municipal corporation

_____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

_____
Nick Kachiroubas, City Clerk

Passed: June 7, 2016
Approved: June 7, 2016

Agenda Item No: 12

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Crystal Lake Brewing / Temporary Use Permits request to allow mobile food vendors.

Recommendation: Motion to approve the issuance of Temporary Use Permits for Crystal Lake Brewing to allow Mobile Food Vendors, pursuant to the recommended conditions below.

Staff Contact: Michelle Rentzsch, Director of Community Development

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Background: Crystal Lake Brewing and three mobile food vendors have applied for Temporary Use Permit (TUP) approval to allow for the temporary use of food vendors for various Friday nights at the Crystal Lake Brewing property at 150 North Main Street.

Pierogi Wagon, Ana's Eats and Treats, and Wooden Paddle are the food vendors that would like to be on-site on Friday nights on a rotating schedule (not all Friday nights would be utilized) from June through May of 2017.

Section 2-500.8 of the UDO (UDO regulations attached) allows up to six mobile vendors of which three may be food vendors which may be issued administratively by the Director of Community Development. The TUP is issued for a period of one year effective from May 1 through April 30. TUP requests beyond the limits defined in the UDO must be reviewed and approved by the City Council. Currently, there are three mobile food vendors who have received administrative approval – all of them for Crystal Lake Brewing.

If approved, the following conditions are recommended:

1. These Temporary Use Permits shall be valid for Periogi Wagon, Ana's Eats and Treats, and Wooden Paddle mobile food trucks –limited to a single mobile food vendor at a time- at Crystal Lake Brewing at 150 N. Main Street for the Fridays from June 8, 2016 to May 31, 2017. The location of the mobile food trucks will be on the west side of the building, north of the entrance/exit onto Grant Street.
2. Any junk or debris that may be created by the mobile food truck shall be cleaned up on a continuing basis. Waste materials need to be stored in approved containers away from the mobile unit, such as in the Crystal Lake Brewing dumpster.
3. The indicated location for the mobile food truck is acceptable. Ensure that a 20-foot access for emergency vehicles to gain access to the building, fire hydrants, and Fire Department Connection is maintained.

4. All mobile food trucks shall have an annual inspection by the Fire Prevention Bureau prior to use within the City. Contact the Fire Prevention Bureau at 815-356-3640 ext 4147 to schedule the inspection.
5. The heat source used in the mobile food truck was not indicated (LP gas or electric). If LP gas is used the following conditions exist:

A. Cooking/warming equipment shall be in good working condition and cleaned of grease or other combustible material.

B. Portable LP gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP gas containers shall be securely fastened in place by use of an approved method to prevent unauthorized movement, tipping, or regulator damage.

C. Fittings, valves, and hoses used with LPG equipment shall be maintained in good working condition. When, in the opinion of the Fire Code Official, an unsafe condition exists with the fitting, valve, or hose used by the equipment, it shall be replaced or the equipment shall not be used.

D. LP containers shall be stored within a suitable enclosure or otherwise protected against tampering.

5. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooling appliances used for commercial purposes that produce grease-laden vapors. 2006IFC Section 609.2.
6. Combustible materials shall be kept a minimum of three feet from cooking appliances.
7. Provide a fire extinguisher of minimum size 2A10BC in the cooking area. Cooking equipment involving vegetable or animal oils and fats shall be protected by a Class K rated portable fire extinguisher. 2006 IFC Section 904.11.5.
8. Comply with all other requirements for mobile food vendors, as detailed in the UDO Temporary Use Permit section.
9. The point of sale shall be noted as Crystal Lake for sales tax. Provide a copy of your vendor's Illinois Business Tax (IBT) number to Community Development.
10. Provide copy of McHenry County Health Department certificate/approval prior to opening.

The applicant has been made aware of these recommended conditions and advised to attend the June 7, 2016, City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 13

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Final Lease Agreement for Crystal Lake Lions Club Ground Lease Amendment

Recommendation: City Council's discretion

Staff Contact: Michelle Rentzsch, Community Development Director

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Background:
At the May 17, 2016 City Council meeting the Crystal Lake Lions Club Ground Lease Amendment was discussed. At the direction of the City Council, City staff has revised the language in the Amendment to clarify the meaning of community sign. The language now clarifies what constitutes a community message and prohibits messages of political purposes.

The Lions Club is in agreement with the changes.

Votes Required to Pass: Simple majority vote

DRAFT COPY

The City of Crystal Lake Illinois

RESOLUTION

WHEREAS, the City of Crystal Lake and the Crystal Lake Lions Club entered into a Ground Lease September 15, 2009; and,

WHEREAS, the purpose of the Ground Lease was to erect a Deep Double Face LED Electronic Message Center (EMC) in McCormick Park; and,

WHEREAS, the EMC was subsequently erected and is currently functioning; and,

WHEREAS, the City of Crystal Lake and Crystal Lake Lions Club desire to change and clarify the terms and conditions of the Ground Lease.

NOW, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute an amendment to the Ground Lease between the City of Crystal Lake and the Crystal Lake Lions Club.

DATED this 17th day of May, 2016

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

_____
CITY CLERK

PASSED: May 17, 2016

APPROVED: May 17, 2016

Agenda Item No: 14

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Kensington Subdivision Annexation Agreement Amendment, Comprehensive Plan Amendment and Rezoning requests – located north of Route 176, west of Bryn Mawr Lane.

Request: **ANNEXATION AGREEMENT AMENDMENT PUBLIC HEARING**

1) Annexation Agreement Amendment to allow R-2 PUD, R-3B PUD and B-2 PUD zoning.

2) Comprehensive Plan Amendment to change the land use designation from Estate Residential and Office to Urban Residential, High Density Residential and Commerce.

3) Rezoning to R-2 PUD Single-Family, R-3B PUD Multi-Family Residential and B-2 PUD General Commercial.

Petitioner: Joe Gottemoller on behalf of Kenneth Rawson, petitioner

Recommendation: City Council's discretion:

1. Motion to approve the annexation agreement amendment and to adopt ordinances authorizing the amendment to the annexation agreement, Comprehensive Plan Amendment and rezonings to the R-2PUD, R-3B PUD and B-2 PUD zoning districts, for the approximately 223 acres, not including Bryn Mawr Subdivision Phase I.
2. Motion to deny the petitioner's request for an annexation agreement amendment, Comprehensive Plan amendment and rezonings.

Staff Contact: Michelle Rentzsch, Community Development Director

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Current Request: At the request of the petitioner, this project has been substantially modified to eliminate many of the prior requests that were brought to the Planning and Zoning Commission. The list of requests and highlights of the PZC meeting are listed starting on page 2 of this report.

The current annexation agreement amendment request would allow for changes to the Comprehensive Plan and zoning. The petitioner is requesting rezoning which would allow for

future Planned Unit Developments to include smaller lots, multi-family housing and commercial development.

This approval would not grant any approval for any land plan. No lots are created through this request. Any development of this site would require the full PUD review and approval.

This annexation agreement amendment does not grant the applicant any vested rights to develop townhomes, single-family residential homes or commercial developments. This annexation agreement amendment allows the City to rezone the property to the Estate Residential zoning district on January 1, 2021 in the event a PUD has not be approved for the subject property.

Building permits could not be issued until approval of an Amendment to the Boundary Line Agreement with the Village of Lakewood, a mutually agreeable development agreement and the infrastructure improvements have been made operational by the developer for the subject property.

If the Council approves the annexation agreement amendment, the future developer would be required to submit for Preliminary and Final Planned Unit Development and Plat of Subdivision approvals with the necessary engineering, traffic, and other studies, for the potential development.

Background:

- 2001: The subject property, as well as phase I of Bryn Mawr, was annexed into the City of Crystal Lake. The property was zoned Residential Estate and Office Planned Unit Development and the preliminary plat for 331 single-family lots was approved.
- 2004: Preliminary and Final PUD/ Plat of Subdivision for Phase I (91 homes) of Bryn Mawr was approved and has been constructed.
- 2006: City established Special Service Area Number 45. $5,935,000 of Special Service Area Number 45 Bonds were issued for purposes of reimbursing the Developer for a portion of costs associated with construction and installation of public improvements. Special Service Area Number 45 Bonds were to be repaid from property taxes assessed against property within Special Service Area 45, not ad valorem taxes.
- 2009: Rezoning, Comprehensive Plan Amendment and Conceptual Review. A request was brought before the PZC and City Council for townhomes at the intersection of Bryn Mawr Lane and Route 176. The request received a negative recommendation from PZC and did not appear before the City Council.
- 2010: Conceptual Review and Annexation Agreement Amendment. A request for feedback for the construction of townhomes was brought to the PZC and City Council. Overall, the PZC and City Council liked that the wetlands were being protected and seemed to favor the layout compared to the original preliminary plat. Both had concerns about density. The City Council conditionally approved an amendment to the Annexation Agreement to allow townhomes. The amendment was contingent on the approval of a boundary line agreement amendment, which was never pursued.
- 2011: Collections of Special Service Area Number 45 property taxes were identified to be insufficient to pay bond principal and interest that was due on February 1, 2012. Four (4) parcels within Special Service Area had not remitted payment of property tax to the McHenry County Treasurer.

- 2012: $156,809.82 of General Fund reserves were used to pay Special Service Area Number 45 bond principal and interest that came due February 1, 2012. A stipulation to pay back the City this dollar amount is included in the AA Amendment document.
- 2015: Conceptual Review. A proposed townhome and single-family development went before the PZC and City Council. The PZC felt that the lots should be larger, less density, and they were concerned with the sewer capacity and boundary agreement with Lakewood. The City Council felt that the proposed density was too high, but that they would be willing to look at an increase in density for that area.

