

## **ORDINANCE NO. 706**

### **Ordinance Establishing Collection Procedures, Service Termination Procedures, and Methodology for User Rates**

This Ordinance No. 706 supersedes Ordinance No. 698

#### **Recitals**

**WHEREAS**, operation, maintenance, and replacement costs (collectively “costs of operation”) are incurred by the Wheaton Sanitary District (the District) for collection, conveyance, treatment, and disposal of wastewater from various classifications of users connected to the District’s system; and

**WHEREAS**, said costs include, but are not limited to, labor, utilities, administrative, chemical, supplies, depreciation and equipment replacement connected with the operation of District sewers, pumping stations, and treatment facilities; and

**WHEREAS**, applicable Federal regulations require the District to have a system of user charges to assure that recipients of waste treatment services within the District’s service area pay a proportionate share of the District’s costs of operation; and

**WHEREAS**, the District has evaluated various classes of users and the basis for determining user charges; and

**WHEREAS**, each year, following a review and analysis of District operations, the District shall establish user charges for the next fiscal year; and

**WHEREAS**, in establishing user charges, the District shall determine the proportion of each user’s contribution to the total wastewater loading of the treatment works considering such factors as strength, volume, and delivery flow rate characteristics to ensure a proportional distribution of the District’s cost of operations; and

**WHEREAS**, given that the majority of users in the District’s service area are connected to a public water supply system with a meter which registers the flow of water from such public water system, water meter readings may be utilized to provide a basis for measuring user contributions; and

**WHEREAS**, the majority of the water flowing through water meters finds its way into the District's system; and

**WHEREAS**, water usage, as measured by water meters, provides a reasonable cost effective basis of ascertaining a user's wastewater contribution to the District's system; and

**WHEREAS**, for industrial users and certain commercial users, the District has determined that such users shall install on the building's service line a 7-day continuous recording flow meter and/or a composite sampler; and

**WHEREAS**, the Board determines it is reasonable to charge private-well users a flat rate monthly user charge; and

**WHEREAS**, because of infiltration of groundwater and inflow of storm water into the District's system, the total flow arriving at the District's treatment works exceed the combination of water meter readings, waste flow meter readings and flat rate estimates; and

**WHEREAS**, it is necessary to use a combination of water meter readings, waste flow meter readings, flat rate estimates, and the number of connections to the District's system by each class of users to create a proportionate means of dividing the District's costs of operation.

**WHEREAS**, all properties located in the District's service area have been recorded as a lien with the DuPage County Recorder's office and should show on title commitment to the properties.

**WHEREAS**, in connection with the conveyance of title to or beneficial interest in any real estate to which the District provides wastewater treatment, a Closing Letter from the District is required. The District has a lien on all such properties for unpaid user charges and unpaid connection permit fees. Notice of the District's lien and the requirement to obtain a Closing Letter was recorded with the DuPage County Recorder on January 5, 2016 as Document R2016-000852, as amended from time to time.

**NOW, THEREFORE, BE IT ORDAINED** by the District's Board of Trustees (Board) as follows:

Section 1. Declaration of Policy - It is the District's policy to adhere to applicable Federal, State and local requirements and regulations.

Section 2. Establishment of User Charge System - In lieu of paying for the District's costs of operation via ad valorem real estate taxes, the District shall assess users a user charge.

Section 3. Adoption of Recitals - The Board of Trustees adopts the foregoing Recitals as the bases for establishing user charges.

Section 4. Definitions - The definitions set forth in sub-section 35.905 of the Federal Regulations (defined below) are incorporated in this Ordinance. Definitions in the District's Ordinances, where applicable, are amended consistent with such definitions. "User Charge", for purposes of this Ordinance, shall be as defined in Section 35.905-26 of the Federal Regulations. The following definitions shall apply to this Ordinance:

- A. Industrial User – Shall mean all users as defined under Section 35.905-8 of the Federal Regulations and, in addition thereto, includes those users whose flow characteristics are abnormal compared to the standards set forth herein. Any user may be excluded from the industrial user class if the District determines that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- B. Non-Industrial User – Shall mean all users not specifically defined as industrial users and subdivided by premises use as follows:
  - 1. Residential – Those premises consisting of any building or parts of buildings designed for or occupied by one or more persons as a single family unit, multi-family units, flats, and apartment buildings which discharge domestic wastes only to the District's system.
  - 2. Commercial – Those premises consisting of any building or parts of buildings designed for or occupied by offices or business establishments operating for the purposes of purchase, sale, barter or exchange of goods, wares, merchandise, instruction or services, including those establishments defined as industrial users which discharge to the District's system primarily domestic wastes or wastes from sanitary conveniences.
  - 3. Governmental/Institutional – Those premises consisting of any building, parts of buildings or groups of buildings used or operated by Federal, State or local governmental/other public entities and all charitable, religious,

and educational institutions including hospitals, schools (but not including private institutions operated for profit) that discharge to the District's system primarily domestic wastes or wastes from sanitary conveniences.

