

BILL NO. 6

ORDINANCE NO. 05-2019

AN ORDINANCE REPLACING IN ITS ENTIRETY ARTICLE III. SEWERS AND SEWAGE DISPOSAL OF CHAPTER 86 OF THE MONROE CITY CODE OF ORDINANCES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MONROE CITY, MISSOURI, AS FOLLOWS:

Section 1. That Article III. Sewers and Sewage Disposal of Chapter 86 of the Monroe City Code of Ordinance be replaced in its entirety with the following.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 86-96. Definitions.

The following words, terms and phrases, when used in this article, shall have meanings ascribe to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

***Cross references**—Plumbing code, § 18-161 et seq.; sewage disposal mobile home parks, § 54-316 et seq.

State law reference—Sewerage service charges, RSMo 71.715; municipal sewerage systems in cities of the fourth class, RSMo 88.832 et seq.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer receiving both surface runoff and sewage.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Instantaneous Limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of

surface water or groundwater.

Person means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half of an inch (1.27 centimeters) in any dimension.

Public sewer means a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such grounds water, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Shall means mandatory; *may* means permissive.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24- hour concentration or flows during normal operation.

Storm drain (storm sewer) means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent means the superintendent of sewage works and water pollution control of the city, or his authorized deputy, agent or representative.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 8-92, art. II, §§ 1, 7, 5-7-92; Ord. No. 9-92, § 1 (20-1), 5-7-92; Ord No. 4-97, § 1.3(D), (II), 2-20-97)

Cross reference--- Definitions generally, §1-2.

Sec. 86-97. Deposit of objectionable wastes.

(a) *Excrement, garbage or other wastes.* It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner on public or private property within the city, or in any area under jurisdiction of such city, any human or animal excrement, garbage or other objectionable waste.

(b) *Sewage or other polluted waters.* It shall be unlawful to discharge to any natural outlet within city, or in any area under jurisdiction of such city, any sewage or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) *Installation of suitable toilet facilities.* The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within city and abutting on any street alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after the date of the official notice to do so, provided that such public sewer is within 100 feet (30.5 meters) of the property line.

(Ord. No. 9-92, § 1 (20-2), 5-7-92)

Sec. 86-98. Building sewers.

(a) *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(b) *Classes of permits; applications form; fees.* There shall be two classes of building sewer permits: one for residential and commercial service, and the other for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee in an amount set by the board of aldermen from time to time for residential, commercial and industrial building sewer permits shall be paid to the city at the time the application is filed.

(c) *Installation and connection costs and expenses.* All costs and expenses incident to the installation and connection of the building, sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Separate sewer per building; exception.* A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) *Old sewers.* Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

- (f) *Size, slope, alignment; materials and methods.* The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and W.P.C.F. Manual of Practice No. 9 shall apply.
- (g) *Lifting of sewage.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (h) *Connection of surface water sources prohibited.* No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (i) *Connection to public sewer; procedures.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedure set forth in appropriate specifications of the American Society for Testing and Materials and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- (j) *Notification of inspection readiness.* The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under supervision of the superintendent or his representative.
- (k) *Guarding of excavations.* All exceptions for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 9-92, § 1(20-4), 5-7-92).

Sec. 86-99. Public sewer use; discharge regulations.

- (a) *Sanitary sewer discharge.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

- (b) *Discharge of stormwater and all other unpolluted drainage; use of storm sewers, combined sewers and natural outlets.* Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.
- (c) *Prohibited discharges, general.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, wither singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (d) *Prohibited discharges, specific.* No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance, In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation flow and velocities in the sewers, materials of construction of sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degree Celsius)
- (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (6) Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving water.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having pH in excess of 9.5.
- (9) Material which exert or causes:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lie residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate)
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the average sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting slugs.

- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Any waters or wastes having a five-day BOD greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids or having an average daily flow greater than two percent of the average sewage flow of the city shall be subject to the review of the superintendent. Where necessary, in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 part per million by weight or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent, and no construction of such facility shall be commenced until such approvals are obtained in writing.
- (e) *Action by superintendent upon hazardous usage.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d) of this section, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving water, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewer; and
 - (3) Require control over the quantities and rates of discharge; and
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection(j) of the section

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- (f) *Grease. Oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type

and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (g) *Preliminary or flow-equalizing facilities; maintenance.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (h) *Control manhole; installation and maintenance.* When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (i) *Measurements, tests and analyses.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " Published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken, at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
- (j) *Special agreements.* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(Ord. No. 9-92, § 1(20-5),5-7-92)

Sec. 86-100. Tampering with or breaking sewage works or structures; violator subject to arrest.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance or equipment which is part of the sewage works. Any person violating this section shall be subject to immediate arrest under chare of

disorderly conduct.

(Ord. No. 9-92, § 1(20-6), 5-7-92)

Sec. 86-101. Inspection, observation, measurement, sampling and testing.

