

2023-0-03
Passed 02/21/23

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 54 OF TITLE V OF THE WAUCONDA VILLAGE CODE PERTAINING TO INDUSTRIAL WASTEWATER DISCHARGE STANDARDS, REGULATIONS, AND REQUIREMENTS

WHEREAS, the U.S. Environmental Protection Agency (EPA) adopted the Effluent Limitations Guidelines and Standards for the Dental Category Final Rule to reduce the discharge of mercury-containing amalgam from dental offices into publicly owned treatment works (POTWs). 40 Code of Federal Regulations (CFR) Part 441; and

WHEREAS, the regulations for the operation of, and compliant effluent discharge from, the Waste Water Reclamation Plant (WWRP) of the Village must be in compliance with EPA rules and regulations including reduction of mercury-containing amalgam from dental offices tributary to the WWRP; and

WHEREAS, it is necessary and proper to revise and amend the waste water discharge regulations contained in Chapter 54 of Title V of the Village Code in order to locally implement the locally applicable provisions of 40 Code of Federal Regulations (CFR) Part 441.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wauconda, Lake County, Illinois as follows:

SECTION I: That Section 54.003, of Chapter 54 of Title V of the Wauconda Village Code entitled “Definitions” shall be and is hereby amended to provide as follows, with asterisk (***) denoting existing text, double underline (insert) denoting inserted text and strikeout (~~delete~~) denoting deleted text:

Sec. 54.003. Definitions.

- (a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in sections 54.001 through 54.224 and 54.999, shall have the meanings herein after designated.

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.

Amalgam Process Wastewater. Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

Amalgam Separator. A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

Approval authority. State of Illinois Environmental Protection Agency.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Dental Amalgam. An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

Dental Discharger. A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, State or local governments, that discharges wastewater to a Publicly Owned Treatment Works (POTW).

Discharge. The introduction of pollutants in the wastewater treatment system from any non-domestic source regulated under §307(b), (c), or (d) of the Act.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

Existing Dental Discharger Source. A dental discharger that is not a new source.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applied to such source if the standard is thereafter promulgated in accordance with §307 of the Act.

Medical waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Mobile Unit. A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

NAICS. A classification pursuant to the North American Industry Classification System issued by the U.S. Office of Management and Budget.

New Dental Discharger Source. A dental discharger whose first discharge to a POTW occurs after July 14, 2017.

New Source. Shall mean the following:

a. Any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under §307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
3. The production or Wastewater generating processes of the building, structure, facility, or installation 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.

b. 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 (1)(b) below or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program.

- a. Any placement, assembly, or installation of facilities or equipment;
or
- b. 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

2. Entered a binding contractual obligation for the purchase of facilities or equipment which are 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 paragraph.

If National Categorical Pretreatment Standards are not applicable, "New Source" shall mean any building, structure, facility, or installation from which there is or may be a Discharge of Pollutants, the remodeling (if that remodeling results in a new process or new SIC code being assigned to the Industrial User by the Village) or the construction of which commences after the effective date of this Ordinance.

Non-contact cooling water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product or finished product. The only pollutant is heat.

SECTION II: There is hereby established a new Section 54.041 to Chapter 54 of Title V of the Wauconda Village Code to provide as follows, with double underline (insert) denoting the new text:

Sec. 54.041. Amalgam Management at Dental Offices.

Except as provided in paragraphs (b), (c), and (d) of this section, this part applies to Dental Dischargers as defined in Sec. 54.003.

- (a) Unless otherwise designated by the Control Authority, Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR part 403 and are not Categorical Industrial Users or Industrial users subject to categorical pretreatment standards as those terms and variations are used in 40 CFR part 403, as a result of applicability of this rule.
- (b) This part does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
- (c) This part does not apply to wastewater discharges from a Mobile Unit as defined in Sect. 54.003 operated by a Dental Discharger.
- (d) This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Sec. 54.003 to a POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR part 437.
- (e) Dental Dischargers that do not place Dental Amalgam as defined in Sec. 54.003 and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR 441.50 are exempt from any further requirements of this part.

Within the shortest reasonable time, but not later than February 15, 2023, any Existing Dental Discharger as defined in Sec. 54.003 subject to this section must comply with the requirements of 40 CFR 441.30 (a) and (b) and also must comply with the reporting and recordkeeping requirements of 40 CFR 441.50.

SECTION III: That the “Reserved Sections” of the “Pretreatment of Wastewater” provisions this Chapter 54 are revised as follows, with asterisk (***) denoting existing text, double underline (insert) denoting inserted text and strikeout (~~delete~~) denoting deleted text:

Secs. ~~54.041~~ 54.02—54.054. Reserved.

SECTION IV: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION V: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or

invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION VI: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 7th day of February, 2023.

	Ayes:	Nays:	Absent/Abstain:
John Barbini	_____	_____	_____
Tim Howe	_____	_____	_____
Tom Shaw	_____	_____	_____
Jennifer Kuhn	_____	_____	_____
Nicole M. Ferrier	_____	_____	_____
Samuel Stein	_____	_____	_____

APPROVED:

By: _____ Date: _____
JEFF A. SODE, Mayor

ATTEST:

By: _____
VIRGINIA RADCLIFFE, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on February 7, 2023.

Published in pamphlet form on February ___, 2023.

VIRGINIA RADCLIFFE, Village Clerk