- April 20, 2016: The petitioner requested the following: **1)** Comprehensive Plan Amendment to change the land use designation from Estate Residential and Office to Urban Residential, High Density Residential and Commerce, **2)** Rezoning to R-2 PUD Single-Family, R-3B PUD Multi-Family Residential and B-2 PUD General Commercial, **3)** Preliminary Plat of Subdivision to create 300 single-family lots and 203 multi-family lots with outlots for detention, open space and park site, **4)** Preliminary Planned Unit Development for a 503-lot residential development, **5)** Variations from Section 3-200(A)(6) Multi-Family Residential Dimensional Standards to allow: a. A lot area less than the required 13,400 square feet to allow a minimum of 3,820 square feet, b. A lot width less than the required 80 feet to allow a minimum of 71.92 feet, c. A front yard setback of zero from the required 30 feet, d. A rear yard setback of zero feet from the required 20 feet, e. A side yard setback of zero feet from the minimum required 8 feet, f. A corner-side yard setback of less than 30 feet to allow a minimum of 3 feet, g. A yard abutting a residential district that is less than the required 50 feet to allow a minimum of 25 feet, h. A maximum building coverage of up to 80% that is greater than the maximum of 30%, i. A maximum impervious surface coverage of up to 85% that is greater than the maximum of 65%, and j. A maximum floor area ratio of up to 1.40 that is greater than the maximum of 0.60, **6)** Variation from Section 3-300(D) Locations of Buildings to allow townhomes that do not abut a public or private street, and **7)** Variation from Section 5-300(G)(1) Open Space Requirements and Standards for Conversation Design to allow 20% open space instead of the required 40%. **The PZC made a motion to deny the request and the motion passed with a 7-0 vote.**
    - The PZC had stated that they couldn't support a Comprehensive Plan amendment based on what was brought before them.
    - The PZC felt that the rezoning was not appropriate for the area and that the west edge of Crystal Lake should be residential estate zoning.
    - The PZC felt they could not support granting any variations with the land being a blank slate, there is room for the subdivision to be designed without any variations.
    - The PZC felt it was not appropriate to have a commercially zoned lot abutting the single-family residential estate zoning lots.
    - The PZC felt like the townhomes around the "lake" area was okay, but at a lower density with higher quality architecture.
    - The PZC felt that the Findings of Fact had not been met.

Key Factors:

- Request: After receiving a negative recommendation from the Planning and Zoning Commission at the April 20, 2016 PZC meeting, the petitioner is now requesting an Annexation Agreement Amendment to rezone the land designated as RE PUD to R-2 PUD & R-3B PUD and Office PUD to B-2 General Commercial PUD (please see attached exhibit showing the requested zoning areas), which would also require a Comprehensive Plan Amendment to allow Urban Residential, High Density Residential and Commerce.
- The 2001 annexation agreement contains stipulations requiring that the residential portion of the development be developed as single-family residential lots, which are at least 20,000-square-feet in area. The petitioner is seeking an annexation agreement amendment that acknowledges the possibility of townhomes and smaller single-family lots within the development. The petitioner has presented a concept plan in conjunction with this request. The sketch plan illustrates townhomes on the westernmost 65 acres of the development, immediately to the east of Route 47 and single-family lots with a greenway buffer adjacent to Bryn Mawr Phase I.
- The 2001 annexation agreement also contains stipulations requiring the property zoned as Office be developed as an office research district. The petitioner is seeking an annexation agreement amendment that acknowledges the possibility for commercial development.
- The dimensional standards for the existing and proposed zoning districts are listed in the table below.

Use	**Lot Size**		**Yards**						**Bulk**			
	Area	Width	Front	Rear	Total side	Min side	Side abut street	Side abut resid	Lot Cov	FAR	Height Princ Structure	Height Access Structure
	Sq. Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.	%	- -	Ft./St.	Ft./St.
EXISTING ZONING												
RE	20,000	100	50	20	30	10	50	0	45	.50	28/2	15/1
O	20,000	80	30	20	20	10	30	50	65	1.0	28/2	15/1
PROPOSED ZONING												
R-2	8,400	70	30	20	18	7	30	0	50	.80	28/2	15/1
R-3B	5,400+ 4,000 for each additional unit	60+10 each additional unit	30	20	30	8	30	50	65	.60	36	15/1
B-2	20,000	100	30	20	0	0	30	50	65	1.5	28/2	25/2

Density:

- The total area of the subject property is approximately 223 acres.
- The sketch plan illustrates R-2 PUD zoning with an average lot area of 11,025sf. The minimum lot area for the R-2 zoning district is 8,400sf.
- The typical townhome site plan R-3B PUD zoning with 200 townhomes. The townhome lots would have to meet the R-3B zoning district standards unless a variation is granted at the time of preliminary plat.

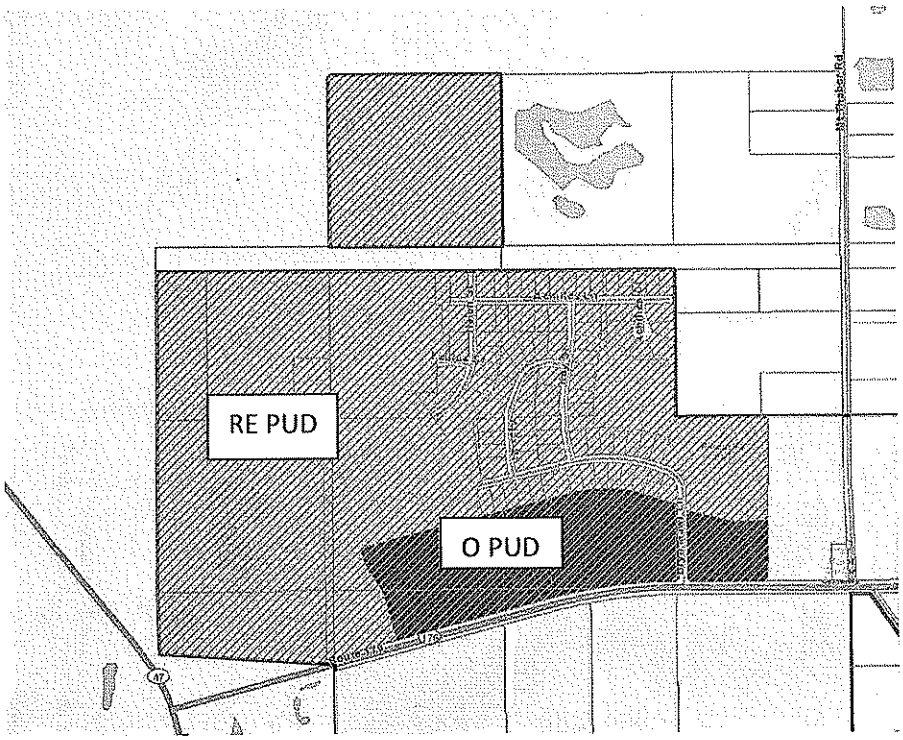
Utilities:

- The petitioner has agreed to the necessary infrastructure improvements in order to service the development.

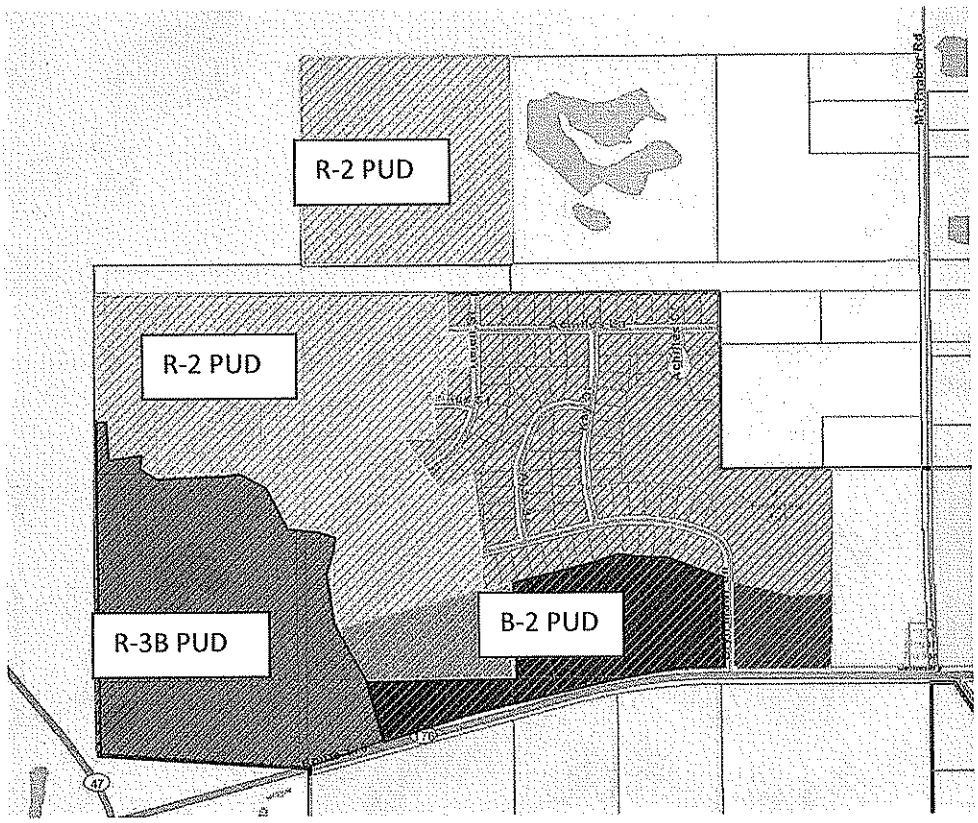
The annexation agreement amendment was drafted by special counsel and has been reviewed and agreed upon by the petitioner.

Votes Required to Pass: A super majority of 5 votes is needed to overturn the PZC's negative recommendation for the rezoning request and also to approve the annexation agreement amendment.

Existing Zoning



Proposed Zoning



ORDINANCE NO. _____
FILE NO. _____

DRAFT

AN ORDINANCE APPROVING AN AMENDED AND RESTATED ANNEXATION AGREEMENT RELATING TO THE KENSINGTON DEVELOPMENT

WHEREAS, it is in the best interests of the City of Crystal Lake, McHenry County, Illinois, that a certain Amended and Restated Annexation Agreement Relating to the Kensington Development ("**Agreement**"), a copy of which is attached hereto and incorporated herein, be entered into; and

WHEREAS, PBIL OREO LLC, Eugene A. De St. Aubin & Bro., Inc., 1st Midwest Trust Company NA (Trust #6603 & 6602) and Home State Bank State Bank (Trust #6161), Owners, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article 11 of the Illinois Municipal Code, as amended, for the execution of said Agreement have been fully complied with;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That the Agreement is hereby approved in substantially the form attached hereto as Exhibit A and in a final form acceptable to the City Attorney.