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 86-99(h).
- (c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairs and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 9-92, § 1(20-7), 5-7-92)

Sec. 86-102. Violations of article; notice; time limit for correction; penalty; liability of offender.

- (a) Any person found to be violating any provision of this article except section 86-100 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section, shall be guilty of a misdemeanor and, on conviction, shall be fined in the amount not exceeding \$100.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Ord. No. 9-92, § 1(20-8), 5-7-92)

Sec. 86-103—86-125. Reserved.

DIVISION 2. PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. 86-126. Construction or maintenance prohibited generally.

Except as provided in this division, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or use for disposal of sewage.

(Ord. No. 9-92 § 1(20-2(3)), 5-7-92)

Sec. 86-127. Permitted upon unavailability of public sanitary or combined sewer.

Where a public sanitary or combined sewer is not available under the provisions of section 86-97 (c), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(Ord. No. 9-92, § 1(20-3(1)), 5-7-92)

Sec. 86-128. Permit required fees.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such a permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee in an amount set by the board of aldermen from time to time shall be paid to the city at the time the application is filed.

(Ord. No 9-92, § 1(20-3(2)), 5-7-92)

Sec. 86-129. Permit effective after completion of installation and inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any state of construction, and in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the superintendent.

(Ord. No. 9-92, § 1(20-3(3)),

5-7-92)

Sec. 86-130. Type, capacities, location and layout; compliance with recommendations of state department of public health.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of state department of public health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 9-92, § 1(20-3(4)), 5-7-92)

Sec. 86-131. Connection to public sewer upon availability; abandoning and filling of private system.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 86-130, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. No. 9-90, § 1(20-3(5)), 5-7-9)

Sec. 86-132. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. No. 9-92, § 1(20-3(6)), 5-7-92)

Sec. 86-133. Additional requirements by health officer.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by health officer.

(Ord. No. 9-92, § 1(20-3(7)), 5-7-92)

Sec. 86-134. Public sewer conditions deadline; cleaning and filling of private system.

When a public sewer becomes available, the building sewer shall be connected to such sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

(Ord. NO. 9-92, § 1(20-3(8)), 5-7-92)

Sec. 86-135. Abatement of nuisances at expense of keepers.

If, upon the trial and conviction of any person for keeping a nuisance in violation of any section of this division, it shall appear that the nuisance complained of continues to exist, the municipal judge shall, in addition to any penalty imposed, make an order directing the marshal to abate such nuisance and report the expense thereof to the municipal judge, who shall make the expense a part of the judgement, in addition to the fine imposed, the expense to be collected as other fines and penalties. (Code 1986, § 20-22)

Sec. 86-136----86-155. Reserved.

DIVISION 3. RATES AND CHARGES*

Sec. 86-156. Determination of necessity; use of proceeds.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

(Ord. No. 8-92, art. 1, 5-7-92)

Sec. 86-157. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Normal domestic wastewater means wastewater that has a BOD concentration of not more than 300 mg/l and suspended solids concentration of not more than 350 mg/l.

Operation and maintenance means all expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining sewage works to achieve the capacity and performance for which such works were designed and constructed.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Residential contributor means any contributor to the city's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

Treatment works means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewer, sewage collection systems, individual systems; pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition

***State law reference---**Municipal sewerage service charges. RSMo 71.715.

of the land that will be an integral part of the treatment process or is used for ultimate disposal of residue resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

Useful life means the estimated period during which a treatment works will be operated.

User charge means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

Water meter means a water volume measuring and recording device, furnished and/or installed by the city, or furnished and/or installed by a user and approved by the city.

(Ord. No. 8-92 art.II § 11, 5-7-92)

Cross

reference—Definitions generally, 1-2.

Sec. 86-158. User charge system.

(a) *Purpose.* The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this division.

(b) *Operation, maintenance and replacement fund: two accounts.* That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in section 86-159, shall be deposited in a separate nonlapsing fund known as the operation, maintenance and replacement fund and will be kept in two primary accounts as follows:

(1) An Account designated for the specific purpose of defraying operation and maintenance cost of the treatment works (operation and maintenance account).

(2) An account designated for specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made (at least annually, specify) from the operation: maintenance and replacement revenue in the amount of \$15,000.00 annually.

(c) *Fiscal year-end balance.* Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(Ord. No 8-92, art III §§ 1---3, 5-7-92)

Sec. 86-159. Actual user rate structure.

(a) *Basis of payment for services.* Each user shall pay for the services provided by the city based on his use of the treatment works as determined by water meters acceptable to the city.

(b) *User charges; basis.* For residential contributors, monthly user charges will be based on actual water usage through the water meter on the basis of per 1,000 gallons metered. For industrial and commercial contributors' user charges shall be based on water used during current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner use water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meter installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(c) *Minimum charge; user charge rate for operation and maintenance; debt retirement.* The minimum charge per month shall be \$1.80. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$1.80 per 1,000 gallons of water metered as determine in subsection (b) of this section and an additional \$.027 per 1,000 gallons of water metered for debt retirement.

