

Agenda Item # 75

DISTRIBUTION  
County Board  
County Clerk  
County Administrator  
State's Attorney (Civil)  
Treasurer  
Public Works

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

ADJOURNED REGULAR SEPTEMBER A.D., 2006 SESSION

NOVEMBER 14, A.D., 2006

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Public Works and Transportation Committee present herewith, "Lake County Sanitary Sewer Fats, Oils, and Grease (FOG) Disposal Ordinance"; and request its adoption.

Respectfully submitted,

<i>Alicia O'Kelly</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHAIR		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE CHAIR		
<i>Michael A. Talbott</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Donna Thomas-Lake</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Ann Florio-Pas</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Sandy Cole</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Ann B. Maize</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PUBLIC WORKS AND TRANSPORTATION COMMITTEE		

**LAKE COUNTY SANITARY SEWER  
FATS, OILS, AND GREASES (FOG) DISPOSAL ORDINANCE**

Be it ordained and enacted by the County Board of Lake County, State of Illinois, as follows:

**SECTION I. Title, Authority, and Purpose.**

1.1 **Title.** This Ordinance shall be known and may be referred to as "Lake County Sanitary Sewer Fats, Oils, and Greases (FOG) Ordinance".

1.2 **Authority.** This Ordinance is enacted pursuant to the powers and authorities granted to, and exercised by, Lake County pursuant to 55 ILCS 5/5-15001, et seq. ; 415 ILCS 5/22.30.

1.3 **Purpose.** The purpose of this Ordinance is to establish certain minimum reasonable rules and regulations for any food processing, food sales, or food service establishment or user connected to, or applying to connect to, the County sanitary sewer system regarding the collection and disposal of fats, oils, and greases in wastewater, not otherwise required to obtain and hold an Industrial Wastewater Discharge Permit from the U.S. Environmental Protection Agency and/or the Illinois Environmental Protection Agency. This Ordinance also establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils, and greases wastes.

Excessive fats, oils, and greases in wastewater can and does lead to sewer backups and overflows, creating a public health hazard. Excessive fats, oils, and greases in wastewater can and does interfere with the wastewater treatment process at publicly-owned wastewater treatment facilities and plants, and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards.

The substantial investment of public funds in (a) sanitary sewer system(s) and wastewater treatment works and plant(s), designed to protect public health, and the continued and ongoing proper functioning of those public facilities, can and should be protected by reasonable rules and regulations relating to the use and maintenance of grease interceptors in order to aid in the prevention of sanitary sewer blockages and obstructions, and to prevent interference with the proper functioning of the wastewater treatment process, from contributions and accumulation of fats, oils and greases into the sewer systems owned by the County of Lake.

**SECTION II. Administration.**

2.1 **General.** The Director shall enforce all of the provisions of this Ordinance, and shall act on any questions relating to the design or construction of grease recovery systems or devices, except as may otherwise be specifically provided by statute, or federal or state regulation(s). The Director shall also act as follows:

**2.2 Applications, Permits, and Licenses.** The Director shall receive applications and issue installation permits and discharge licenses, and collect fees therefore, in accordance with the approved fee schedule (see Appendix A hereto), for the siting and installation of, or the discharge(s) from, grease recovery systems or devices, for all food processing, food sales, and food service establishments as defined herein. The Director shall also review building plans, review grease recovery system(s) design plans, inspect the premises for which such installation permit(s) or discharge license(s) have been issued, and enforce compliance with the provisions of this Ordinance.

**2.3 Notices and Orders.** The Director shall issue all necessary notices or orders necessary to insure compliance with all Ordinance requirements. The Director may revoke, by writing, any permit, license, or approval issued or held contrary to this Ordinance or based upon a false statement or misrepresentation in an application.

**2.4 Authority to Enter Premises.** The Director, or his/her authorized agent(s) or representative(s), after identification, shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Ordinance. The Director shall conduct an annual inspection of each FOG producing facility, and such other inspection(s) as may be required. The Director may also make any necessary test, measurement, or sampling to determine compliance with Ordinance requirements. No obstructions shall block the access to any grease trap.