SECTION II: That the Mayor be and he is hereby authorized and directed to execute, and the City Clerk is directed to attest, the Agreement on behalf of the City immediately following: (a) execution of the Agreement by the Owners and delivery thereof to the City Clerk;

and (b) payment by the Owners of the amounts due to the City as provided in Section 24 of the Agreement.

SECTION III: That the City Clerk shall be, and is hereby, authorized and directed to record the Agreement on behalf of the City after execution of the Agreement by the Mayor and City Clerk as provided in Section II of this Ordinance.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

AYES:

NAYS:

ABSENT:

PASSED this 7th day of June, 2016.

APPROVED by me this 7th day of June, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

EXHIBIT A

AMENDED AND RESTATED ANNEXATION AGREEMENT

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING & A COMPREHENSIVE PLAN AMENDMENT FOR KENSINGTON SUBDIVISION

WHEREAS, PBIL OREO LLC, EUGENE A. DE ST. AUBIN & BRO., INC., FIRST MIDWEST BANK TRUST COMPANY as Trustee under Trust Number 6603 and 6602, and HOME STATE BANK as Trustee under Trust Number 6161, (collectively "***Applicant***") are the record owners of certain real property consisting of approximately 226 acres, more or less, located in Crystal Lake, Illinois, which real property is legally described on Exhibit A attached hereto (the "***Subject Property***") and depicted on the plat of survey attached hereto as Exhibit B (the "***Plat of Survey***"); and

WHEREAS, the Subject Property is currently zoned in the City's RE-PUD Residential Estate Planned Unit Development and O-PUD Office Planned Unit Development zoning districts; and

WHEREAS, pursuant to the terms of an Application (File #2016-10) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the following: (i) rezoning of that portion of the Subject Property legally described in Exhibit C attached hereto (the "***RE Parcel***") into the R-2PUD Single Family Residential Planned Unit Development zoning district and the R-3B Multi Family Planned Unit Development zoning district; (ii) rezoning of that portion of the Subject Property legally described in Exhibit D attached hereto (the "***O Parcel***") into the R-3B PUD Multi Family Planned Unit Development zoning district; and (iii) approval of a "***Comprehensive Plan Amendment***" in the form attached hereto as Exhibit E to provide for Urban Residential, High Density Residential and Commerce uses on the Subject Property, and all as generally depicted on the zoning and land use concept plan attached hereto as Exhibit F (the "***Concept Plan***"), collectively the "***Requested Relief***"); and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on April 5, 2016 in the Northwest Herald, held a public hearing at 7:30 p.m., on April 20, 2016 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the Requested Relief; and

WHEREAS, on April 20, 2016, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the Requested Relief be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2016-10, dated as of April 21, 2016; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Requested Relief be granted as set forth in this Ordinance;

NOW, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That, subject to the terms and conditions of this Ordinance, the Subject Property is hereby zoned as follows:

A. The RE Parcel is hereby zoned in the R-2PUD Single Family Residential Planned Unit Development zoning district and R-3B PUD Multi Family Planned Unit Development zoning district;

B. The O Parcel is hereby zoned in the R-2PUD Single Family Residential Planned Unit Development zoning district and B-2 PUD General Commercial Planned Unit Development zoning district; and

SECTION II: That the Comprehensive Plan Amendment, in the form attached hereto as Exhibit F, is hereby approved.

SECTION III: That the City Clerk be and is hereby directed to: (i) amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake consistent with the approvals granted by Section I of this Ordinance and (ii) amend the official Comprehensive Plan of the City of Crystal Lake in accordance with the Comprehensive Plan Amendment approved by Section II of this Ordinance.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

_____
MAYOR

ATTEST:

_____
CITY CLERK

EXHIBIT A

Legal Description of the Subject Property

EXHIBIT B

Plat of Survey

EXHIBIT C

Legal Description of the RE Parcel

EXHIBIT D

Legal Description of the O Parcel

EXHIBIT E

Comprehensive Plan Amendment

EXHIBIT F

Concept Plan

Agenda Item No: 15

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: City Sewer Use Ordinance

Staff Recommendation: Motion to adopt an ordinance amending Chapter 435, Sewer Use, of the City Code

Staff Contact: Victor Ramirez, P.E., Director of Public Works

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Background:

The City has an established set of local limits, which are parameters established to regulate pollutants discharged into the sanitary sewers. Certain industrial users are required to submit reports to the City who regulates discharges of hazardous materials to the sewer. These reports are used to track the sources of such materials and regulate the overall discharge volume. All reports are then compiled and turned over to the U.S. Environmental Protection Agency (USEPA) as part of the City's audit.

While the existing Local Limits were established by City Ordinance over twenty-five years ago, the current Sewer Use Ordinance (SUO) was modified in 2009 and 2014. The USEPA requires that the Local Limits be reviewed and updated every five years. However, in June 2015, the City received a correspondence from the EPA regarding additional modifications. The proposed Sewer Use Ordinance updates will further ensure the City is in compliance with EPA standards.

Discussion

The following provides highlights regarding recommended changes to the Sewer Use Ordinance:

Section 435-4 Definitions Added
• **Categorical Industrial User** • **Chemical Oxygen Demand or COD** • **Local Limits** • **Monthly Average** • **Monthly Average Limit** • **Daily Maximum**
Other Definitions Amended

• **Best Management Practices may be used in lieu of numerical local limits** • **Wording changed in the Pretreatment Standard to document Section 307 (b) & (c)**
Section 435-6 Federal Categorical Pretreatment Standards Amended
• **Now includes that all indirect dischargers must comply with the Federal Effluent Limit Guidelines**
Section 435-8 Sewer Use Limits/Local Limits
• **In Section A the statement that local limits may be applied at the end of the process was deleted**
Section 435-19 Permit Application Contents
• **Wording improvements were made under "Permit Application Contents"**
Section 435-21 Permit Decisions
• **Wording Improvements under "Deny/Condition New or Increased Contributions"**
Section 435-23 Permit Contents
• **B. (2) now includes a statement to document that the installation of pretreatment technology is mandatory**
Section 435-29 Regulation of Waste Received From Other Jurisdictions
• **Wording was changed as it relates to inter-municipal agreements**
Section 435-33 Periodic Compliance Reports
• **A section was added entitled "Reduce periodic compliance reporting"**
Section 435-54 Administrative Fines
• **"Administrative penalties or fines" wording was added to explain how unpaid fines are handled as well as appeals procedures on fines or other enforcement actions**
Section 435-62 Public Nuisances
• **Wording was added in bold italics to this section defining "public nuisances"**

Recommendation:

It is the recommendation of the Public Works Department to amend Chapter 435 of the City Code to include approved modifications from the EPA.

These changes have been reviewed by the City's special counsel.

Votes Required to Pass:

Simple Majority

DRAFT

Amendment to the Code of Ordinances to the City of Crystal Lake Chapter III – A Water and Sewer Regulation

Section 1. Chapter 435, Sewer Use, of the Code of the City of Crystal Lake is repealed and replaced as follows:

Chapter 435
SEWER USE

ARTICLE I – General Provisions

§ 435-1. Purpose and Policy; Applicability

A. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Crystal Lake and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

B. The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(6) To enable the City of Crystal Lake to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

C. This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 435-2. Administration

Except as otherwise provided herein, the Director of Public Works or his/her designee, the Superintendent, shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.

§ 435-3. Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD - Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR - Code of Federal Regulations

CIU – Categorical Industrial User

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

gpd - gallons per day

IU – Industrial User

MAIL – Maximum Allowable Industrial Loading

mg/l - milligrams per liter

NAICS – North American Industry Classification System

NPDES - National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIU - Significant Industrial User

SNC – Significant Noncompliance

SIC - Standard Industrial Classification

TSS - Total Suspended Solids

U.S.C. - United States Code

§ 435-4. Definitions

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

A. ACT or "THE ACT" The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. 1251 et seq.

B. APPROVAL AUTHORITY The director of the Illinois Environmental Protection Agency or the Administrator of the U.S. Environmental Protection Agency.

C. AUTHORIZED REPRESENTATIVE OF THE USER

(1). If the user is a corporation:

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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can assure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3). If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(4). The individuals described in Subsections 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Crystal Lake.

D. BIOCHEMICAL OXYGEN DEMAND or BOD The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. BEST MANAGEMENT PRACTICES or BMPs The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.** BMPs may also be used in lieuof of numerical local limits.

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

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. CITY The City of Crystal Lake or the Mayor and City Council of the City of Crystal Lake.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The City of Crystal Lake

K. DAILY MAXIMUM The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

M. ENVIRONMENTAL PROTECTION AGENCY or EPA The U.S. Environmental Protection Agency.

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

L. GRAB SAMPLE. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

N. INSTANTANEOUS LIMIT The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete (grab) or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

O. INTERFERENCE A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; any state regulations

contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

P. LOCAL LIMITS Specific discharge limits developed and enforced by the City of Crystal Lake upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Q. MEDICAL WASTE Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

R. MONTHLY AVERAGE The sum of all"daily discharges" measured during a calendar month divided by the number of "daily discharges" measuredduring that month.

S. MONTHLY AVERAGE LIMIT The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number "daily discharges" measured during that month.

T. NEW SOURCE

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

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

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

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

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

(3). Construction of a new source as defined under this definition has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

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

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

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

U. NONCONTACT COOLING WATER Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

V.PASS-THROUGH A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

W. PERSON Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or its legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

X. pH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

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

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

AA. PRETREATMENT REQUIREMENTS Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

BB. PRETREATMENT STANDARDS or STANDARDS Prohibited discharge standards, categorical pretreatment standards, and local limits. As documented in § 307 (b) & (c) of the Clean Water Act.

CC. PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 435-5 of this ordinance.

DD. PUBLICLY OWNED TREATMENT WORKS or POTW A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City of Crystal Lake. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

EE. SEPTIC TANK WASTE Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

FF. SEWAGE Human excrement and gray water (household showers, dishwashing operations, etc.).