(d) *Increased costs.* Any user which discharges any wastewater, the strength of which is greater than normal domestic sewage; toxic pollutants which cause and increase in the cost of managing the effluent or the sludge from the city's treatment works; or any user which discharges and substance which, singly or by interaction with other substance causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the board of aldermen.

(e) *Application of user charge rates.* The user charge rates established in this division apply to all users, regardless of their location, of the city's treatment works.
(Ord. No. 8-92, art IV, §§ 1-5, 5, 5-7-92).

Sec. 86-160. Billing; late payment.

(a) All users shall be billed monthly. Billings for any particular month shall be made within 30 days after the end of the month. Payments are due when the billings are made. Any payment not received within 30 days after the billing is made shall be delinquent.

(b) A late payment penalty of five percent of the user charge bill will be added to each delinquent bill for each 30 days of delinquency. When any bill is 30 days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

(Ord. No. 8-92, art V, §§ 1,2 5-7-92)

Sec. 86-161. Annual review of user charge system; revision; notification of user of rates.

(a) The city will review the user charge system at least every year, and specify and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.

(b) the city will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the treatment works.

(Ord No.8-92, art VI §§ 1,2,5-7-92)

Sec. 86-162. Surcharges.

(a) Any commercial or industrial user having a BOD between 200 milligrams per liter (mg/l) and 300 milligrams per liter (mg/l) or a suspended solids between 250 milligrams per liter (mg/l) and 350 milligrams per liter (mg/l) shall be subject to a surcharge.

(b) The amount of BOD subjected to the surcharge shall be determined by applying the following formula:

$$Pb = Fm \times (Bx - 200) \times 8.34$$

(1) The term "BOD" shall mean the quantity of oxygen utilized in the biochemical oxygen demand of organic matter under standard laboratory procedures in five days at 20 degree Celsius, expressed in parts per million by weight (biochemical oxygen demand).

(2) The term "Fm" shall mean the monthly flow in million gallons (MG).

(3) The term "Bx" shall mean the biochemical oxygen demand of flow in milligrams per liter

(mg/l).

(4) 8.34 shall mean the conversion from milligrams per liter (mg/l) to number per million gallons (#/mg).

(5) The term "Pb" shall mean number of pounds of biochemical oxygen demand subjected to surcharge.

(c) The amount of biochemical oxygen demand surcharge in dollars per month will be determined by applying the following formula:

$$S_b = P_b \times 0.4 \times C_y / B_t$$

(1) The term "BOD" shall mean the quantity of oxygen utilized in the biochemical oxygen demand of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in parts per million by weight (biochemical oxygen demand).

(2) The term "Sb" shall mean the biochemical surcharge in dollars per month.

(3) The term "Pb" shall mean the pound of biochemical oxygen demand subject to surcharge.

(4) 0.4 shall mean the portion of plant cost attributable to the biochemical oxygen demand.

(5) The term "Cy" shall mean the yearly plant cost for operation and maintenance and debt service, less any sum received from industrial surcharge the previous year.

(6) The term "Bt" shall mean the total biochemical oxygen demand received in pounds per year.

(d) The pounds excess suspended solids will be determined by applying the following formula:

$$P_s = F_m \times (S_x - 250) \times 8.34$$

(1) The term "fm" shall mean the monthly flow in million gallons (MG).

(2) The term "Sm" shall mean the suspended solids in milligrams per liter (mg/l).

(3) 8.34 shall mean the conversion from milligrams per liter (mg/l) to number per million gallons (#MG).

(4) The term "Ps" shall mean the pounds of suspended solids subjected to surcharge.

(e) The amount of suspended solids surcharge in dollars per month shall be determined by applying the following formula:

$$S_s = P_s \times 0.3 \times C_y / S_t$$

(1) The term "Ss" shall mean the suspended solids surcharge in dollars per month.

(2) The term "Ps" shall mean the pounds of suspended solids subjected to surcharge.

(3) 0.3 shall mean the portion of the plant cost attributable to suspended solids.

(4) The term "Cy" shall mean the yearly plant cost for operation and maintenance and debt service, less any sum received from the industrial surcharge the previous year.

(5) The term "St" shall mean the total suspended solids received in pounds per year.

(Code 1986, § 20-24)

Sec. 86-163--86-195. Reserved.

DIVISION 4. INDUSTRIAL WASTE

Subdivision I. In General

Sec. 86-196. Purpose and objectives of division; application.

(a) This division sets forth uniform requirements for users of the wastewater collection and

publicly owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et. seq.), and the general pretreatment regulations (40 CFR 403). The objectives of this ordinance are to:

- (1) Prevent the introduction of pollutants into the POTW that will interfere with the operations of the POTW;
- (2) Prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) Ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- (7) Enable the city to comply with its NPDES permit conditions, sludge use and disposal requirement and any other federal or state laws to which the POTW is subject.

(b) This division shall apply to all industrial users of the POTW. This division authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this division.

(Ord. No. 4-97, § 1.1, 2-20-97)

Sec. 86-197. Administration generally.

