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## **RESOLUTION PROHIBITING ILLICIT DISCHARGES TO THE WYNSTONE PROPERTY OWNERS' ASSOCIATION, INC. SANITARY SEWER COLLECTION SYSTEM**

The purpose of this Resolution is to provide for the health, safety and general welfare of the residents and occupants of the Wynstone Subdivision through the regulation of illegal discharges to the Wynstone Subdivision's sanitary collection system (the "Sanitary System"). This Resolution establishes the methods for controlling the illicit discharges to the Sanitary System in order to comply with Federal and State law.

WHEREAS, the Federal Water Pollution Control Act and the Clean Water Act, as well as amendments, regulations and orders pursuant to each Act, prohibit the discharge of any non-permitted wastes and waters to the Sanitary System.

WHEREAS, as part of the Sanitary System, the Wynstone Property Owners' Association (the "Association") operates a two stage lagoon system with an allowable storage capacity (the "Lagoon Systems");

WHEREAS, the Sanitary System, including the Lagoon Systems, is governed by an Operating Permit issued to the Association by the Illinois Environmental Protection Agency and by the Operational Policies established by the Association from time to time, and is under the supervision of an employee of the Association who is the Certified Water Treatment Plant Operator (the "Operator").

WHEREAS, excess effluent from the Lagoon Systems is discharged to the Village of Lake Zurich and the County of Lake under the terms established in an Agreement for Sewage Disposal Services for the area of the Wynstone Subdivision in the "Village of North Barrington By and Between the Village of North Barrington and the Village of Lake Zurich and the County of Lake" also known as the Tri-Party Agreement dated May 12, 2009, and pursuant to the Tri-Party Agreement, the Village of Lake Zurich and the County of Lake impose a fee on all excess effluent discharged to them under the Tri-Party Agreement;

WHEREAS, such prohibited discharges into the Sanitary System produces excess effluent and places a burden on the entire Sanitary System, including the Lagoon Systems, the pumping equipment and infrastructure and the treatment process.

BE IT RESOLVED by the Board of Directors of the Wynstone Property Owners' Association that:

### **Section I Illicit Discharges**

No person shall discharge any pollutants or surface water to the Sanitary System (the following, together with any other pollutants or unauthorized surface waters, are collectively referred to as "Illicit Discharges"):

- a. Fats, Oils and Grease (FOG): Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

- b. Hazardous Materials, including any material, substance, waste or combination thereof which because of its quantity, concentration, or physical, chemical, or infectious characteristic, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when disposed of in the Sanitary System.
- c. Medical waste, which shall include, but not be limited to, the following: prescription and non-prescription medication; any potentially infectious materials; blood and other body fluids in any form (including, without limitation, lab specimens); any material contaminated by potentially infectious materials or by blood or other body fluids; needles and syringes; gloves and linen; uniforms or laundry; and cleaning equipment or materials used to clean any of the foregoing.
- d. Other Pollutants such as, but not limited to: paints, varnishes, and solvents; oil and other automotive fluid; non-hazardous liquid and solid wastes; yard wastes, refuse, rubbish, garbage, and litter; discarded or abandoned objects; floatables; pesticides, herbicides, and fertilizers; fuels or flammable liquids; dissolved and particular metals; animal waste; and residues that result from constructing a building or structure.

## **Section II Surface Water Drainage**

No person shall make or maintain any connections of roof downspouts, foundation drains, yard and areaway drains, sump pumps, clean outs, laterals, cooling water discharges, roof ladders or other sources of surface run-off or ground water to the Sanitary System (such connections are referred to herein as "Unauthorized Connections"). Any such Unauthorized Connections existing at the time of this Resolution must be disconnected.

## **Section III Monitoring of Discharges**

- a. The Association, through its employees and agents, including the Operator, shall be permitted to enter and inspect homes, buildings and other facilities subject to the regulations contained herein to determine compliance with this Resolution. Inspection reports from such inspections shall be submitted to the Association.
- b. If a violation exists, the property owner or other occupant will cure the violation in a manner satisfactory to the Association in the time period set out in the notice of violation.
- c. The Association, through its employees and agents, including the Operator, is hereby authorized to set up or conduct any test or monitoring equipment, and to obtain samples of discharged waters.
- d. Unreasonable delays in allowing the Association, its employees and agents, access to a home, building or other facility shall constitute a violation of this Resolution.

## **Section IV Enforcement**

- a. Whenever the Association determines that a violation exists, the Association may order compliance by written notice (the "Initial Notice") of the violation to the responsible person. Such Initial Notice may require, without limitation:
  - i. The performance of monitoring, analysis and reporting;
  - ii. The elimination of Illicit Discharges or Unauthorized Connections;
  - iii. That practices, procedures or operations that result in Illicit Discharges or Unauthorized Connections shall cease and desist;

- iv. The abatement or remediation of the Illicit Discharge and the restoration of any affected property;
  - v. The time period to correct the violation; and
  - vi. Applicable fines as set forth below.
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- b. If the violation is not cured within the time period set forth in the Initial Notice, the Association may pursue any right and remedy available to it, including, without limitation, issuing a Notice of Hearing in accordance with Article XI Section 11.03 of the Wynstone Convents, Conditions and Restrictions.
  - c. At any Hearing established by the Association in connection with a violation of this Resolution, the Board of Directors may impose a fine of \$250.00 per day for each and every day the violation continues and may hire a service provider chosen by the Association to correct or remediate the Illicit Discharge or disconnect the Unauthorized Connection at the owner's expense.
  - d. The Association has the right to pursue all of its rights and remedies for collection of any expenses incurred in enforcement of this Resolution, including, without limitation, reasonable attorneys' fees and expenses, and costs of sampling and monitoring.

Approved November 14, 2016

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Christie Baines, Secretary