GG. SIGNIFICANT INDUSTRIAL USER (SIU)

A user:

(1) Subject to categorical pretreatment standards; or

(2) That:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater);

(b) Contributes a process waste-stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

(3) The City of Crystal Lake may determine that an industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the City of Crystal Lake's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Article IV (435-20) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection A (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, The City of Crystal Lake may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User (SIU).

HH. SLUG LOAD or SLUG Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 435-5 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

II. STANDARD INDUSTRIAL CLASSIFICATION CODE (SIC) Or NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

JJ. STORMWATER Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

KK. SUPERINTENDENT The person designated by the Director of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

LL. TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

MM. USER or INDUSTRIAL USER A source of indirect discharge.

NN. WASTEWATER Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated that are discharged into the POTW.

OO. WASTEWATER TREATMENT PLANT or TREATMENT PLANT That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

ARTICLE II– General Sewer Use Requirements

§ 435-5. Prohibited Discharge Standards

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

B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

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

(2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half inch in any dimension);

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 149 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent, or his/her designee, in accordance with § 435-14 of this ordinance;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating POTW's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.

(12) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent or his/her designee;

(13) Sludge, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Superintendent or his/her designee, in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l; and mineral or petroleum oils in concentrations greater than 100 mg/l; or

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

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

§ 435-6. Federal Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent, or his/her designee, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent or his/her designee shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

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

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

Note: The Federal Effluent Limit Guidelines (ELG's) are "incorporated" into the SUO, and all indirect dischargers must comply with the ELG's.

§435-7. State Pretreatment Standards.

State pretreatment standards located at Title 35: Subtitle C, Chapter 1, Section 302, are hereby incorporated by reference.

§ 435-8. Sewer Use Limits / Local Limits

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

Discharge Limit (mg/l)	**Pollutant**
26	Ammonia Nitrogen
0.1	Arsenic
24.0	Barium
0.1	Cadmium
2225	Chloride
0.3	Chromium (Hex)
8.5	Chromium (Tot)
0.5	Copper
0.3	Cyanide
7.0	Fluoride
20.0	Iron
0.6	Lead
40	Manganese
0.4	Molybdenum
0.0005	Mercury
0.3	Nickel
11.0	Phenols
1.3	Selenium
0.25	Silver
2500	Sulfate
1.0	Zinc
100	Fats, oil and grease (FOG) [Mineral or petroleum origin]
200	Fats, oil and grease (FOG) [Food

Discharge Limit (mg/l)	Pollutant
	origin]
236	Biochemical Oxygen Demand (BOD)
272	Total Suspended Solids (TSS)
10	Phosphate, total (as P)
	Note: Discharge Limit for pH (5.0 – 9.5) Standard Units (SU)

A. The above limits apply at the end of pipe where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. The Superintendent, or his/her designee, may impose mass limitations in addition to, or in place of, the concentration-based limitations above. In any case, the most stringent requirement and limitation of federal or state laws or of this ordinance shall apply.

B. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Sewer Use / Local Limits and the requirements of Article II, Section 435-5.

§ 435-9. City's Right of Revision

The City of Crystal Lake reserves the right to establish, by ordinance or general wastewater discharge permits, more stringent standards or requirements on discharges to the City's POTW consistence with the purpose of this ordinance. The specific limitations on discharge listed in Article II, Section 435.8 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those IUs, at the City's discretion, that contribute the regulated pollutant and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific discharge limit. In no case shall all allocations exceed the MAIL.

The City of Crystal Lake will maintain a reserve of the maximum allowable head-works pollutant loading for each pollutant for new industries or increase with existing industries. The City will recalculate the maximum concentrations from time to time using site specific data taking into consideration revisions to State and Federal regulations that may impact the calculations.

§ 435-10. Dilution; Imposition of Mass Limitations

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

ARTICLE III – Pretreatment of Wastewater

§ 435-11. 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 § 435-5 of this ordinance within the time limitations specified by the EPA, the state, or the POTW, 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 Superintendent, or his/her designee, for review, and shall be acceptable to the Superintendent, or his/her designee, 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 under the provisions of this ordinance.

§ 435-12.Additional Pretreatment Measures

A. Whenever deemed necessary, the Superintendent, or his/her designee, 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 wastestreams from industrial wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

B. The Superintendent, or his/her designee, may require any person discharging into the POTW to install and maintain, on their property and at his/her expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, or his/her designee, 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 Superintendent, or his/her designee, and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.

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

§ 435-13. Accidental Discharge/Slug Control Plans

At least once every two years, the POTW shall evaluate whether industrial/commercial users need an accidental discharge/slug control plan. The Superintendent, or his/her designee, may require any user to develop, submit for approval, and implement such a plan. **Note: All Significant Industrial Users (SIUs) are required to prepare and implement a Slug Control Plan as documented in their wastewater discharge permits [40 CFR 403.8(f)(iii)(B)(6)].** New SIUs will be required to prepare the plan within one year of the issuance of their wastewater discharge permit [40 CFR 403.8(f)(2)(vi)]. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. General information: name and address, facility contact, description of discharge practices, including non-routine batch discharges, security provisions and employee training;

B. Facility layout flow diagrams: general layout, including mapping of manufacturing, storage, transportation, disposal areas, location of all floor drains, wash sinks, etc.;

C. Material inventory: description of stored chemicals, types, volumes, containers, etc.;

D. Slug reporting: procedures for immediately notifying the Superintendent, or his/her designee, of any accidental or slug discharge, as required by § 435-35 of this ordinance;

E. Spill and leak prevention equipment, operations and maintenance procedures: definition of available equipment, plans to obtain needed equipment and 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, and measures for containing toxic organic pollutants, including solvents;

F. Emergency response equipment and procedures: inventory and location of equipment and procedures;

G. Training program: assurance that the plan is implemented by providing for employee training; and

H. Certification: a certification by a professional (person with knowledge of plan and its purpose) that the plan is adequate to prevent and control slug and accidental discharges.

§ 435-14. Hauled Wastewater

A. Septic tank waste is prohibited.

B. The Superintendent, or his/her designee, shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent, or his/her designee, may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent, or his/her designee, also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent, or his/her designee. No load may be discharged without the prior consent of the Superintendent, or his/her designee. The Superintendent, or his/her designee, may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent, or his/her designee, may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

ARTICLE IV– Wastewater Discharge Permit Application Process

§ 435-15. Wastewater Analysis

When requested by the Superintendent or his/her designee, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent, or his/her designee, is authorized to prepare a form for this purpose and may periodically require users to update this information.

§ 435-16. Permit Requirements

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the POTW, except that a significant industrial user that has filed a timely application pursuant to § 435-17 of this ordinance may continue to discharge for the time period specified therein.

B. If an industrial user (IU), other than a significant or categorical industrial user (CIU) meets any of the criteria set forth in this ordinance, or has a reasonable potential for adversely affecting the POTW, or causing violation of any pretreatment standards or NPDES requirements, the IU shall be required to obtain a wastewater discharge permit from the POTW.

C. The Superintendent, or his/her designee, may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

D. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Articles X through XII of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

§ 435-17. Permit Requirements for Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the POTW for a wastewater discharge permit in accordance with § 435-19 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent, or his/her designee.

§ 435-18. Permit Requirements for New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 435-19 of this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

§ 435-19. Permit Application Contents

A. All users required to obtain a wastewater discharge permit must submit a permit application.

B. The Superintendent or his/her designee, may require all users to submit as part of an application the following information:

(1) All information required by § 435-30B of this ordinance;

(2) A description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(3) The number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) Each product produced by type, amount, process or processes, and rate of production;

(5) The type and amount of raw materials processed (average and maximum per day);

(6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(7) The time and duration of discharges; ***this includes flow measurement information showing the measurement average daily and maximum daily flow, in gallons per day to the POTW from regulated process streams and other streams, as necessary, to allow the use of the combined wastestream formula set out in 40 CFR 403.6(e) (if applicable);***

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 435-33 D [40 CFR 403.129(e)(2)]; and

(9) Any other information as may be deemed necessary by the Superintendent, or his/her designee, to evaluate the wastewater discharge permit application.

Note: Currently, the City of Crystal Lake issues wastewater discharge permits to CIU's and or SIU's, but does not currently issue general permits. However, the City reserves the right to do so if requested by the superintendent or his/her designee.

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

§ 435-20. Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

A. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an authorized representative. *This regulation also applies to reports submitted by the POTW (City of Crystal Lake) to another Control Authority (State or Federal), if the Control Authority is not the POTW.*

B. If the City of Crystal Lake determines that a facility is a Non-Significant Categorical Industrial User (NSCIU) pursuant to 1.4 GG(3), the facility must annually submit the signed certification statement in Article VI Section 435-43 [40 CFR 403.3(v)(2)].

§ 435-21. Permit Decisions

The Superintendent, or his/her designee, will evaluate the data furnished by the user and may require additional information. The Superintendent, or his/her designee, will determine whether or not to issue a wastewater discharge permit. The Superintendent, or his/her designee, may deny any application for a wastewater discharge permit. ***If a wastewater discharge permit is issued, specific conditions shall be applied to the permit if it is warranted.***

ARTICLE V– Wastewater Discharge Permit Issuance Process

§ 435-22. Duration of Permit

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent, or his/her designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

§ 435-23. Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent, or his/her designee, to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

(1) A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with § 435-26 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(4) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(6) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 435-33 D;

(7) Requirements to control Slug Discharge, if determined by the City to be necessary; and

(8) Any grant of the monitoring waiver by the City (Section 435-33 D) must be included as a condition in the User's permit [or other control mechanism].

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works; **Note: that if the installation of pretreatment technology is implemented to meet discharge limits, it is mandatory to provide a schedule for such installation as documented in 40 CFR § 403.8(f)(1)(iv).**

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Superintendent, or his/her designee, to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

§ 435-24. Permit Appeals

The City of Crystal Lake shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City of Crystal Lake to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

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

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the City of Crystal Lake fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a

wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of McHenry County, State of Illinois, within 35 days of the date of the final administrative wastewater discharge permit decision. Such proceeding shall be in accordance with the applicable statutes for judicial review of administrative decisions, or declaratory judgment, whichever applies.

§ 435-25. Permit Modification

The Superintendent, or his/her designee, may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator. Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in § 435-26.