Except as otherwise provided in this division, the director of public works shall administer, implement and enforce the provisions of this division. Any power granted to or duties imposed upon the director of public works may be delegated by the director of public works to other city personnel

(Ord. No. 4-97, § 1.2, 2-20-97)

Sec. 86-198. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means an NPDES state with an approved state pretreatment program; otherwise, the appropriate regional administrator of the U.S. EPA, or his designee.

Authorized representative of the industrial user means as follows:

(1) If the industrial user is a corporation, authorized representative means:

(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:

(b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

(3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee.

(4) The individuals described in subsection (1)—(3) of this definition 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.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 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 as required in Sec. 86-245.

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.

Color means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

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

Director of public works means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as designation for the regional water management division director or other duly authorized official of such agency.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication 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.

Grab sample means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Indirect discharge or discharge means the introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

Industrial user or user means a source of indirect discharge.

Instantaneous maximum allowable discharge limit means the maximum concentration (or loading) of pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means 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 therefor is a cause of a violation of the city's NPDES permit or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; to the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Medical waste means 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.

New source means as follows:

(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 the site at which no other source is located;

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 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.

(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 buildings, structures, facility or installation meeting the criteria of subsection (1)b. or c. of this definition, but otherwise alters, replaces or add 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:

1. Any placement, assembly or installation of facilities or equipment; or

2. 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 building 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 definition.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material intermediate produce, waste produce or finished product.

Pass through means a discharge which exits the POTW into water of the U. S. in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permits, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH means a measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant means any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics thereof, i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity and odor.

Pretreatment means 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 obtained 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.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or standard means prohibitive discharge standards, categorical pretreatment standards and local limits.

Pretreatment standards or standards or prohibited discharge means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 86-241.

Publicly owned treatment works or POTW means a treatment works as defined by section 212 of the Act (33 USC 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

Septic tanks waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Sewage means human excrement and gray water and includes household showers, dishwashing operations, etc.

Significant industrial user means as follows:

- (1) Industrial users subject to categorical pretreatment standards;
- (2) Any other industrial user that discharges an average of 25,000 gpd or more of process wastewater, contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or is designated as significant by the city on a basis that the industrial user has a reasonable potential for adversely affecting POTW's operation or for violating any pretreatment standard or requirement;
- (3) Upon finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a 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.

Slug load means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 86-241 or any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or a noncustomary batch discharge.

Standard industrial classification (SIC) Code means a classification pursuant to the Standard Industrial Classification Manual, issued by the U. S. Office of Management and Budget.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

Toxic pollutant means one of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 USC 1317) of the Act.

Treatment plant effluent means any discharge of pollutants from the POTW into waters of the state.

Wastewater means liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant means that portion of the POTW designed to provide treatment of sewage and industrial waste.

(Ord. No. 4-97, § 1.3(A)---(E), (G)---(HH), (JJ)—(MM), 2-20-97)

Cross reference---Definitions generally, 1-2.

Sec. 86-199. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD means biochemical oxygen demand.

CFR means Code of Federal Regulation.

COD means chemical oxygen demand.

EPA means U.S. Environmental Protection Agency.

gpd means gallon per day.

l means liter.

mg means milligrams.

mg/l means milligrams per liter.

NPDES means National Pollutant Discharge Elimination System.

O & M means operation and maintenance.

POTW means publicly owned treatment works.

RCRA means Resource Conservation and Recovery Act.

SIC means standard industrial classifications.

SWDA means Solid Waste Disposal Act (42 USC 6901, et seq).

TSS means total suspended solids.

USC means United States Code.

(Ord. No. 4-97, § 1.4, 2-20-97)

Secs. 86-200---86-220. Reserved.

Subdivision II. Administration and Enforcement

Sec. 86-221. Compliance monitoring.

(a) Inspection and sampling. The city shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this division, and any permit or order issued under this division, is being met and whether the industrial user is complying with all requirements of this division. Industrial users shall allow the director of public works or his representatives ready access to all parts of the premises of the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities. The city, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and /or metering of the user's operations. The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated (periodically) to ensure their accuracy. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the director of public works and shall not be replaced. The costs of clearing such access shall be borne by the industrial user. Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this division.

(b) Search warrants. If the director of public works has been refused access to a building, structure or property, or any part thereof, and if the director of public works has demonstrated probable cause to believe that there may be a violation of this division or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this division or any permit or order issued under this division, or to protect the overall public health, safety and welfare of the community, then, upon application by the city attorney, the associate circuit judge of the county may issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the director of public works in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(Ord. No. 4-97, § 7, 2-20-97)

Sec. 86-222. Confidential information.

Information and data on an industrial user obtained from reports, surveys, wastewater

discharge permit application, wastewater discharge permits and monitoring programs, and from city inspection and sampling activities shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial 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.

(Ord. No. 4-97, 8, 2-20-97)

Sec. 86-223. Publication of industrial users in significant noncompliance.