**2.5 Credentials.** The Director, and his/her authorized agent(s) or representative(s), shall carry proper credentials of their respective office for the purpose of inspecting any grease recovery system or device, or carrying out any other duties or responsibilities, in the performance of his/her duties under this Ordinance.

### **SECTION III. Definitions.**

The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout this Ordinance.

**3.1 Active interior recovery device (AIRD).** An active automatic separator and remover of grease, fats and oils from effluent or wastewater discharge that cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing an electromechanical apparatus to accomplish removal.

**3.2 Clean-out.** A pipe that extends from the ground surface to the interior of the passive exterior device (PED), or other grease recovery system device, so as to allow access, maintenance, and inspection of the interior of the device.

**3.3 Control manhole.** A manhole structure, located downstream of a grease recovery system, designed and constructed to provide access to a sewer pipe or sewer main for sampling and metering commercial wastes discharged to a public sewer. For existing FOG producing facilities, where no control manhole exists or has been installed, the control manhole shall be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

3.4 **County.** The County of Lake, Illinois.

3.5 **Director.** The Director of the Lake County Public Works Department, or his/her designated agent or representative. (This individual may also be identified or referred to as "Superintendent", see 55 ILCS 5/5-15003A.)

3.6 **Drainage Fixture Unit (DFU).** A value used to determine the required drainage capacity from the fixtures and their service systems as defined in the Illinois Plumbing Code.

3.7 **Effluent Tee-pipe.** A Tee-shaped pipe extending from the ground surface below grade into the PED to a depth allowing recovery of water located under the layer of fats, oils, and/or greases to be discharged.

3.8 **Exterior grease trap.** A grease trap, located outside of the exterior walls of the building or structure, which contains baffles sufficient to allow a proper separation of grease from water.

3.9 **FOG.** Fats, Oils, and Greases.

3.10 **FOG producing facility.** A food processing, food sales, or food service establishment, as hereinafter defined.

3.11 **Food.** Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter, or exchange, in whole or part for human consumption.

3.12 **Food processing establishment.** A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary.

3.13 **Food sales establishment.** A retail and wholesale grocery store(s); retail seafood store(s); food processing plant(s); bakeries; confectionaries; fruit, nuts, and vegetable store(s), and places of business; and, similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

3.14 **Food service establishment.** Any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles and operations connected therewith, and similar facilities by whatever named called or by whomever operated.

3.15 **Grease recovery system.** A system of interceptors, separators, traps, or grease recovery devices, which prevents free floating grease, fats and oils from entering the sewage system by recovering and removing these substances from water.

3.16 **Grease-laden waste.** Effluent discharge that is produced from food processing, food preparation or other commercial source where grease, fats and oils enter automatic dishwasher pre-rinse station, sinks or other appurtenances.

3.17 **Grease trap.** An interceptor, separator, or recovery vehicle that prevents free-floating grease, fats and oil from entering the sewage disposal system. Also includes a passive interceptor whose rated flow exceeds 50 gallons per minute or minimum storage capacity of 500 gallons or more and which is located outside the building.

3.18 **Hauler.** A waste disposal firm, licensed by the Illinois Department of Agriculture, that hauls and disposes of fats, oils, and greases wastes as described in this Ordinance.

3.19 **Manifest.** A log or document record of the hauler name, address, and State license/permit number; and, the volume, date of removal and disposal destination of pumped materials or wastes from a grease trap or other interceptor device. (See, 415 ILCS 5/22.30(d) and (e)).

3.20 **Newly constructed.** Any new FOG producing facility that has not been issued a final Certificate of Occupancy by the governing County or municipal building official as of the effective date of this Ordinance.

3.21 **Passive exterior device (PED).** An oil/water separating container that requires pumping and is housed outside a building or structure. A passive interceptor with no moving parts with a rated flow of greater than 50 gallons per minute.