- C. Default Date – The date, specified in the Notice of Termination Letter, by which the customer must pay the past due amount. If the past due amount is not paid by the Default Date, a Default Fee is added to the account, and the total account balance, including all penalties and fees, must be paid immediately or the account is subject to service termination, lien, and/or other penalties. The Default Date will be a minimum of 10 days from the Notice of Termination Letter Proof of Service date.
- D. District – Shall mean Wheaton Sanitary District, the District's Board of Trustees, District employees, authorized agents for the District, and the District's service area.
- E. Works of the System – Shall include interceptor sewers, sewage collection system, and treatment works as defined in Federal Regulations.
- F. Operations – Shall mean all manner of activity including labor, electrical power, fuel, chemical supply, and administrative requirements to conduct the functions of collection, conveyance, treatment and disposal of wastewaters generated within the District.
- G. Maintenance – Shall mean all manner of activity including labor, supply contracts, repair work and administrative requirements to maintain the works, assets and property of the District to ensure continued and uninterrupted operation.
- H. Replacement – Shall mean the provision for and the installation of replacement equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- I. Useful Service Life – Shall mean the period of time that a particular component of the works of the system can reasonably be expected to perform the function intended in its design before replacement or extensive rehabilitation is required.

- J. Depreciation – Shall mean the amortization of the original cost of personal property and real property over the anticipated useful life. Personal property shall mean items of moveable furniture, fixtures, and equipment. Real property refers to the building and appurtenances thereto including all items that become an integral part thereof. Real property also includes all items which remain at one location for their useful life.
- K. Normal Domestic Sewage – Shall mean all household-type wastes discharged from places of human habitation including sanitary convenience, kitchen, and laundry wastes. Discharge waste strength shall be considered to average 200 mg/l BOD and 240 mg/l suspended solids at a discharge rate of 100 gallons per capita per day.
- L. BOD (Biological Oxygen Demand) – Shall mean that amount of oxygen expressed in milligrams per liter utilized in five days at 20 degrees C. for biological oxidation of the organic matter present in wastewater and measured by acceptable methods defined in the Federal Regulations.
- M. Suspended Solids – Shall mean filterable solids expressed in milligrams per liter contained in wastewater and measured by acceptable methods defined in the Federal Regulations.
- N. Public Water Meter – Shall mean the water meter installed within the water piping system of any building by a unit of government/municipality having jurisdiction over water supplies.
- O. Water Meter Readings – Shall mean the monthly, quarterly or annual water meter readings provided by a unit of government, municipality, utility, co-operative, or the District.
- P. Flat Rate Estimates – Shall mean the water estimated to be used where water is supplied via an unmetered water source.
- Q. Sampling Manhole – Shall mean a structure installed in a building's service line and accessible to District personnel with the capability of housing a flow meter and a composite 24-hour sampler. The construction of such manholes shall be approved by the District.