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- (1)Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- (2)Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (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, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3)Any other violation of a pretreatment standard or requirement as (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4)Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (5)Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- (6) 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;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 86-224. Administrative enforcement remedies.

(a) *Notification of violation.* Whenever the director of public works finds that any user has violated or is violating this division, a wastewater discharge permit or order issued under this division, or any other pretreatment requirement, the director of public works or his agent may serve upon the user a written notice of violation. Within 45 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 director of public works. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Consent orders.* The director of public works is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing and agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (d) and (e) of this section and shall be judicially enforceable.

(c) *Show cause hearing.* The director of public works may order any user which causes or contributes to violations of this division, wastewater discharge permits or orders issued under this division, or any other pretreatment standard or requirement, to appear before the director of public works and show cause why a 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 this 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 seven days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any action against the user.

(d) *Compliance order.* When the director of public works finds that a user has violated or continues to violate this division, wastewater discharge permits or orders issued under this division, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within ten days. If the user does not come into compliance within ten days, sewer service shall be

discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize that amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

(e) *Cease and desist orders.* When the director of public works finds that a user is violating this division, the user's wastewater discharge permit, any order issued under this division or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director of public works 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;
- (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.

Issuance of a cease and desist order shall not be prerequisite to taking any other action against the user.

(f) *Administrative fines.* Administrative fines may be assessed as follows:

- (1) Notwithstanding any other section of this division, any user that is found to have violated any provision of this division, its wastewater discharge permit and orders issued under this division, or any other pretreatment standard or requirement shall be fined in an amount not to exceed \$500.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Assessments may be added to the user's next schedule sewer service charge, and the director of public works shall have such other collection remedies as may be available for other service charges and fee
- (3) Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed and additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at a rate of 18 percent per annum. A lien against the individual user's property will be sought for unpaid charges, fines and penalties.
- (4) Users desiring to dispute such fines must file a written request for the board of aldermen to reconsider the fine along with full payment of the fine amount within seven days of being notified of the fine. Where a request has merit, the board of aldermen shall convene a hearing on the matter within ten days of receiving the request form the industrial user. If the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The city may add

the costs of preparing administrative enforcement actions such as notices and orders to the fines.

- (5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

(g) Emergency suspensions. The director of public works may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order 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 director of public works 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. 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 director of public works shall 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 director of public works shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in subsection (h) of this section are initiated against the user. 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 director of public works, prior to the date of any show cause or termination hearing under subsection (c) and (h) of this section. Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

(h) Termination of discharge. In addition to those provisions in subsection 86-302(f), any user that violates the following conditions of this division, wastewater discharge permits or orders issued under this division, 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;
- (5) Violation of the pretreatment standards in subdivision III of this division.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) of this section why the proposed action should not be taken.

(Ord. No. 4-97, § 10, 2-20-97)

Sec. 86-225. Judicial enforcement remedies.

(a) Injunctive relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this division, wastewater discharge permits or orders issued under this division, or any other pretreatment requirement, the director of public works may petition the circuit court of the 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 division on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

(a) Civil penalties. Civil penalties are as follows:

(1) Any user which has violated or continues to violate this division, any order or wastewater discharge permit under this division, or any other pretreatment standard or requirement shall be liable to the director of public works for a maximum civil penalty of \$1,000.00 per violation per day. In the case of a monthly or other longterm average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The director of public works may recover reasonable attorney's fee, 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.

(3) 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, 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.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against the user.

(b) Criminal prosecution. Criminal prosecution shall be as follows:

(1) Any user that willfully or negligently violates any provision of this division, any orders or wastewater discharge permits issued under this division, or any other pretreatment requirement shall upon conviction, be guilty of a misdemeanor, punishable by a fine or not more than \$1,000.00 per violation, per day.

(2) Any user that willfully or negligently introduces any substance into the POTW which cause personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) Any user that 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 division, wastewater discharge permit or order, or who falsified, tampers with or knowingly renders inaccurate any

monitoring device or method required under this division shall, upon conviction, be punished by a fine or not more than \$1,000.00 per violation, per day.

(4) In event of a second conviction, a user shall be punished by a fine of not more than \$2,000.00 per violation, per day.

(c) *Remedies nonexclusive.* The provisions in sections 86-221----86-226 are not exclusive remedies. The city reserves the right to 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 city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

(Ord. No. 4-97, § 11, 2-20-97)

Sec. 86-226. Supplemental enforcement action.

(a) *Performance bonds.* The director of revenue may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, any orders or a previous wastewater discharge permit issued under this division, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director of revenue to be necessary to achieve consistent compliance.

(b) *Liability insurance.* The director of revenue may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, any order or a previous wastewater discharge permit issued under this division, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) *Water supply severance.* Whenever a user has violated or continues to violate the provisions of this division, orders or wastewater discharge permits issued under this division water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(d) *Public nuisance.* Any violation of this division, wastewater discharge permits or orders issued under this division, is hereby declared a public nuisance and shall be corrected or abated as directed by the director of revenue or his designee. Any person creating a public nuisance shall be subject to the provisions of article II of chapter 42. Governing such nuisances, including reimbursing the city for any cost incurred in removing, abating or remedying such nuisance.