3.22 **Passive interior device (PID).** An oil/water separating container that requires normal manual cleaning, by pumping or bailing, and is housed inside a building or structure. A passive interceptor with no moving parts with a rated flow of 50 gallons per minute or less that serves as fixture trap and is located inside a building.

3.23 **POTW.** Publicly Owned Treatment Works. May sometimes be known or referred to as a sewage treatment plant or wastewater reclamation facility or plant.

3.24 **Preferred Waste Hauler.** A hauler that has the demonstrated capability to maintain required records, to discharge waste according to all applicable rules and regulations, and is fully licensed to haul FOG waste.

3.25 **Pump-and-Return Method.** The method of decanting or discharging of removed waste back into the grease recovery system from which waste was removed or to any other grease recovery system or sanitary sewer connection.

3.26 **Remodeled.** Any facility that requires a building permit to make planned changes to an existing or a new FOG producing facility.

3.27 **Significant industrial user.** Any FOG producing facility that requires an Industrial Wastewater Discharge Permit, issued by the local POTW pursuant to applicable federal and State laws and regulations.

3.28 **Sludge.** Any material or solids, either organic or inorganic, that has settled to the bottom of the grease trap.

3.29 **Solids transfer/grease recovery device.** An active automatic pretreatment device, which macerates coarse solids and separates/recovers free floating grease, fats and oils from effluent. The device cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing electromechanical apparatus to accomplish recovery and removal.

3.30 **Twenty Five Percent Rule (25% Rule).** All grease traps and/or grease interceptors (GI) shall be cleaned based on the 25% Rule.

FOR EXAMPLE: If the total depth (TD) of the PED is 40 inches, the maximum allowable depth (d) of floatable grease and settled sludge equals 40 inches multiplied by 0.25 or  $d=TD \times 0.25 = 10$  inches. Therefore, the maximum allowable depth of floatable grease and sludge of the vessel should not exceed ten (10) inches.

3.31 **User.** Any FOG producing facility, its owner(s) or operator(s), or their agent(s), that contribute to the County wastewater collection system.

#### SECTION IV. **General Requirements.**

4.1 **Existing facilities.** Every existing user shall have a grease recovery system. An existing user, serviced by a grease recovery system, that is non-compliant with the technical or design standards of this Ordinance, shall be permitted to continue discharging to the County wastewater collection system provided that the user's FOG discharge, as measured at the control manhole, does not exceed the County daily maximum discharge limit(s), as set forth in Appendix B, and is otherwise in compliance with the current County General Sewer Use Ordinance. The Director may include conditions, restrictions, or performance standards on any existing user discharge license where that user is served by a non-compliant grease recovery system to minimize the risk of discharge(s) exceeding maximum pollutant discharge standards.

4.2 **Newly constructed or remodeled facilities.** Every newly constructed or remodeled food processing, food sales, and food service establishment(s) (FOG producing facilities) or user(s) that discharge water or wastes to a County sanitary sewer or to a County wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements of this Ordinance. Each FOG producing facility shall have a control manhole installed and located at a point downstream of the grease recovery system. No person shall construct or install a grease recovery system without the prior approval of the Director and issuance of an installation permit. Such approval shall include both the approval of a plan for the proposed grease recovery system construction or installation, and permission to conduct the work required. Upon completion of the work, and approval by the Director, a discharge license shall be issued to the user by the Director. Each user facility shall hold a valid discharge license issued by the Director.

**4.3 All users.** Each user shall register its grease recovery system with the Director. Each user shall maintain and possess a valid discharge license issued by the Director for each FOG producing facility. The discharge from each grease recovery system, as measured from the control manhole, shall not exceed the County maximum discharge limit(s) as set forth in Appendix B. Discharge license registration information shall include name, address, and telephone number(s) of owner(s) and on-site manager(s), if different; a scale sketch/drawing of the location of the grease recovery system on the FOG producing facility premises; location of the access manhole (and control manhole, if different); the components, design, and size/capacity of the grease recovery system; and such other information as may be applicable.

