

ARTICLE IV. - SEWERS

DIVISION 1. - GENERALLY

Sec. 60-95. - Definitions.

The following words, terms and phrases, when used in this article, 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 federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority—means the State of Missouri Department of Natural Resources; otherwise, the regional administrator of the U.S. EPA Region VII, or his/her designee.

Authorized or duly authorized representative of the user.

- (1) If the user is a corporation:
 - 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; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3), of this section, may designate a duly 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) and as amended. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

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

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 part of the drainage system which extends from the building drain and conveys wastewater to the city sewer, private sewer, individual wastewater treatment system, or other point of discharge.

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with the federal Clean Water Act, 33 USC 1251 et seq inclusive of the toxic pollutants listed in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives codified in 40 CFR 401.15, Toxic Pollutants, which applies to a specific category of industrial user and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical industrial user means an industrial user subject to a categorical pretreatment standard or categorical standard.

City means the City of Sedalia, Missouri

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

Color means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) optical density.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES permit, which the POTW is designed to treat.

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.

Control authority refers to:

- (1) The POTW if the POTW's pretreatment program submission has been approved in accordance with the requirements of 40 CFR §403.11, as amended, "Approval procedures for POTW pretreatment programs and POTW granting of removal credits" or
- (2) The approval authority if the submission has not been approved.

Cooling water means as follows:

- (1) *Uncontaminated cooling water* means water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
- (2) *Contaminated cooling water* means water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

Daily maximum means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Director means the director of public works of the City of Sedalia or his/her authorized agent or representative.

Domestic waste means the waterborne wastes derived from the ordinary household living processes, including, but not limited to, waters from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, household garbage grinders and drinking fountains.

Domestic user (residential user) means any person who contributes, causes, or allows the contribution of wastewater into the City POTW that is of similar volume and/or chemical make-up to that of a residential dwelling unit.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator of the EPA or that person's designee.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Clean Water Act Section 307, Toxic and Pretreatment Effluent Standards. An existing source is a source that is not a "new source."

Existing user means any non-categorical user which was discharging wastewater prior to the effective date of the ordinance from which this section derives.

Fundamentally different factors means factors relating to a user which are different from those factors considered during development of a categorical pretreatment standard or requirement as defined in 40 CFR 403.13, Variances from categorical pretreatment standards for fundamentally different factors..

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

Grab sample means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Holding tank waste means the waterborne wastes from holding tanks such as vessels, chemical toilets, recreational vehicles, septic tanks, vacuum-pump vehicles, aircraft or buses.

Indirect discharge or discharge means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, and all constructed devices and appliances appurtenant thereto.

Industrial user means any nonresidential user identified in division A-Agriculture, Forestry and Fishing; B-Mining; D-Manufacturing; E-Transportation, Communications, Electric, Gas, and Sanitary Services; or I-Services of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous substances or any substances which cause interference or pass through in the POTW.

Industrial waste means any waterborne or liquid waste from an industrial user, other than domestic waste.

Instantaneous maximum allowable discharge 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 sample event.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources, (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or (2) is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the federal Clean Water Act; the federal 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; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local limit means specific discharge limit developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Maximum allowable discharge limit means the maximum concentration (or loading) 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.

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

Monthly average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

National Categorical Pretreatment Standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the federal Clean Water Act, 33 USC 1251 et seq., which applies to industrial users. This term "national pretreatment standard" includes the general and specific prohibitions found in 40 CFR 403.5 and in section 60-195. This term includes prohibitive discharge limits established pursuant to Section 403.5 of the Act, categorical pretreatment standards, restricted discharges and local limits.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

National Pollutant Discharge Elimination System or NPDES permit means a permit issued pursuant to Section 402 of the federal Clean Water Act.

New source means:

- (1) Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of the proposed categorical pretreatment standards under sections 306 and 307(c) of the federal Clean Water Act, 33 USC 1251 et seq. which will be applicable to such source if the standards thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - 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 will be considered.
- (2) Construction on a site at which an existing source is located, is a modification, rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)b. or (1)c. of this definition, but otherwise alters, replaces or adds to an existing process or production equipment.
- (3) Construction of a new source as defined under this subsection (2) of this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program:
 - i. Any placement, assembly, or installation of facilities or equipment; or

- ii. 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.
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 subsection (2) of this definition.

New user means a user that is not regulated under federal categorical pretreatment standards but that applies to the City for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the City's collection system after the effective date of this Code section. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the industrial operation.

Nonresidential user means all premises other than residential as defined in this Article, used for other than or in combination with human residency and which is connected, or has availability, to the POTW.

Pass through means a discharge that exits the wastewater facility into waters of the United States in quantities or concentrations which, alone or in conjunction with other sources, is a cause of or significantly contributes to a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude of a violation. Any industrial user significantly contributes to such permit violation where it:

- (1) Discharges a pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- (3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in an NPDES permit violation; or
- (4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its NPDES permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's NPDES violation.

Permittee means a person or user who holds a wastewater contribution or discharge permit issued by the City.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, society, group or governmental entity, political subdivision or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all federal, state or local governmental entities.

pH means the logarithm of the reciprocal of the hydrogen ion concentration expressed as grams per liter of solution as determined by Standard Methods. pH may be expressed as a measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant means anything discharged into the POTW which causes any alteration of chemical, physical, biological, or radiological integrity of water including, but not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rocks, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD₅, COD, toxicity, or odor).