(e) *Contractor listing.* Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city, held by a user found to be in significant noncompliance with pretreatment standards, may be terminated at the discretion of the city

(Ord. No. 4-97, §12, 2-20-97)

Sec. 86-227. Affirmative defenses to discharge violations.

(a) Upset. Using a upset as an affirmative defense shall be subject to the following:

(1) For the purpose of this section, the term "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 industrial 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.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) of this section are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the causes of the upset.

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

© The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset. (If this information is provided orally, a written submission must be provided within five days):

1. A description of the indirect discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial 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.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reductions, 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.

(b) General/specific prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 86-241 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 local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and

during, the pass through or interference, or no local limits 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.

(c) *Bypass*. A bypass may be used as an affirmative defense as follows:

(1) The term "bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility. The term "severe property damage" means 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.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of subsections (c)(3) and (c)(4) of this section.

(3) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW 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 industrial 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 to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass is prohibited, and the POTW may take enforcement action against any industrial user for a bypass, unless:

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

(b) 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 backup 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

(c) The industrial user submitted notices as required under subsection (c)(3) of this section.

The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (c)(4) of this section.

(Ord. No. 4-97. 13. 2-20-97)

Sec. 86-228----86-240. Reserved.

Subdivision III. General Sewer Use Requirements

Sec. 86-241. Prohibited discharge standards

(a) No industrial 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 industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW including, but not limited to, wastestreams with a close-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.

(3) Solids 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 two inches in any dimension.

(4) Any wastewater containing 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 either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(5) Any wastewater having temperature greater than 150 degrees Fahrenheit 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 Fahrenheit (40 degrees Celsius).

(6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any 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) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with section 86-275.

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

(10) Any 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 the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonably established norm for aquatic life.

(11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the director of public works in compliance with applicable state and federal regulations.

(12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the director of public works.

(13) Any sludges, screening or other residues from the pretreatment of industrial wastes.

(14) Any medical waste, except as specifically authorized by the director of public works in a wastewater discharge permit.

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(16) Any waste containing detergents, surface active agents or other substances which may cause excessive foaming in the POTW.

(17) Any discharges of fats, oils or greases of animal or vegetable origin is limited to 100 parts per million.

(b) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharge to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facilities before connecting with the POTW.

(Ord. No. 4-97, § 2.1, 2-20-97)

Sec. 86-242. Federal categorical pretreatment standards.

The national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405----471 are hereby incorporated

(Ord, No. 4-97, § 2.2, 2-20-97)

Sec. 86-243. State requirements.

The code of state regulations which apply to pretreatment standards, if any, are hereby incorporated by reference and are applicable to this division

(Ord. No. 4-97. § 2.3, 2-20-97)

Sec. 86-244. Specific pollutant limitations.

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. At his discretion, the director of public works may impose mass limitations in addition to or in place of the concentration based limitations provided in this article.

(Ord. No. 4-97, § 2.4, 2-20-97)

The director of public works may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of the specific prohibitions of 86-241.

Sec. 86-245. City's right of revision.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent, standards or requirements on discharges to the POTW if deemed necessary to comply with the objective presented in section 86-196(a) or the general and specific prohibitions in section 86-241.

(Ord. No. 4-97, § 2.5, 2-20-97)

Sec. 86-246. Special agreement.

The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a newt gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove the factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

(Ord. No. 4-97, § 2.6, 2-20-97)

Sec. 86-247. Dilution.

No industrial 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 director of public works may impose mass limitation on industrial users, which are using dilution to meet applicable pretreatment standards or requirements or, in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 4-97, § 2.6, 2-20-97)

Secs. 86-248---86-270. Reserved.

Subdivisions IV. Pretreatment of Wastewater

Sec. 86-271. Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in section 86-241 within the time limitations specified by the EPA, the state, or the director of public works, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the industrial user's expense. Detailed

plans showing the pretreatment facilities and operating procedures 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 industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this division.

(Ord. No. 4-97, § 3.1, 2-20-97)

Sec. 86-272. Additional pretreatment measures.

(a) Whenever deemed necessary, the director of public works may require industrial 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 such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this division.

(b) Grease, oil and sand interceptors shall be provided when, in the opinion of the director of public works, they are necessary for the proper handling of wastewater containing excessive amounts of grease, 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 director of public works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly as needed, by the owner at his expense.

(c) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 4-97, § 3.2, 2-20-97)

Sec. 86-273. Accidental discharge/slug control plans.

The director of public works may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the director of public works shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following;

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge.

Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 86-241.

(4) Procedures to prevent adverse impact for any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. No. 4-97, § 3.3, 2-20-97)

Sec. 86-274. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this division.

(Ord. No. 4-97, § 3.4, 2-20-97)

Sec. 86-275. Hauled wastewater.