- R. Flow Meter – Shall mean a fluid measuring device approved by the District capable of being installed in a Sampling Manhole and capable of registering continuous flow rates over a 7-day period.
- S. Composite 24-Hour Sampler – Shall mean a sampling device approved by the District capable of being installed in a Sampling Manhole and capable of taking flow proportioned wastewater samples over a continuous 24-hour period.
- T. Water Not Returned To System (also described as non-returned water) - Shall mean water used and measured but not discharged to the District’s sanitary sewer system such as water used for industrial cooling purposes with discharge to storm drainage or water lost through lawn sprinkling and garden use.
- U. Infiltration – Shall mean extraneous waters entering a sewer system as defined in Federal Regulations.
- V. Inflow – Shall mean extraneous waters entering a sewer system as defined in Federal Regulations.
- W. Sewer Use Ordinances – Shall mean the District’s Ordinances regulating the use and construction of the Works of the System.
- X. Industrial Cost Recovery Ordinances – Shall mean the District’s Ordinances providing for the recovery of capital costs incurred for industrial waste treatment.
- Y. User Charge Rate Ordinances – Shall mean the District’s Ordinances establishing user charges.
- Z. Surcharge – Shall mean the additional cost over the normal charge for the treatment of wastewater based on wastewater containing pollutants in excess of the amounts found in normal domestic sewage.
- AA. Federal Regulations Shall mean Title 40 – Protection of the Environment, Chapter 1 – Environmental Protection Agency, Sub-Chapter B – Grants, Part 35 – State and Local Assistance, Final Grant Regulations, Section 35.925.11 effective February 11, 1974, issued pursuant to the Federal Water Pollution Control Act Amendments of 1972.
- AB. Haulers – Shall mean septage, leachate, chemical toilet, car wash debris, and similar haulers that bring waste material to the District for treatment and disposal.

These haulers generally bring wastewater to the District for treatment from entities that are not served by District sanitary sewer mains within the District's annexed service area. Waste material brought to the District by these haulers is typically treated in areas specifically designed for the handling/treatment that is generally different from wastewater that is transmitted by sewer lines to the District from residential, commercial, and industrial customers that are within the annexed service area of the District.

Section 5. Anticipated Costs, Operation, Maintenance and Replacement

- A. Prior to the close of each fiscal year, the District shall prepare an estimate of anticipated costs of operation, maintenance, and replacement for the next fiscal year. Such estimate of anticipated costs shall be prepared in accordance with and based on generally accepted accounting principles.
- B. The estimate of anticipated costs shall be submitted to the Board for approval.

Section 6. Determination of Costs - The Board shall determine annually:

- A. The projected yearly cost of operation, maintenance, and replacement of the Works of the System.
- B. Given that the cost of the District's operations varies from year to year, the District shall establish by separate Ordinance the user rates consistent with the methodology stated in this Ordinance. In the normal course of events, the District expects to adopt each year an "Ordinance Establishing User Rates."
- C. The minimum charge levied on any annexed user shall be a monthly fixed charge. The fixed charge for sewer covers the fixed costs related to having the system in place and maintained to provide reliable service, including costs to administer accounts. Therefore, the fixed charge is required from all customers whether or not any wastewater flows into the sewer system.

Section 7. Industrial and Commercial Surveillance - The District is authorized to:

- A. Exclude certain industrial contaminants or wastes from the Works of the System;
- B. Require industrial waste pretreatment where necessary;
- C. Contract with industries to control discharges limited by the District's National

Pollutant Discharge Elimination System permit(s);

- D. Contract with industries to maintain discharge controls;
- E. Meter flows and measure strengths of industrial waste discharges;
- F. Verify industrial waste data furnished by industries;
- G. Contract with other wastewater treatment authorities for waste treatment services.

The District may adopt procedures and regulations consistent with its authority as outlined in this Ordinance.

Section 8. Installation of Sampling Manholes, Flow Meters, and Composite 24-Hour Samplers-

All industrial users and certain commercial users, when required by the District and within 180 days of notice from the District, shall install a sampling manhole complete with flow meter and composite 24-hour sampler on each building service line as designated by the District.

Section 9. Credits

- A. Annual Irrigation Credit Program.
  - 1. Requests for annual irrigation credits must be received by the District, in writing, on or before December 31<sup>st</sup> of the calendar year for which the credit is requested.
  - 2. Residential customers may request a credit of the difference between the six-month watering season (May 1st through October 31st) and 120% of the previous six-month non-watering season (November 1st through April 30th). The previous six-month non-watering season shall have a monthly minimum usage equivalent to the standard multiple occupancy flat rate in effect when a credit is requested.
  - 3. Customers are automatically reenrolled in the Annual Irrigation Credit Program each subsequent year so long as the customer remains at the property, their account is in good standing, and the program is still in place. Customers who move to a new property within the District will be required to reapply.
  - 4. As an alternative, customers may install at the user's cost, a separate water meter (irrigation meter) on the water line used to supply the non-returned water. All such users must purchase the irrigation meter from and have the



irrigation meter installed by a vendor approved by the District. Non Residential customers are required to install a separate meter to qualify for this program.