#### **4.4 System Maintenance.**

**4.4.1 General.** All grease recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, so that any discharge therefrom, as measured from the control manhole, does not exceed the County daily maximum discharge limit(s).

**4.4.2 Maintenance Responsibility.** The owner(s), or the owner(s) and any designated agent(s) shall be responsible for the maintenance of the grease recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

#### **4.4.3 Maintenance Requirements.**

- (a) All users shall maintain any grease recovery system so that the fats, oils, and grease discharge therefrom, as measured from/at the control manhole, does not exceed the County daily maximum discharge limit(s).
- (b) All grease traps, and all other grease recovery systems, shall have all floating material removed at a minimum of 90 days. All grease traps, and all other grease recovery systems, shall be completely pumped out semi-annually, or when the contents of the trap exceed the 25% Rule. Semi-annual maintenance, and maintenance due to exceeding the 25% Rule, shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludge and solids. The frequency of maintenance may be increased to comply with the County daily maximum discharge limit(s) or the manufacturer's recommendation. The frequency of removal shall be as often as necessary to prevent overflows of fats, oils, and greases entering into the County wastewater collection system.
- (c) The Pump-and-Return Method of decanting or discharging of removed waste back into the grease recovery system is prohibited.
- (d) Any removal and hauling of fats, oils, and greases shall be performed by a waste disposal or rendering firm licensed by the State of Illinois.
- (e) If any grease recovery system discharge wastes fail to meet the County daily maximum limit(s), the Director is authorized to demand or order the user to repair, replace, or upgrade its grease removal system, at the sole expense of user.

**4.4.4 Maintenance Records.** Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility grease recovery system. The following records shall be kept on-site at the FOG producing facility.

- (a) **Haulers.** The hauler shall provide the user, at the time of service, a manifest conforming to all State statutes and regulations (see, 415 ILCS 5/22.30(e)), and the provisions of this Ordinance.
- (b) **Manifest(s).** The removal of grease recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes.
- (c) **Manifest Information.** Each manifest shall contain the following information, and such other information as may be required by statute:
  - (1) User information, including name, address, the volume or weight of waste pumped from each grease recovery system, and date and time of the pumping;
  - (2) Hauler information, including company name, address, State license/permit number, and disposal/receiving facility location information;
  - (3) Receiving facility information, including the facility name and address, date and time of receiving, and EPD number.
- (d) **Manifest/Maintenance log.** The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests (and other similar record(s)) regarding each cleaning or maintenance of the grease recovery system for the previous 24 months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his/her designated agent(s) or representative(s).
- (e) **Preferred Waste Hauler.** The owner may employ a preferred waste hauler approved by the County. The preferred waste hauler would provide the County with the required manifest and maintenance information for the owner, which would allow the owner to be compliant with maintaining maintenance records.

## SECTION V. Grease Recovery Systems - Design and Performance Standards.

**5.1 Where required.** A registered grease recovery system(s) shall be operated and maintained, or installed, in each FOG producing facility that discharges into the County wastewater collection system. Each FOG producing facility shall have a control manhole.

**5.2 Technology required.** An approved grease recovery system shall consist of one or a combination of the following methods:

5.2.1 Passive technology that is an approved exterior grease trap. See attached Appendix C for an approved Grease Trap: Standard Detail 1000 Gallon.

5.2.2 Active technology including:

- (a) An approved grease recovery device; or
- (b) An approved solids transfer/grease transfer device.

**5.3 Prohibited discharge.** Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 150 degrees Fahrenheit shall not be introduced into any grease recovery device. Food-waste grinders shall not discharge into the building drainage system through a grease trap or grease recovery device.

**5.4 High Temperature Dishwasher Discharge.** Wastewater that exceeds 150 degrees Fahrenheit is prohibited from being discharged into the County wastewater collection system.