(a) Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such time as are established by the director of public works, provided such waste do not violate subdivision III of this division or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the director of public works.

(b) The discharge of hauled industrial wastes as industrial septage requires prior approval and a wastewater discharge permit from the city. The director of public works shall have the authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operations. Waste haulers are subject to all other sections of this division.

(c) Fees for dumping septage will be established as part of the industrial user fee system.

(Ord. No. 4-97, § 3.5, 2-20-97)

Sec. 86-276. Vandalism.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this section shall be subject to the sanctions set out in sections 86-224 through 86-226.

(Ord. No. 4-97, § 3.6, 2-20-97)

Sec. 86-227. Charges and fees.

The city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications;

(2) Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals;

(5) Other fees as the city may deem necessary to carry out the requirements contained in this division. These fees relate solely to the matters covered by this division and are separate from all other fees, fines and penalties chargeable by the city.

(Ord. No. 4-97, § 14.1, 2-20-97)

Secs. 86-278----86-3000. Reserved.

Subdivision V. Wastewater Discharge Permit

Sec. 86-301. Eligibility.

(a)Wastewater survey. When requested by the director of public works, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The director of public works is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this division.

(b)Requirements. It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the director of public works. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 86-224 through 86-226. 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. The director of public works may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this division.

(c)Existing connections. Any significant industrial user which discharged industrial waste into the POTW prior to the effective date of Ordinance No. 4-97 and who wishes to continue such discharges in the future, shall have within 120 days after such date, applied to the city for a wastewater discharge permit in accordance with subsection (f) of this section, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of ordinance No. 4-97, except in accordance with a wastewater discharge permit issued by the director of public works.

(d) New connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 30 days prior to the date upon which any discharge will begin.

(e)Extrajurisdictional industrial users. New significant industrial users located beyond the city limits shall submit such applications to the director of public works 30 days prior to any proposed discharge into the POTW. Alternately, the director of public works may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against the industrial user.

(f) *Application contents.* In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by section 86-326(b). The director of public works shall approve a form to be used as a permit application. In addition, the following information may be required:

1) Description of activities, facilities and plan 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.

2) Number and type of employees, hours of operation and proposed or actual hours of operation of the POTW.

3) Each product produced by type, amount, process and rate of production.

4) Type and amount of raw materials processed (average and maximum per day).

5) The 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.

6) Time and duration of the discharge.

7) Any other information as may be deemed necessary by the director of public works to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revisions.

(g) *Application signatories and certification.* All water discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the 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."

(h) *Decisions.* The director of public works will evaluate the data furnished by the industrial user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the director of public works will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed approved. The director of public works may deny any application for a wastewater discharge permit.

(Ord. No. 4-97, § 4, 2-20-97)

Sec. 86-302. Issuance process.

(a) *Duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period

less than five years, at the discretion of the director of public works. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Contents and conditions. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the director of public works 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, protect ambient air quality and protect against damage to the POTW.

(1) Wastewater discharge permits must contain the following conditions:

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

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(c) Effluent limits, including Best Management Practices, applicable to the user based on applicable standards in federal, state and local law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants or best management practices to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law.

(e) Statement of applicable civil, criminal and administrative 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 and local law.

(f) Requirements to control Slug Discharge, if determined by the director of public works to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

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

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

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- c. 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.
- d. Development and implementation of spills control plans or other special conditions including management practices necessary to adequately prevent accidental unanticipated or routine discharges.
- e. Development and implementation waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- f. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharge to the POTW.
- g. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- h. 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.
- i. Other conditions as deemed appropriate by the director of public works to ensure compliance with this division and state and federal laws, rules and regulations.

(c) Appeals. Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within the 15 days of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. 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. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the city 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 action for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the circuit court of the county within the time prescribed by rule or statute.

(d) Modification. The director of public works may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state and local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- (4) Action indicating that the permitted discharge poses a threat to the city's POTW, city personnel or the receiving waters.
- (5) Violation of any terms or conditions of the wastewater discharge permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater discharge permit.
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

e) *Transfer.* Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 15 days advance notice to the director of public works and the director of public works approves the wastewater discharge permit transfer. The notice to the director of public works must include a written certification by the new owner and/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.
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

(f) *Revocation.* Wastewater discharge permits may be revoked for the following reasons:

- (1) Failure to notify the city of significant changes to the wastewater prior the changed discharge.
- (2) Failure to provide notification to the city of changed condition pursuant to section 86-330.
- (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 city 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 a permitted facility.
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.

Wastewater discharge permits shall voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(g) *Reissuance.* A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with subsection (f) of this section a minimum of 30 days prior to the expiration of the industrial user's existing wastewater discharge permit.

(Ord. No. 4-97, § 5, 2-20-97)

Sec. 86-303---86-325. Reserved.

Subdivision VI. Reporting Requirements

Sec. 86-326. Baseline monitoring reports.

(a) Within either 180 days after the effective date of the categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing significant industrial user subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in subsection (a) of this section. At least 90 days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in subsection(b) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharge.