5. Users who have installed an irrigation meter must provide the District with a photograph of the meter dial read of the irrigation meter via email beginning January and every two months thereafter in the calendar year for which the credit is requested in order to remain eligible for the irrigation credit.
6. The District has the right to review and approve the irrigation meter location.
7. A credit will be determined by multiplying the quantity of non-returned water with the user charge rate in effect during the subject period.

**B. Lawn Establishment, Pool, Hot Tub and Ice Rink Credit Program**

1. Lawn Establishment – A Credit may be allowed for watering of newly sodded lawns for the excess non-discharged water to District sanitary sewer system. The credit will be issued based on the difference between the month(s) in which the sodding occurred and the average monthly water consumption based on the usage for the previous 12 months.
2. Pools, Ice Rinks, and Hot Tubs - A credit may be issued for water used to fill pools, ice rinks, and hot tubs that will not discharge into the sanitary sewer system. The credit will be issued based on the lesser of either the calculated volume the pool fill, ice rink fill, or hot tub fill or the difference between the month the fill occurred and the average monthly water consumption of the previous 12 months. In all instances customers must provide exact dimensions of their pool, ice rink, or hot tub so that the volume of water not returned may be calculated.
3. All credit requests must be provided in writing and must be received by the District within 60 days of the occurrence of the event.
4. A separate meter is not required for credit eligibility for lawn establishment or filling of swimming pools, ice rinks, and hot tubs.

### C. Leak Adjustment Credit Program

1. Generally, credits are not given for water that enters the District's sanitary sewers since the water is still pumped and treated. The District does acknowledge that in certain instances a credit may be issued when metered water does not enter the District treatment facilities. However, it is the District's sole discretion whether a credit will be issued based on the circumstances and information presented by the customer.
2. All leak adjustment credit requests must be provided in writing and must be received by the District within 60 days of the occurrence of the event.

### D. Eligibility and Credit Application

1. In all instances, credits will be issued as an adjustment to the customer's account and not issued as a refund check.
2. In all instances, a customer's account must be active at the time in which the credit is applied. Customers who leave the district are not eligible for any credit program.
3. In instances of new construction or when a customer's account does not have 12 months of historical usage, a reasonable alternative calculation may be made by the District to determine an average monthly baseline. The method of calculation is left to the sole discretion of the District.
4. In some cases, a customer may be eligible to receive multiple credit(s) in one calendar year; however, credits cannot in any way overlap. If a customer receives a credit that overlaps another credit, the subsequent credit will be adjusted accordingly.

## Section 10. Collection of User Charges and Hauler Charges

### A. User Charges

1. District invoices are due twenty one (21) days after the billing date. An additional late fee may be made for any invoice not paid within twenty one

(21) days after the billing date. The late fee will be listed in the current Ordinance Establishing User Rates.

2. In case of default in the payment of any user charges, the District has the right to charge additional penalties and fees, record a lien with the DuPage County Recorder, and terminate services.

#### B. Haulers

1. District invoices are due twenty one (21) days after the billing date. An additional late fee may be made for any invoice not paid within twenty one (21) days after the billing date. The late fee will be listed in the current Ordinance Establishing User Rates.
2. If the amount past due is not paid by the Due Date, the District has the right to charge additional penalties and fees and record a lien with the DuPage County Recorder. The access code to enter the site may be invalidated, access to the disposal system may be deactivated, and no discharges may be made until the total account balance, including all penalties and fees, have been paid in full.

Section 11. Termination Procedures - Use of the sanitary sewer system shall be terminated for nonpayment of user charges. Use of the system shall be terminated either by termination of the public water supply, physical disconnection, or plugging of the sewer system. Termination of use of the sanitary sewer system occurs when the amount due the District for user charges, lien charges, interest charges, recording fees, bank charges, termination charges, disconnection charges, and other collection charges exceed forty dollars (\$40.00) and over thirty (30) days past due. The District declares that, as a matter of public policy, a building should not be occupied if the building does not have a functioning sanitary sewer service.

A. Termination Procedures for Water or Sanitary Sewer Service:

1. Residences or Buildings with Private Wells or Municipal Service
  - a. If the past due amount is \$40.00 or more and over thirty (30) days past due, a Notice of Termination may be served.
  - b. If the amount past due is not paid by the Default Date, or if an Exemption acceptable to the District has not been established and confirmed, a Default Fee shall be added to the amount due. The District has the right to terminate water or sanitary sewer service thereafter.
  - c. After the Default Date, the full account balance, including any penalties and fees, must be paid in full to avoid termination of services or before service is re-established. Payment must be made either in the District Administrative Office with cash or certified funds, or by credit or debit card.
  - d. If the account has not been paid in accordance with the above details, then the property will be tagged and the water or sanitary sewer service will be terminated at the convenience of the District.
  - e. In addition, a lien may be filed on the property with the DuPage County Recorder's Office.