**5.5 Dumpsters/dumpster pads.** Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

5.5.1 The dumpster/dumpster pad is covered and constructed to protect the drainage connection from storm water runoff; and

5.5.2 The drain is connected to an exterior grease trap of at least 1000 gallons, which will be maintained by the user in the method prescribed by this section for other exterior grease traps.

**5.6 Passive exterior device (PED) requirements.**

5.6.1 Each PED, or other grease recovery system device, design including size, type and location shall be reviewed and approved by the Director in substantial conformity to a grease trap detail as follows:

- (a) Shall be sized and engineered based upon the anticipated load and/or conditions of actual use.
- (b) Shall be constructed of sound, durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if PED's are of pre-cast or poured-in-place concrete.
- (c) Shall be traffic-worthy with accessibility to both the influent and effluent tee pipes.
- (d) Shall contain baffles sufficient to allow a proper separation of grease from water.
- (e) Shall be a minimum of 500 gallons and a maximum of 3,000 gallons in size. Multiple PED's, or other approved grease recovery devices, are allowed.

An example of approved PED detail for a 1000 gallon grease recovery system is provided in Appendix C.

**5.7 Passive interior devices (PIDs).** PID volume shall be credited towards the total PED capacity.

## 5.8 Sizing of PEDs.

5.8.1 All PEDs shall have a minimum capacity of 500 gallons and a maximum capacity of 3000 gallons. The design shall be in compliance with the following table, where the total number of Drainage Fixture Units determine the grease trap size:

<u>Number of Drainage Fixture Units (DFUs)</u>	<u>Minimum Grease Trap Size in Gallons</u>
<8	500
9-21	750
22-35	1000
36-90	1250
91-172	1500
173-216	2000
217-307	2500
>308	3000

5.8.2 The inlet chamber of the vessel shall incorporate an open sanitary-tee, which extends equal to or greater than 12 inches below the water surface. The outlet chamber of the vessel shall incorporate an open sanitary-tee that extends two-thirds below the water surface. The sanitary-tees (both inlet and outlet) shall not be capped, but opened, to allow visual inspection of the waste stream.

5.9 **Exemptions to Sizing PEDs.** Food service establishments that serve 18 or fewer meals per day, or serve only continental breakfast, may be granted an exemption from the sizing requirements for PEDs listed in 5.8.

5.10 **Active interior recovery device requirements.** AIRDs may be allowed in lieu of PEDs or other approved grease recovery system devices in accordance with the following conditions:

5.10.1 The method of food preparation involves and/or creates little or no discharge of grease; or

5.10.2 A technically logistical reason exists as to why an exterior grease trap cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).

5.10.3 The installation or use of all grease recovery devices must be approved by the Director.

5.10.4 Grease recovery devices shall receive all grease-laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

5.10.5 Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use and manufacturer's recommendation

## SECTION VI. **Alternative Methods and Treatment Agents.**

6.1 **Alternative technology/methods.** Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this Ordinance.

6.2 **Biological or chemical treatment agents.** The use of biological or chemical agents that dissolve grease to permit it to be discharged into the sanitary sewer is not permitted.

## SECTION VII. **Permits and Licenses, Procedures, Inspections, and Fees.**

7.1 **Permits and Licenses – General.** Installation permits and discharge licenses issued under this Ordinance are not transferable.

7.1.1 **Installation Permits.** An installation permit shall be required for all newly constructed FOG producing facilities, all remodeled FOG producing facilities, and for the replacement of any existing grease recovery system. Repairs to a grease recovery system with a valid discharge license, issued by the Director, do not require an installation permit. An installation permit shall be valid for a 365 day period following issuance.

7.1.2 **Discharge Licenses.** A discharge license, required for each FOG producing facility, shall be valid for a 5 year period following the date of issuance. Renewal of a discharge license shall be in accordance with a registration application provided by the Director. Each user shall keep and maintain a valid, current discharge license issued by the Director as one of the documents in the manifest/maintenance log required to be kept on the FOG producing facility premises.