§ 435-26. Permit Transfer

A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days days' advance notice to the Superintendent, or his/her designee, and the Superintendent, or his/her designee, approves the wastewater discharge permit transfer. The notice to the Superintendent, or his/her designee, must include a written certification by the new owner or operator which:

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

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

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

§ 435-27. Permit Revocation; Disposition of Permits upon Transfer of Ownership or Issuance of New Permit.

A. The Superintendent, or his/her designee, may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent, or his/her designee, of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent, or his/her designee, of changed conditions pursuant to § 435-34 of this ordinance;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Superintendent, or his/her designee, timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

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

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

§ 435-28. Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 435-19 of this ordinance, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

§ 435-29. Regulation of Waste Received From Other Jurisdictions

A. If another municipality, or user located within another municipality, whose collection system is not owned, operated and maintained by the City of Crystal Lake and the Mayor and City Council authorizes acceptance of wastewater from another municipality to the POTW, the City of Crystal Lake shall enter into an inter-municipal agreement with the contributing municipality. Connection to the City of Crystal Lake owned, operated and maintained collection system requires each user to comply with all terms of this ordinance. ***If such a situation occurs in the future then the contributing municipality must submit, "such other information as the***

Superintendent may deem necessary." This may include an agreement requiring that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality (in which the POTW is located) to regulate such dischargers.

B. Prior to entering into an agreement required by Subsection A, above, the City of Crystal Lake shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all nondomestic users located within the contributing municipality that are discharging to the POTW; and

C. An inter-municipal agreement, as required by Subsection A above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in § 435-8 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised nondomestic user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City of Crystal Lake; and which of these activities will be conducted jointly by the contributing municipality and the City of Crystal Lake;

(4) A requirement for the contributing municipality to provide the City of Crystal Lake with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Superintendent, or his/her designee, access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent, or his/her designee; and

(8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

ARTICLE VI – Reporting Requirements

§ 435-30. Baseline Monitoring Reports

A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent, or his/her designee, a baseline monitoring report which

contains the information listed in Subsection B, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent, or his/her designee, a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

(1) Identifying information: the name and address of the facility, including the name of the operator and owner.

(2) Environmental permits: a list of any environmental control permits held by or for the facility.

(3) Description of operations: a brief description of the nature, average rate of production, and standard industrial classifications or NAICS Code of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

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

(5) Measurement of pollutants:

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, or his/her designee, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 435-39 of this ordinance.

(c) Sampling must be performed in accordance with procedures set out in §435-40 of this ordinance.

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

(7) Compliance schedule: if additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 435-31 of this ordinance.

(8) Signature and certification: All baseline monitoring reports must be signed and certified in accordance with § 435-20 of this ordinance.

§435-31. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by § 435-30B (7) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations);

B. No increment referred to above shall exceed nine months;

C. The user shall submit a progress report to the Superintendent, or his/her designee, no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the Superintendent, or his/her designee.

§ 435-32. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent, or his/her designee, a report containing the information described in § 435-30 B (4) through (6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 435-20 of this ordinance. All sampling will be done in conformance with Section 435-40.

§ 435-33. Periodic Compliance Reports

[Note: All SIUs are required to submit periodic compliance reports unless they have been designated a Non-Significant Categorical Industrial User (NSCIU) under the streamlining provision per 40 CFR §. (See Subsection E.)

A. All significant industrial users shall, at a frequency determined by the Superintendent, or his/her designee, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 435-20 of this ordinance. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or his/her designee, or the pretreatment standard necessary to determine the compliance status of the user.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working

order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any regulated pollutant more frequently than required by the Superintendent, or his/her designee, using the procedures prescribed in § 435-40 of this ordinance, the results of this monitoring shall be included in the report.

D. The City may authorize an industrial user subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user [40CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Article IV, Section 435-19, B (8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Article I, Section 435-4, A, and include the certification statement in Article IV, Section 435.20 [40 CFR 403.6(a)(2)(ii)].

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the [Superintendent] must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the [Superintendent] for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the users permit by the [Superintendent], the Industrial User must certify on each report with the statement in Article VI, Section 435-43, C, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations The user must immediately: Comply with the monitoring requirements imposed by the [Superintendent], and notify the [Superintendent].

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

E. "Reduce Periodic Compliance Reporting"; As per the streamlining provision in 40 CFR § 403.12(e)(3), NSCIUs are required to submit certification only, one time per year. However, at the discretion of the Superintendent or his/her designee a Periodic Compliance Report may still be a requirement. A "Middle Tier" Significant CIU is required to submit a PCR once per year, and all other CIUs two times per year (at a minimum).

F.All periodic compliance reports must be signed and certified in accordance with Article VI, Section 435-43.

§ 435-34. Reports of Changed Conditions

Each user must notify the Superintendent, or his/her designee, of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

A. The Superintendent, or his/her designee, may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 435-19 of this ordinance.

B. The Superintendent, or his/her designee, may issue a wastewater discharge permit under § 435-21 of this ordinance or modify an existing wastewater discharge permit under § 435-25 of this ordinance in response to changed conditions or anticipated changed conditions.

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

§ 435-35. Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent, or his/her designee, of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall, unless waived by the Superintendent or his/her designee, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users (SIUs) are required to notify the [Superintendent] immediately of any changes at its facility affecting the potential for a Slug Discharge.

§ 435-36. Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent, or his/her designee, as the Superintendent, or his/her designee, may require.

§ 435-37. Notice of Violation; Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent, or his/her designee, within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent, or his/her designee, within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent, or his/her designee, monitors at the user's facility at least once a month, or if the Superintendent, or his/her designee, samples between the users initial sampling and when the user receives the results of this sampling, or if the City of Crystal Lake has performed the sampling and analysis in lieu of the Industrial User [40 CFR 403.12(g) (2)].

§ 435-38. Discharge of Hazardous Waste Prohibited

The discharge of any hazardous waste is prohibited.

§ 435-39. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

§ 435-40. Sample Collection

A. Except as indicated in Subsection B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite collection sampling techniques. In the event flow-proportional sampling is infeasible, the Superintendent, or his/her designee, may authorize the use of time-proportional composite sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City of Crystal Lake, as appropriate.

B. Samples for oil and grease, chromium total, hexavalent chrome, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Article VI, Section 435-30 and 435-32 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for

which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by those documented in Article VI [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

D. For each report, the time, date and place of sampling and methods of analysis and certification that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW shall be provided.

E. The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether national categorical pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the national categorical pretreatment standards.

F. Schedule of additional pretreatment or O&M.

(1) If additional pretreatment or O&M will be required to meet the national categorical pretreatment standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standard.

(2) Where the Industrial User's National Categorical Pretreatment Standard has been modified by the combined waste stream formula [40 CFR 403.6(e)] or net/gross calculations (40 CFR 403.15) at the time the industrial user submits a baseline report, the information required in §435-30 shall pertain to the modified limits.

G. The following conditions shall apply to any schedule submitted in response to § 435-31:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable national categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(2) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.

H. Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, Subchapter N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in Subsection 403.4(k) of 40 CFR 403. (§ 435-4 of this ordinance). New sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

I. All users subject to federal, state or local regulations may be required to establish a compliance schedule in order to achieve compliance. This compliance schedule may be required regardless of whether the discharger has a wastewater discharge permit, and shall contain milestone dates such as described § 435-31. Activities other than construction, and O&M, such as training, installation of spill prevention equipment and slug control plans, may be required within compliance schedules.

J. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided.

§ 435-41. Timing of Receipt of Reports

Written reports will be deemed to have been submitted on the date received. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. Written reports include baseline monitoring reports, periodic compliance reports, monthly monitoring reports, slug plans, toxic organic management plans, wastewater discharge questionnaires, and any other documents required by the City of Crystal Lake.

§ 435-42. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Article II, Section 435-8, B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Superintendent or his/her designee.

§ 435-43 Certification Statements

A. The following certification statements should be used with Permit Applications, User Reports, and Initial Monitoring Waivers. The certification statements are required to be signed and submitted in accordance with Article IV, Section 435-20; User submitting baseline monitoring reports under Article VI, Section 435-30 B (8) [See 40 CFR 403.12(I)]; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Article VI, Section 435-32 [See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Article VI, Section 435-33 A-D [See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Article VI, Section 435-33D(4) [See 40 CFR 403.12(e)(2)(iii)]. The certification statement documented in Article IV, Section 435-20 must be signed by an authorized representative as defined in Article I, Section 435-4.

B. Annual certification for Non-Significant Categorical Industrials Users (NSCIUs) – A facility determined to be a NSCIU by the Superintendent or his /her designee pursuant to Article I, Section 435-4 A (3) and Article VI, Section 435-20 B (See 40 CFR 403.3(v)(2) must annually submit the following certification statement signed in accordance with the signatory requirements in Section 435-4 [See 40 CFR 403.120(I)]. This certification must accompany an alternative report required by [the Superintendent]:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____, to _____, _____ [months, days, year]:

(a) The facility described as _____[facility name] met the definition of a Non-Significant Categorical Industrial User as described in Article I, Section 435-4 A (3); [40 CFR 403.3(v)(2)].

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____

_____

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Article VI, Section 435-33 D must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user [40 CFR 403.12(e)(2)(v)].

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Article VI, Section 435-33 A.

ARTICLE VII – Compliance Monitoring

§ 435-44. Right of Entry

The Superintendent, or his/her designee, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or

order issued hereunder. Users shall allow the Superintendent, or his/her designee, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

§ 435-45. Right of Entry for Inspection and Sampling

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent, or his/her designee, will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Superintendent, or his/her designee, shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Superintendent, or his/her designee, shall require the user to install monitoring facilities as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at minimum one time per year to ensure their accuracy.

D. Monitoring facilities consisting of a manhole or sampling chamber or clean out that meets plumbing code requirements that will provide the POTW with sufficient access to maintain the wastewater service connection, monitor flow, sample building discharge and conduct an inspection in accordance with plans and specifications approved by the POTW Superintendent, or his/her designee, shall be provided. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All food service facilities shall be considered to have a process waste and therefore be required to provide a monitoring facility after the grease interceptor. All users that are in the zoning classification of retail (for food preparation), commercial, industrial or manufacturing will be required to provide a monitoring facility. ***This shall also include any facility that may be located in a residential zoning district that prepares food; such as schools, churches, nursing homes, or assisted living facilities.*** Multitenant buildings shall provide a monitoring facility specific to each individual unit. In the case where a monitoring facility may not have been provided for a specific unit due to the intended use of the unit, provisions shall be in place to provide, at the user's expense, a specific monitoring facility for that unit in the event the intended use changes.

E. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Within 90 days of written notification of requirements, detailed plans showing the monitoring facilities shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to accurately sample and monitor their discharge. Any subsequent changes in the facilities shall be reported to and be acceptable to the City prior to the user's initiation of the changes. Construction shall be completed within 90 days following written notification of acceptability by the City, unless a time extension is otherwise granted by the City.

F. Where required by the City, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an industrial user's facility suitable for the determination of compliance with pretreatment standards.

G. Any temporary or permanent obstruction that does not allow safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent or his/her designee, and shall not be replaced. The costs of clearing such access shall be borne by the user.

H. Unreasonable delays in allowing the Superintendent, or his/her designee, access to the user's premises shall be a violation of this ordinance.

§ 435-46. Search Warrants

If the Superintendent, or his/her designee, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent, or his/her designee, may seek issuance of a search warrant from the Circuit Court of McHenry County.

ARTICLE VIII – Confidential Information

§ 435-47. Availability of User Information to Public; Request to Hold Information Confidential

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent, or his/her designee, inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, or his/her designee, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE IX - Users in Significant Noncompliance

§ 435-48. Publication of List; Definition of "Significant Noncompliance"

The Superintendent, or his/her designee, shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term "Significant

Noncompliance" shall be applicable to all SIUs or any other Industrial User that violates paragraphs (C), (D), or (H) of this Section and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six- month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including Instantaneous Limits as defined in Article II; [See 40 CFR 403.3(I)].

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) -month period equals or exceeds the product of the numeric pretreatment standard or requirement including Instantaneous Limits, as defined by Article II multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [See 40 CFR 403.3(I)].

C. Any other discharge violation of a pretreatment standard or requirement as defined by Article II (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent, or his/her designee, believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public; [See 40 CFR 403.3(I)].

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's, or his/her designee's, exercise of his/her emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violations(s), which may include a violation of Best Management Practices, which the Superintendent, or his/her designee, determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE X– Administrative Enforcement Remedies

§ 435-49. Notification of Violation

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may serve upon that user a written Notice of Violation. Within a specified number of days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent, or his/her designee. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of

Violation. Nothing in this section shall limit the authority of the Superintendent, or his/her designee, to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§ 435-50. Consent Orders.

The Superintendent, or his/her designee, may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 435-52 and 435-53 of this ordinance and shall be judicially enforceable.

§ 435-51. Show-Cause Hearing

The Superintendent, or his/her designee, may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent, or his/her designee, and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show-cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
The user may also request to appear before the Superintendent, or his/her designee, and show cause why the proposed enforcement action should not be taken. All requests shall be submitted in writing by the user at least 10 days after receipt of a violation notice or enforcement action notice.

§ 435-52. Compliance Orders

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 435-53. Cease and Desist Orders

A. When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent, or his/her designee, may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 435-54. Administrative Fines

A. When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may fine such user in an amount up to but not to exceed $1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. ***Unpaid fines as well as appeals procedures on fines or other enforcement actions will be referred to the City of Crystal Lake Attorney. Also refer to Article XI (Section 435-57 – Injunctive Relief).***

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

§ 435-55. Emergency Suspensions

A. The Superintendent, or his/her designee, may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent, or his/her designee, may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent, or his/her designee, may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent, or his/her designee, may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 435-55 of this ordinance are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent, or his/her designee, prior to the date of any show-cause or termination hearing under § 435-50 or 435-55 of this ordinance.

B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§ 435-56. Termination of Discharge

A. In addition to the provisions in § 435-27 of this ordinance, any user who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(5) Violation of the pretreatment standards in Article II of this ordinance.

B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 435-51 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent, or his/her designee, shall not be a bar to, or a prerequisite for, taking any other action against the user.

ARTICLE XI – Judicial Enforcement Remedies

§ 435-57. Injunctive Relief

When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent, or his/her designee, may petition the Circuit Court of McHenry County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent, or his/her designee, may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

§ 435-58. Civil Penalties

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of up to $1,000 per day/per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Superintendent, or his/her designee, may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

§ 435-59. Criminal Prosecution

A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of up to $1,000 per violation, per day, or imprisonment for not more than six months, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of up to $1,000 per violation, per day, or be subject to imprisonment for not more than six months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of up to $1,000 per violation, per day, or imprisonment for not more than six months, or both.

D. In the event of a second conviction, a user shall be punished by a fine of $1,000 per violation, per day, or imprisonment for not more than six months, or both.

§ 435-60. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent, or his/her designee, may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent, or his/her designee, may take other action against any user when the circumstances warrant. Further, the Superintendent, or his/her designee, is empowered to take more than one enforcement action against any noncompliant user.

ARTICLE XII – Supplemental Enforcement Action

§ 435-61. Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

§ 435-62. Public Nuisances

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance. ***Public nuisances are regulated and documented in the City municipal code of ordinances as stated in Part II, General Legistlation, Chapter 364 (Nuisances).***

ARTICLE XIII – Affirmative Defenses to Discharge Violations

§ 435-63. Upset

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection C below are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Superintendent, or his/her designee, within 24 hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. A user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

§ 435-64. Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 435-5A of this ordinance or the specific prohibitions in § 435-5B of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 435-65. Bypass

A. For the purposes of this section, the following terms shall have the meanings indicated:

BYPASS the intentional diversion of wastestreams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C and D of this section.

C. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, or his/her designee, at least 10 days before the date of the bypass, if possible.

(1) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent, or his/her designee, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Bypass is prohibited, and the Superintendent, or his/her designee, may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required under Subsection C of this section.

E. The Superintendent, or his/her designee, may approve an anticipated bypass, after considering its adverse effects; if the Superintendent, or his/her designee, determines that it will meet the three conditions listed in Subsection D of this section.

ARTICLE XIV – Wastewater Treatment Fees

§ 435-66. Laboratory and Sampling Fees

A. Laboratory analysis charge. The City will assess the regulated dischargers a laboratory analysis fee to recover the City's expenses for analyzing in-house the regulated wastewater discharge samples for specific pollutants. The scheduled fees pertain to only analysis conducted in-house by the City's laboratory. Any samples sent off-site to a private laboratory will be billed at the City's cost. In-house fees are as determined in Chapter 241 of the City Code.

B. In addition to the analysis charge above, all semi-annual categorical compliance analyses shall be completed by an outside, certified laboratory and will be charged to the industrial user at the City's cost.

§ 435-67. Sample Collection and Monitoring Fees

Fees for monitoring, inspection, surveillance procedures and sample collection are as determined in Chapter 241 of the City Code.

§ 435-68. Wastewater Discharge and Permit Fee

Fees for wastewater discharge permit applications, including the cost of processing such applications, are as determined in Chapter 241 of the City Code.

§ 435-69. Repairs by City; Cost Recovery Fees.

A. Emergency repairs: The City may, in case of emergency, repair or order the repair of any sewer lateral or sewer pipe from the City sewer main to the premises served thereby, and, if it does so, the cost of such repair work shall be repaid to the City by the owner of the premises served, which cost shall be treated and collected in the same manner and with the same remedies as for collection of charges for sewer services, including the right to place a lien on property. Efforts to contact the property owner of needed repairs will be made by the City prior to work being done.

B. Repairs by the City: Any maintenance or repair work performed by the City on any sanitary sewer lateral shall be paid for by the owner or the occupant (both of whom shall be liable for the cost thereof) of the property served by such lateral as determined in Chapter 241 of the City Code.

C. If the discharge from any user causes a deposit, obstruction or damage to any of the POTW wastewater plants and/or collection system (sewer system), the City shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, equipment, labor and supervision, shall be borne by the person or user causing such deposit, obstruction, or damage as determined in Chapter 241 of the City Code.

§ 435-70. Other Fees

A. Fees for reviewing and responding to accidental discharge procedures and construction are as determined in Chapter 241 of the City Code.

B. Fees may be charged for filing appeals.

C. The City may charge other fees as it deems 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 as determined in Chapter 241 of the City Code.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 7th day of June, 2016.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

PASSED: _____

APPROVED: _____

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

Agenda Item No: 16

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Resolution to support the Application for Highway Safety Improvement Program Funding for the Congress Parkway and Exchange Drive Signalization Project

Staff Recommendation: Motion to adopt a resolution to support the application for Highway Safety Improvement Program funding for the Congress Parkway and Exchange Drive signalization project.

Staff Contact: Abigail Wilgreen, City Engineer

Background:
The Highway Safety Improvement Program (HSIP) provides funding for projects that will produce a measurable and significant reduction in serious injuries resulting from traffic related crashes on all public roads. This program is funded by the current Federal transportation omnibus act known as Fixing America's Surface Transportation, or FAST. The program is administered by IDOT. IDOT is currently accepting applications for projects to fund through HSIP.

The City will be submitting a request to add a traffic signal at the intersection of Congress Parkway and Exchange Drive. This intersection has experienced a significant number of crashes. IDOT included this location on its list of top five percent of crash locations in McHenry County. City staff has analyzed the crash data and found that many of these could have been prevented by the presence of a traffic signal. City staff also analyzed the traffic volume data and has determined that a traffic signal is warranted at this location. Additionally, as part of the HSIP application, a standardized cost to benefit analysis must be performed. This project has a favorable cost to benefit ratio. For all of these reasons, this project would be an excellent candidate for HSIP funding.

The Council is requested to adopt the attached resolution so that it may be included in the application. HSIP can fund up to 90 percent of the costs of the project. Since the signalization of this intersection was identified as part of the Pingree Metra Station traffic impact analysis, Metra will be required via their PUD approval to contribute the balance of the funding to complete this improvement.