(b) The industrial user shall submit the information required by this section including:

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owners.

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(1) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(2) *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).

(3) *Measurement of pollutants.* Measurement of pollutants shall be conducted as follows:

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

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and longterm 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 section 86-335.

(c) Sampling must be performed in accordance with procedures set out in section 86-336.

(4) *Certification.* A statement reviewed by the industrial 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.

(5) *Compliance schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance. 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 section 86-327 must meet the requirements set out in section 4.6(N) of Ord. No. 4-97.

(6)*Signing and certifying.* All baseline monitoring reports must be signed and certified in accordance with section 86-301(g).

(Ord. No. 4-97, § 6.1, 2-20-97)

Sec. 86-327. Compliance schedule progress report.

The following conditions shall apply to the schedule required by section 86-326(b)(7). 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 hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation. No increment referred to in this section shall exceed nine months. The industrial user shall submit a progress report to the director of public works 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 industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the director of public works.

(Ord. No. 4-97, § 6.2, 2-20-97)

Sec. 86-328. Report 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 in the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in section 86-326(b)(4) - (b)(6). For industrial 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 industrial user's longterm production rate. For all other industrial 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 industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 86-301(g).

(Ord. No. 4-97, § 6.3, 2-20-97)

Sec. 86-329. Periodic compliance reports.

(a) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director of public works, 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 such 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 section 86-301(g).

(b) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all time. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(c) If an industrial user subject to the reporting requirement in and of this subdivision monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in sections 6-336, the results of this monitoring shall be included in the report. (Ord. No. 4-97, 6.4, 2-20-97)

(d) All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.6 (a)(2) ii, as follows: 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 or imprisonment for knowing violations.

Sec. 86-330 Report of changed conditions.

(a) Each industrial user is required to notify the director of public works of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least ten days before the change.

(b) The director of public works may require the industrial 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 section 86-301(f).

(c) The director of public works may issue a wastewater discharges permit under section 86-301(h) or modify an existing wastewater discharge permit under section 86-302(d).

(d) No industrial user shall implement the planned changed conditions until and unless the director of public works has responded to the industrial user's notice.

(e) For purposes of this section, flow increases of ten percent or greater and the discharge of any previously unreported pollutants shall be deemed significant.

(Ord. No. § 7-97, 6.5- 2-20-97)

Sec. 86-331. Reports of potential problems.

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in section 86-241), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include

the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five days following such discharge, the industrial user shall, unless waived by the director of public works, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial 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 industrial user of any fines, civil penalties or other liability which may be imposed by this division.

(c) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this division.

(d) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure. (Ord. No. 4-97, 6.6, 2-20-97)

(e) Significant Industrial Users are required to notify the director of public works immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 86-332. Reports from nonsignificant industrial users.

All industrial users not subjected to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the director of public works may require.

(Ord. No. 4-97, § 6.7, 2-20-97)

Sec. 86-333. Notice of violation; repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. Resampling by the Industrial User is not required if [the City] performs sampling at the User's facility at least once a month, or if [the City] performs sampling at the User between the time when the initial sampling was conducted and the time when the User or [the City] receives the results of this sampling, or if [the City] has performed the sampling and analysis in lieu of the Industrial User. (Ord. No. 4-97, § 6.8, 2-20-97)

Sec. 86-334. Notification of the discharge of hazardous waste.

(a) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to

the POTW, the notification shall also contain the following information, to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharge during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted under section 86-330. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of sections 86-326, 86-328 and 86-329.

(b) Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month I which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33 (e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40CFR 261.30(d) and 261.33(e) requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous wastes do not require additional notifications

(c) In case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA regional waste management waste division director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued under this division, or any applicable federal or state law.

(Ord. No. 4-97, § 6.9, 2-20-97)

Sec. 86-335. 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 and amendments thereto, 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, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

Sec. 86-336. Sample collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

Except as indicated in Section a and b below, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. 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, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 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 by with applicable Pretreatment Standards and Requirements.

Sec. 86-337. Determination of noncompliance.

The director of public works may use grab samples to determine noncompliance with pretreatment standards.

(Ord. No. 4-97, § 6.12, 2-20-97)

Sec. 86-338. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

(Ord. No. 4-97, § 6.13, 2-20-97)

Sec. 86-339. 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, 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 Section 86-245. 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 Director of Public Works.

Secs. 86-340---86-362. Reserved.

Section 2. This Ordinance shall be in full force and effect upon its passage.

Passed and finally approved by the Board of Aldermen of the City of Monroe City, Missouri, on this 18th day of April, 2019.

ATTEST:

Christine M. Ellison
CITY CLERK

MAYOR

[Signature]

Approved by the Mayor on this 18th day of April, 2019.

ATTEST:

Christine M. Ellison
CITY CLERK

MAYOR

[Signature]

FIRST READING 4/18/19 SECOND READING 4/18/19 THIRD READING 4/18/19