## 7.2 **Procedures.**

7.2.1 **Applications.** The Director is authorized to prepare application forms as may be required for applications to obtain installation permits and discharge licenses, or renewals thereof. The Director is authorized to establish any minimum submittal requirement(s) to accompany any such applications or renewals. Any refusal to issue a permit or license, where the applicant has submitted a complete permit or license application, shall be in writing and shall specify any and all reason(s) for non-issuance.

7.2.2 **Authority to Revoke.** Where the Director finds that a permit holder or licensee is not in compliance with any provision(s) of this Ordinance or is in violation of any provision(s) of this Ordinance, following issuance of a Notice of Violation and continued non-compliance or continuing violation(s) by the permit holder or licensee, or its/their agent(s), the Director may revoke such permit(s) or license. Any revocation of a permit or license by the Director shall be in writing and shall specify any and all reason(s) for such revocation. Any construction work or wastewater discharge subject to, or covered by, a revoked permit shall immediately cease, and no construction or installation work or wastewater discharge shall occur or be allowed until such time as a new permit or license has been applied for, and all fees, charges and costs have been

paid by the owner(s), permit holder or licensee, and the Director has issued a new permit or license.

**7.2.3 Appeals.** The Director is authorized to establish fair administrative rules of procedure that shall apply in all appeals to the Director any decision to not issue a permit or license or to revoke a permit or license. Any such appeal may be filed only by the permit applicant or licensee, or person or entity that previously held the revoked permit or license. Any such appeals shall be filed with the Director.

### **7.3 Inspections.**

**7.3.1 Annual Inspections.** The Director, or his/her designated agent(s) or representative(s), shall make or conduct an annual inspection, and such other or additional inspections as the Director may deem necessary, of each FOG producing facility to evaluate and enforce compliance with the provisions of this Ordinance.

**7.3.2 Newly constructed or remodeled FOG producing facilities, and grease recovery system replacement, inspections.** The Director, or his/her authorized agent(s) or representative(s), shall make or conduct those inspections deemed necessary by the Director to assure compliance with installation permits issued. These inspections shall, at a minimum, consist of an initial or in-progress construction or installation site inspection, and a final inspection following completion of the permitted installation.

**7.3.3 Follow-up Inspections.** A user charged with a Notice of Violation (NOV), issued by the Director, shall be inspected at any time within thirty (30) days of the date of NOV issuance. Subsequent re-inspection(s) may occur at any time for as long as the user is non-compliant under the original NOV. The user shall be responsible for payment of a re-inspection fee for all re-inspections in accordance with the approved fee schedule, attached as Appendix A.

**7.3.4 Demand Inspections.** Any time a sanitary sewer overflow (SSO) or blockage occurs at or downstream of a FOG producing facility, a demand inspection shall be made or conducted by the Director, or his/her designated agent(s) or representative(s). If the user or FOG producing facility is found to be in violation of any provision of this Ordinance, and that violation(s) caused or resulted in the SSO or blockage, the user shall be responsible for the payment of the demand inspection fee, as well as the labor, equipment, and material cost(s) to correct the SSO or blockage, in accordance with the approved fee schedule, attached as Appendix A.

**7.4 Fees.** The user shall be responsible for the payment of all fees for permits, licenses, and inspections, and for all other charges as may be imposed by this Ordinance, in accordance with the current County Board approved fee schedule, attached hereto as Appendix A.

## SECTION VIII. **Notice of Violation.**

**8.1 General Requirements.** Whenever the Director determines that there are reasonable grounds to believe that there is, or has been, a violation of any provision or section of this Ordinance, the Director shall give notice of the alleged violation(s) to the owner and/or the person to whom the permit was issued, as herein provided. Such notice shall:

8.1.1 Be in writing.

8.1.2 Include a statement of the reason(s) for issuance of the notice.

8.1.3 Allow a reasonable time for the performance of any act it requires.

8.1.4 Be served upon the owner, operator, or permit holder as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner, operator, or permit holder when a copy thereof has been sent by first class mail, postage prepaid, to his/her last known address as furnished to the Director in his/her registration for a discharge permit or application for an installation permit, as the case may be, or, if served by any other method authorized by the laws of the State of Illinois. And,