Votes Required to Pass:
Simple Majority of the Council

DRAFT

The City of Crystal Lake Illinois

A RESOLUTION TO SUPPORT THE APPLICATION FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDING FOR THE CONGRESS PARKWAY AND EXCHANGE DRIVE SIGNALIZATION PROJECT

WHEREAS, the City of Crystal Lake (City) has determined that the intersection of Congress Parkway and Exchange Drive (the Intersection) experiences a high volume of crashes; and

WHEREAS, many of the crashes occurring at the Intersection are of a serious nature; and

WHEREAS, IDOT has identified the Intersection as one of the top five percent crash locations in McHenry County; and

WHEREAS, through the analysis of the crash data, the City has determined that the presence of a traffic signal would reduce the volume and severity of crashes at the Intersection; and

WHEREAS, the City conducted a traffic signal warrant for the intersection and determined that a traffic signal is warranted; and

WHEREAS, the Highway Safety Improvement Program (HSIP) provides funding for improvements that will produce measurable and significant reductions in serious injuries resulting from traffic related crashes on all public roads; and

WHEREAS, the City will be submitting the signalization of the Intersection for funding through HSIP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That the Mayor and City Council fully support the signalization of the intersection of Congress Parkway and Exchange Drive and fully support all efforts in including this project in the Highway Safety Improvement Program.

SECTION II: That the Mayor and City Council believe that this project is an excellent candidate for HSIP funding because it will significant reduce the number and severity of crashes at this intersection.

SECTION III: That the City will secure and provide the necessary local match required for the HSIP funding so long as the project is awarded HSIP funding.

DATED this 7th day of June, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

_____
CITY CLERK

PASSED: June 7, 2016

APPROVED: June 7, 2016

Agenda Item No: 17

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Resolution to support the Application for Illinois Transportation Enhancement Program Funding for the Main Street and Crystal Lake Avenue Gateway Improvement Project.

Staff Recommendation: Motion to adopt a resolution to support the application for Illinois Transportation Enhancement Program funding for the Main Street and Crystal Lake Avenue Gateway Improvement Project.

Staff Contact: Abigail Wilgreen, City Engineer

Background:
The Illinois Transportation Enhancement Program (ITEP) provides funding for community based projects that expand travel choices and enhance the transportation experience by improving the cultural, historic, aesthetic, and environmental aspects of transportation infrastructure. This program is funded by the current Federal transportation omnibus act known as Fixing America's Surface Transportation, or FAST. The program is administered by IDOT. IDOT is currently accepting applications for projects to fund through ITEP.

The City will be submitting a request to enhance the streetscaping at the Main Street and Crystal Lake Avenue intersection. The City is currently working through the Phase I Design Engineering to improve this intersection. The construction of that improvement is funded through federal Surface Transportation Program (STP) funds, and includes some streetscaping elements. The City would use ITEP funding to provide for improved streetscaping above what is currently included in the project, and would extend the streetscaping improvements present throughout the downtown to this intersection.

Possible elements could include:

- Northeast corner: Addition of a decorative stone wall and various trees, shrubs, grasses and perennials with the relocation of the existing sign at the northwest corner to this new location.
- Northwest corner: Addition of various shrubs and perennials.

- Southwest corner: New kiosk to direct people using the Prairie Path to the various downtown amenities, extension of the existing brick pavers north of Crystal Lake Avenue, and decorative lighting.
- Southeast corner: Naturalization of the existing detention basin, various trees, shrubs, grasses and perennials.

The Council is requested to adopt the attached resolution so that it may be included in the application. The City is also seeking letters of support from Downtown Crystal Lake/Main Street and Willow Creek Church. ITEP can fund up to 80 percent of the costs of the project. The City would be responsible for the balance of the funding which is estimated to be around $20,000 to $30,000. This would be paid for using MFT funds in next year's budget, if approved by the City Council. The entire design and plan will be brought to the City Council in the future for Council's review and direction.

Votes Required to Pass:
Simple Majority of the Council

DRAFT

The City of Crystal Lake Illinois

A RESOLUTION TO SUPPORT THE APPLICATION FOR ILLINOIS TRANPORTATION ENHANCEMENT PROGRAM FUNDING FOR THE MAIN STREET AND CRYSTAL LAKE AVENUE STREETSCAPING PROJECT

WHEREAS, the City of Crystal Lake (City) has undertaken the design of an improvement to the intersection of Main Street at Crystal Lake Avenue; and

WHEREAS, this intersection serves as a major gateway into Crystal Lake's historic downtown district; and

WHEREAS, the City has undertaken many successful streetscaping programs to improve the aesthetic conditions in the downtown district that have helped transform it into a vibrant and thriving commercial area; and

WHEREAS, the City desires to extend many of the aesthetic improvements and streetscaping to include the Main Street and Crystal Lake Avenue intersection to create a cohesive appearance throughout downtown Crystal Lake; and

WHEREAS, the Illinois Transportation Enhancement Program (ITEP) provides funding for community based projects that expand travel choices and enhance the transportation experience by improving the cultural, historic, aesthetic, and environmental aspects of transportation infrastructure; and

WHEREAS, the City will be submitting the Main Street and Crystal Lake Avenue Streetscaping Project for funding through ITEP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That the Mayor and City Council fully support the Crystal Lake Main Street and Crystal Lake Avenue Streetscaping Project and fully support all efforts in including this project in the Illinois Transportation Enhancement Program.

SECTION II: That the Mayor and City Council believe that this project is an excellent candidate for ITEP funding because it has many benefits, including enhancing the aesthetic appeal of one of the major gateways into Crystal Lake's historical downtown district.

SECTION III: That the City will secure and provide the necessary local match required for the ITEP funding so long as the project is awarded ITEP funding.

DATED this 7th day of June, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

_____
CITY CLERK

PASSED: June 7, 2016

APPROVED: June 7, 2016

Agenda Item No: 18

City Council
Agenda Supplement

Meeting Date: June 7th, 2016

Item: Contractual Agreement between the Crystal Lake Police Department and the Illinois Department of Revenue.

Staff Recommendation: Motion to adopt a resolution authorizing the City Manager to execute a Contractual Agreement with the Illinois Department of Revenue enabling the Crystal Lake Police Department to participate in the 2017 Tobacco Enforcement Program.

Staff Contact: James Black, Chief of Police

Background:
The Illinois Department of Revenue administers the Illinois Liquor Control Commission, which is responsible for liquor and tobacco compliance. The Commission oversees the following activities: State-wide liquor inspections, reviewing and renewing liquor license applications, legal interpretations for related liquor matters, liquor industry education, the Under 21 program, and the BASSET Program, which trains liquor servers how to serve responsibly. In addition, the Illinois Liquor Control Commission oversees the State's tobacco enforcement activities.

The Police Department submitted a grant funding request through the Illinois Department of Revenue and was awarded $4,180 to conduct a Tobacco Enforcement Program. During the past several years, the Police Department has partnered with the Illinois Liquor Control Commission to coordinate these tobacco enforcement activities. The Commission provides grant appropriations for the education of tobacco retailers, as well as for enforcement programs. One such program is the "Kids Can't Buy 'Em Here" Campaign. Through this campaign, the Police Department is able to assist retailers with conformity strategies and initiate activities that promote awareness of compliance with minimum-age tobacco laws. This grant also provides our community with educational retail kits. The Police Department distributes these kits, which includes information on State tobacco laws, required signage, training guides for retail staff, and educational posters. Finally, the grant requires the Police Department's participation in three compliance checks during the current fiscal year.

The Police Department is seeking to continue this partnership with the Department of Revenue as well as resume our tobacco education and enforcement activities in the community. These appropriations would provide the Police Department with the resources to ensure tobacco compliance at retail stores.

Votes Required to Pass:
Simple majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized and directed to execute an Intergovernmental Agreement with the Illinois Department of Revenue for participation in the 2017 Tobacco Enforcement Program.

DATED this 7th day of June, 2016

CITY OF CRYSTAL LAKE, an

Illinois Municipal corporation,

By:_____
MAYOR

SEAL

ATTEST

_____
CITY CLERK

PASSED:

APPROVED:

Agenda Item No: 19

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Downtown Property Owner Survey for Potential Special Service Area.

Recommendation: For discussion only.

Staff Contact: Michelle Rentzsch, Director of Community Development

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Background: At the request of Councilman Hopkins, a draft survey for downtown property owners has been developed and attached for the City Council's consideration. The intent of the survey is to discern if there's interest in establishing a Special Service Area (SSA) for the downtown area to help fund various services and physical improvements, as detailed in the attached draft survey.

Votes Required to Pass: Discussion only.

Agenda Item No: 20

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Pocketed Annexations

Recommendation: For discussion only.

Staff Contact: Michelle Rentzsch, Director of Community Development

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Background: As part of the Centennial Strategic Plan, the City identified a key strategy in development and reinvestment in the community as exploring annexation opportunities.

- Pursue annexation of strategic properties in order to provide better realignment of corporate boundaries.

In the past few years, the City has taken many steps to identify properties that are either adjacent to, or are completely surrounded by, the City's corporate boundaries. Once these properties have been identified, the City has been working to reach out to these property owners to gauge their interest in annexing to the City. The City has been successful in helping several properties voluntarily annex to the City; however, there are several other property owners that have stated they do not wish to annex to the City, or have been unresponsive to the City's inquiries.

The attached document is intended to provide relevant information on these remaining unincorporated properties and is organized in order of priority, with commercial sales-tax generating or potential billboard/cell tower locations placed towards the beginning.

Key Factors:

- These commercial properties are completely surrounded by the City and could be involuntarily annexed.
- The City has been able to work with a number of property owners over the past years to get them to successfully annex with a voluntary petition.
- An initial letter was sent to the majority of the property owners to invite them to annex in August of 2012.
- A follow-up letter was sent in September of 2012 that provided a deadline of October 2012 to provide the City with a response. The handful that were not initially contacted were sent letters on April 7, 2014.
- At the May 6, 2014 City Council meeting, the Council directed staff to send one more letter to the property owners (attached). This caused some additional owners to contact the City about annexation.

- In April of 2016, the final letters (attached) were sent to the remaining 10 commercial properties that have not voluntarily annexed to the City.