B. Service of Notices

Notice of Termination shall be served as follows:

1. First class mail, with delivery deemed to have been made three (3) days after date of deposit of the Notice with the U.S. Post Office, or

2. Personal service, with delivery deemed to have been made by attaching Notice to the front door of the building or handing Notice to any occupant of the building, or
3. Posting of a Notice of Termination of water or sanitary sewer service on the building.

C. Exemptions

1. Medical Exemption - If an occupant of a residential property has a medical condition such that terminating water service or sewer service will adversely affect the health of an occupant, the District may grant a temporary medical exemption delaying termination of water service or sanitary sewer service. A medical exemption must be requested in accordance with the Medical Exemption Requirements.
2. Financial Hardship Payment Plan Exemption - The District may accept deferred payment pursuant to a Financial Hardship Payment Plan at the District's sole discretion. The Financial Hardship Payment Plan must be approved by the District and remain in good standing in order to remain exempt to the Service Termination Policy.

Section 12. Administration of User Accounts

1. By default, the District bills property owners for all sewer charges. However, in instances where tenants are responsible for utility charges, the District may create a subaccount for the tenant, subject to the following conditions:
  - 1 The Owner's primary account is in good standing.
  - 2 The District receives a completed Renter Move-in Agreement.

- 3 The District receives a copy of the current lease agreement.
- 4 The Owner automatically assumes all liability for any charges, fee, penalties, or other obligations associated with charges billed to their tenant.

The property owner is solely responsible for providing timely and accurate information about a tenant's move-in and move-out dates. If there is a discrepancy between the move-in and move-out dates, the District will rely on the Renter Move-in/Move-out Agreement for verification. The District will not transfer or adjust prior billings due to inaccurate or late information. If a tenant moves out and leaves an outstanding balance on their account the District will promptly transfer the full balance to the owner's account. The owner is solely responsible for collecting any outstanding balance from the tenant.

2. Final bills will be based on the final meter reading provided by the appropriate municipality. The District will use a final read that is within a 3 day window of the account closure date. In the event that a meter reading within 3 days is unavailable, a prorated final meter reading will be calculated using the subsequent available meter reading.
3. If a meter is discovered to be obstructed, damaged, or malfunctioning to the extent that unrecorded consumption cannot be regained through subsequent meter readings, the District may choose to issue a bill estimated at 95% of the average monthly usage for any affected months where the usage falls below 50% of the average monthly usage. If an average monthly usage is not available, a reasonable

alternative calculation may be made by the District to determine an average monthly baseline. The method of calculation is left to the sole discretion of the District.

Section 13. Forms and Regulations - The Executive Director has authority without further Board authorization to modify the forms and/or adopt procedural rules, administrative regulations, and policies consistent with the Board's intent as expressed in this Ordinance.

Section 14. Reinstatement of Service – In the event of termination of water service, sewer service, or hauler service, said service may be reinstated upon payment to the District of the full account balance. This includes all user charges, fees, and costs incurred by the District for service termination, debt collection, and reinstatement.

Section 15. Inspections and Meter Reading on Private Property – The District has the right to enter properties to take water meter readings, flow meter readings, and composite samples from meters and samplers. In the event an occupant refuses to allow District personnel on the property, the District may seek the assistance of local police or the DuPage County Sheriff. Failure to permit access to a property for the purposes stated shall constitute grounds for termination of service.

Section 16. User Charge Amendments – The Board reserves all rights to amend user charges from time to time and/or amend the terms of this Ordinance.

Section 17. Severability – This Ordinance is severable and the invalidity of any portion shall not affect the remaining portions.

Section 18. Repealer – Any and all ordinances or parts of ordinance in conflict herewith be, and are, hereby repealed, to the extent of such conflict.

Section 19. Effective Date – This Ordinance shall be effective July 10, 2024.

Adopted July 10, 2024.

---

President, Board of Trustees

Wheaton Sanitary District

ATTEST:

---

Clerk, Board of Trustees  
Wheaton Sanitary District