8.1.5 Contain an outline of remedial action which is required to affect compliance with this Ordinance.

**8.2 Emergencies.** Whenever an emergency exists, which requires immediate action to protect public health or safety, or public or private property from damage or destruction, the Director may, without any administrative notice or procedure, issue an order or seek an injunction to require that such action be taken as may be deemed necessary to meet the emergency. Notwithstanding any other provision of this Ordinance, such order or injunction shall be effective immediately.

## SECTION IX. **Enforcement - Penalties / Remedies.**

9.1 Any person or user who violates any provision or section of this Ordinance, or who violates any determination or order of the Director under this Ordinance, shall be fined not more than \$1,000.00 for each violation. Each day that a violation exists shall constitute a separate offense.

9.2 In addition to Section 9.1 above, any sewer or manhole overflow, or sewer back-up, resulting from (a) violation(s) of any provision or section of this Ordinance, or an inadequately operating grease recovery system, or lack of an approved grease recovery system, shall result in the imposition of a service charge to the responsible owner(s) or user(s). The service charge shall include the cost(s) of cleaning up the overflow or back-up (at cost or at the rates as established in the then current County fee schedule in Appendix A hereto), and the cost(s) of cleaning the blockage out of the immediately adjacent County wastewater collection system. Imposition of (a) service charge(s) under this Section 9.2, shall not preclude other enforcement action(s). In addition, the responsible person or user

shall be responsible for payment of any fine levied by the Illinois Environmental Protection Agency against the County as a result of any overflow or blockage in the County wastewater collection system, or NPDES permit discharge violation attributable to the person or user violation(s) of any provision or section of this Ordinance, or an inadequately operating grease recovery system, or lack of an approved grease recovery system.

9.3 The Director may also take any other available legal action necessary to prevent or to remedy any violation, including but not limited to appropriate equitable or injunctive relief or discontinuation of wastewater treatment service to the FOG producing facility.

**SECTION X. Other.**

10.1 **Separability.** The provisions of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

10.2 **Other law.** This Ordinance is not intended to repeal or replace any existing statute, regulation, ordinance or law which may have been adopted prior to the effective date of this Ordinance. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare. Whenever a provision of this Ordinance and any other law or regulation overlap or are contradictory, the more stringent shall prevail. Compliance with this Ordinance does not release applicant, owner, or user from compliance with the requirements of any other applicable federal, State, or local law or regulation.

10.3 **Effective Date.** This Ordinance shall be in full force and effect ten (10) days after its passage, approval, recording, and publication as provided by law.

Adopted by the Lake County Board, at a regular meeting, at Waukegan, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Suzi Schmidt, Chairman  
Lake County Board

ATTEST:

\_\_\_\_\_  
County Clerk

**APPENDIX A**

The following schedule of fees shall apply for the Lake County Fats, Oils, and Greases (FOG) Disposal Ordinance, effective \_\_\_\_\_, 2006.

Discharge license (5 years term) .....	\$100.00
Installation Permit .....	\$100.00
Construction (in progress) inspection .....	\$ 50.00
Construction, final approval inspection .....	\$ 50.00
Annual inspection .....	No charge
Follow-up inspection(s), after NOV issued .....	\$ 500.00
Demand inspection fee .....	\$ 500.00
Service charge fee – for sewer blockage(s) or SSO	
Labor/hr., each LCPW employee.....	\$ 50.00/hour
Equipment/hr. ....	\$ 100/hour
Materials .....	Actual cost
Outside (independent) contractors .....	Actual cost

**APPENDIX B**

Lake County wastewater maximum discharge limit(s):

Fats, Oils, and Greases ..... 100mg/liter  
pH.....5.5 to 9.5  
Temperature.....does not exceed 150 degrees Fahrenheit