The majority of the remaining surrounded property owners never replied or met with staff and received all the necessary info and have never submitted the information. To involuntarily annex these parcels, a legal notice is required to be published in the *Northwest Herald* at least 10 days before a public hearing at a regularly scheduled City Council meeting to adopt ordinances annexing these properties. Also, a written notice, not less than 15 days before the passage of the annexation ordinance, must be served either in person or by certified mail to the taxpayer of record.

If necessary, the involuntary annexations would secure the sales tax from the relevant businesses that benefit from being a part of the Crystal Lake community and ensure that no additional billboards, cell towers, or other potential undesirable land uses be established, given the County's changed regulations with their recently adopted UDO and signage regulations.

Votes Required to Pass: Discussion only.

Agenda Item No: 21

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Designation and Auction/Brokerage Sale of Surplus Equipment

Staff Recommendation: Motion to adopt a resolution to designate the items identified in Exhibit "A" as surplus equipment, and authorize the City Manager to execute agreements with Obenauf Auction Service, Inc. as well as other specialized brokers for the sale of surplus equipment, and further to authorize surplus items not sold or whose proposed auction price is less than a scrap price, be scrapped in accordance with the City's scrap metal policy.

Staff Contact: Victor Ramirez, P.E., Director of Public Works

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Background:

Currently the Public Works Department coordinates the selling of surplus City equipment. A list of equipment proposed as surplus, to be sold through a public online bidding process or brokerage sale, is attached as Exhibit "A". Brokerage services will be used to maximize the return on the sale of specialty equipment. Exhibit "A" identifies a list of surplus vehicles and non-utilized pieces of equipment, which have been compiled by the Administration, Public Works, IT, Police, and Fire Rescue Departments, as well as Three Oaks Recreation Area. The designation of equipment as surplus and subsequent auction/brokerage sales of equipment provides the following benefits to the City:

1) Designating equipment as surplus would allow the City the ability to make space available that is currently being occupied by the non-utilized equipment.

2) Partnerships with auction/brokerage firms would minimize the costs and time required to sell the equipment through a bidding process. These costs include advertising, publishing legal notification, and staff time required to show the vehicles and equipment. The associated cost to the City by utilizing Obenauf Auction Service, Inc. is a 3% commission for all items sold, while other brokerage firm commissions vary.

3) Participation in auction/brokerage sales would provide an additional avenue for the sale of the surplus equipment and vehicles to increase the likelihood that the City will maximize its return on the sale of the items.

Recommendation:

It is the recommendation of staff to designate the items in Exhibit "A" as surplus and authorize the City Manager to execute agreements with brokerage services, including Obenauf Auction Service, Inc. for the sale of the surplus items. Most vehicles and equipment will be sold through a public online bidding process administered by Obenauf with a 3% sales commission for all items sold and other brokerage firms for specialty items.

Votes Required to Pass:

Simple majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT

1. The items identified on Exhibit "A" be and are hereby designated as surplus; and
2. The City Manager is hereby authorized and directed to execute an agreement with Obenauf Auction Services, Inc. for auction services pertaining to items listed on "Exhibit A" for a 3% sales commission; and
3. The City Manager is hereby authorized and directed to execute agreements with other specialized brokers for the sale of surplus equipment where the utilization of specialized brokers would be in the best interests of the City; and
4. Any items not sold or whose proposed auction price is less than a scrap price, be scrapped in accordance with the City's scrap metal policy.

DATED this 7th day of June, 2016.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
MAYOR

SEAL
ATTEST

_____
CITY CLERK

PASSED: June 7, 2016
APPROVED: June 7, 2016

Agenda Item No: 22

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Cast Iron Trench Drain, Catch Basin and Grate Bid Award

Staff Recommendation: Award the bid for the trench drain, grate and catch basin installation to the lowest responsible and responsive bidder, Copenhaver Construction Inc. and adopt a resolution authorizing the City Manager to execute a service contract with Copenhaver Construction Inc. in the submitted bid amount, allowing for a 10 percent contingency.

Staff Contact: Victor Ramirez, P.E., Director of Public Works

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Background:

Bid specifications for the 2016 Public Works Cast Iron Trench Drain, Catch Basin and Grate Project were posted online and sent to perspective contractors. On May 10, 2016, the City of Crystal Lake publicly opened and read aloud the bids received.

The following is a breakdown of the bids received:

Company	Total bid price
✓Copenhaver Construction Inc.	$48,500.00
Orbis Construction	$56,975.00
Upland Construction & Maintenance LLC.	$58,500.00
Berquist & Zimmerman Construction, Inc.	$58,500.00
Alliance Contractors, Inc.	$73,795.00
Jensen's Plumbing & Heating	$79,900.00

Kovilic Construction Co., Inc.	$129,000.00
Martam Construction, Inc.	$147,420.00

✓ *Indicates lowest responsive and responsible bidder*

This project is needed after the Public Works Streets Division's garage trench drain collapsed. The isle between garage doors #18 and #25 has approximately 150 linear feet of trench drain trough with three catch basins. The contractor will furnish materials and labor to remove the existing fiberglass trench drains and three catch basins and replace with new cast iron drains, cast iron grates, and cast iron catch basins dimensionally equivalent to the existing setup. Additionally, the contractor will pour and finish concrete around new drain troughs and catch basins.

Recommendation:

The Public Works Department has reviewed the bids received for completeness and accuracy in accordance with the invitation to bid document. It is therefore, the recommendation of City staff to award the bid to the lowest responsive and responsible bidder, Copenhaver Construction Inc. for the services of installing new cast iron trench drain, catch basins and grates in the amounts bid.

There are sufficient funds for this project in the FY 2016/2017 Budget.

Votes Required to Pass:

Simple Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute Purchase Agreement between the CITY OF CRYSTAL LAKE Copenhaver Construction Inc. for the purchase and installation of Cast Iron Trench Drains, Catch Basins and Grates in the submitted bid amounts, allowing for a 10 percent contingency.

DATED this 7th day of June, 2016

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
MAYOR

SEAL

ATTEST

_____
CITY CLERK

PASSED: June 7, 2016
APPROVED: June 7, 2016

Agenda Item No: 23

City Council
Agenda Supplement

Meeting Date: June 7, 2016

Item: Road Salt Award for 2016/2017 and 2017/2018 Winter Seasons

Staff Recommendation: Award the bid for 2016/2017 road salt to the lowest responsive & responsible bidder, Detroit Salt Co., for untreated road salt and Compass Minerals America Inc., for treated road salt; and adopt a resolution authorizing the City Manager to execute a contract with Detroit Salt Co. and Compass Minerals America Inc. in the submitted bid amounts with the option for a second year.

Staff Contact: Victor Ramirez, P.E., Director of Public Works
George Koczwara, Finance Director

Background:

The City of Crystal Lake Public Works Department coordinates the purchase and acquisition of road salt. Last year, through collaboration with McHenry County, the City requested 3,000 tons of road salt for the winter of 2015/2016. The City agreed to purchase road salt from the lowest bidder, Compass Minerals America Inc., at the rate of $72.24 per ton. This past winter however presented less weather activity than the previous winter of 2014/2015. For example, the winter of 2015/2016 had only 30 snow/ice events resulting in a snowfall of 32.50 inches compared to 48 snow/ice events resulting in 36.25 inches of snow in 2014/2015. As a result of a milder winter, the cost for road salt was expected to be reduced.

For this year's road salt purchase the City collaborated again with McHenry County who submitted a road salt bid for their agency as well as individual municipalities. The bid allowed vendors to provide different bid amounts for untreated and treated road salt for each agency listed in the bid request. The bid also allowed vendors to bid on an optional second year. The bid results are as follows:

Untreated Road Salt Bid Results

Company	Price Per Ton Year 1	Price Per Ton Year 2
✓Detroit Salt, Co. Detroit, MI	$58.38	$64.38
Compass Minerals America Overland Park, KS	$60.68	$62.50
Cargill, Inc. North Olmsted, OH	$73.05	$76.05
Morton Salt Chicago, IL	$78.65	$79.65
American Rock Salt Mt. Morris, NY	No Bid	No Bid
Independent Salt Co. Kanopolis, KS	No Bid	No Bid

✓ *Indicates lowest responsive and responsible bidder*

Treated Road Salt Bid Results

Company	Price Per Ton Year 1	Price Per Ton Year 2
✓Compass Minerals America Overland Park, KS	$69.84	$71.94
Cargill, Inc. North Olmsted, OH	$76.98	$79.98
Morton Salt Chicago, IL	$96.65	$97.65
Detroit Salt, Co. Detroit, MI	No Bid	No Bid
Independent Salt Co. Kanopolis, KS	No Bid	No Bid
American Rock Salt Mt. Morris, NY	No Bid	No Bid

✓ *Indicates lowest responsive and responsible bidder*

Discussion:

The current bids are lower than the previous year's results. In addition, this year the City requested 100 tons of treated road salt to be used in parking lots and the Downtown area in smaller trucks not equipped with liquid technology. Also, due to the uncertainty of winter

weather, the second year option provides the City an opportunity to consider future costs and more effectively forecast the road salt budget for Fiscal Year 2017/2018.

Recommendation:

It is the recommendation of the Public Works Department to award the contract for the purchase of road salt for the 2016/2017 and optional 2017/2018 winter seasons to the lowest responsive, responsible bidders, Detroit Salt Co. for untreated road salt and Compass Minerals America Inc., for treated road salt in the bid amounts for the first year and the second optional year and to adopt a resolution authorizing the City Manager to execute a one-year agreement with the option for a second year with Detroit Salt Co. for untreated road salt and Compass Minerals America Inc. for treated road salt in the amounts bid.

Votes Required to Pass:

Simple Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to award the contract for the purchase of road salt for the 2016/2017 and optional 2017/2018 winter seasons to the lowest responsive, responsible bidders, Detroit Salt Co. for untreated road salt and Compass Minerals America Inc., for treated road salt in the bid amount for the first year and the second optional year and to adopt a resolution authorizing the City Manager to execute a one-year agreement with the option for a second year with Detroit Salt Co. for untreated road salt and Compass Minerals America Inc. for treated road salt in the amounts bid.

DATED this 7th day of June, 2016.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
MAYOR

SEAL

ATTEST

_____
CITY CLERK

PASSED: June 7, 2016
APPROVED: June 7, 2016