POTW treatment plant means that portion of a POTW which is designed to provide treatment of municipal sewage and industrial waste.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging such pollutants into the wastewater facilities.

Pretreatment regulations means limitations on the introduction of pollutants or water contaminants into POTWs or facilities which the Missouri Clean Water Commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to chapter 644 of the revised statutes of Missouri only as required by such act or guidelines and City code.

Pretreatment requirement means any substantive or procedural pretreatment obligation (requirement), other than a national pretreatment standard, imposed on an industrial user.

Prohibited discharges means:

- (1) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21;
- (2) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (3) 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; or
- (4) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

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 (1/2) inch (1.27 centimeters) in any dimension.

Publicly owned treatment works (POTW) means a treatment works, as defined by section 212 of the federal Clean Water Act (33 U.S.C. section 1292), which is owned by the City. This definition includes the sanitary sewers of the City and any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and sewer, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city limits of Sedalia who are by contract or agreement with the City, users of a city POTW. The term also means the City.

Residential user means a single-family or two-family unit dwelling used only for human residences and which is connected, or has availability, to the POTW.

Sanitary sewer means a sewer that carries wastewater, a liquid or water-carried wastes, and to which storm, surface and ground waters are not intentionally admitted.

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

Sewage means human excrement and gray water (household showers, dishwashing operations, household laundry operations, etc.) or the spent water of a community. A combination of the water-carried wastes from residential, commercial, industrial or governmental establishments, together with such groundwaters, surface and storm waters as may be present. The term "wastewater" is the preferred term.

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

Sewer means any pipe or conduit or other device used to collect and transport sewage from the generating source.

Significant industrial user, significant user, or categorical user means as follows:

- (1) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
- (2) A user that:
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling and boiler blow down wastewater);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - c. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Section 60-161(q) or see 40 CR 403.12(q), together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsections (2) and (3) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable 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 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 three times the average 24-hour concentration or flows during normal operation.

Slug load or slug discharge means any discharge which in concentration of any given constituent or in quantity of flow may cause or may significantly contribute to cause interference with the operation and performance of the POTW or may cause or may significantly contribute to cause pass through of pollutants through the POTW into waters of the United States in sufficient quantities or concentrations to cause or significantly contribute to cause a violation of the POTW's NPDES permit conditions, regulations, local limits, or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC) means a classification contained in the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, latest edition.

State means the State of Missouri.

Storm drain or storm sewer means a pipe or conduit which carries stormwater, surface water drainage or cooling water, and to which wastewater is not intentionally admitted.

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

Suspended solids means the dry weights of matter physically suspended in a flow of water or wastewater, as determined by the method of determining total non-filterable residue dried at 103 degrees to 105 degrees Celsius described under the heading "Residue" in the Standard Methods of the Examination of Water and Wastewater, latest edition, as published jointly by the American Public Health

Association, the American Water Works Association, and the Water Environment Federation and expressed in milligrams per liter by weight.

Total suspended solids means the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of Section 1207(a) of the federal Clean Water Act or other acts.

Treatment plant effluent means the discharge from the POTW into waters of the United States.

User or industrial user means the owner or occupant of property or premises that is connected directly or indirectly or has available to the property or premises the facilities of a POTW.

Wastewater means the 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 contribution permit means a permit as described in section 60-160.

Wastewater facilities mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment plant or treatment plant means that portion of the POTW which is designed to provide treatment of municipal and industrial wastewater. Sometimes the term "wastewater treatment plant" is used synonymously with the term "waste treatment plant," "wastewater treatment works," "water pollution control plant" or "sewage treatment plant."

Waters of the state means all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common.

Waters of the United States means:

- (1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;
- (2) Tributaries;
- (3) Lakes and ponds, and impoundments of jurisdictional waters; and
- (4) Adjacent wetlands.

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

Abbreviations The following abbreviations, when used in this article, shall have the designated meanings:

BOD₅—Biochemical oxygen demand.

BMP—Best management practice.

BMR—Baseline monitoring report.

CFR—Code of Federal Regulations.

CIU—Categorical industrial user.

COD—Chemical oxygen demand.

CSR-- Code of State Regulations

EPA—United States Environmental Protection Agency. et seq.-- and what follows

gpd—Gallons per day.

IU—Industrial user.

l--Liter.

LEL--Lower explosive limit.

mg--Milligrams.

mg/l—Milligrams per liter.

NPDES—National Pollutant Discharge Elimination System.

NSCIU—Non-significant categorical industrial user.

POTW—Publicly owned treatment works.

RCRA—Resource Conservation and Recovery Act.

SIC--Standard Industrial Classification.

SIU—Significant industrial user.

SNC—Significant noncompliance.

SWDA--Solid Waste Disposal Act

TSS—Total suspended solids.

U.S.C.—United States Code.

Sec. 60-96. - Declaration of necessity.

- (a) 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:
- (1) Prevent the introduction of pollutants into the City's POTW which will interfere with the operation of the wastewater facilities or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the City's POTW which will pass through the facilities, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the wastewater facilities;
 - (3) Improve the opportunity to recycle and reclaim wastewater and sludge from the City's POTW; and
 - (4) Provide for the equitable assessment of charges to all users, who contribute wastewater to the City's POTW. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such POTW.
- (b) This Article enables the City to comply with all applicable local, state and federal laws required by the federal Clean Water Act, 33 USC 1251 et seq. of 1977 or any subsequent amendments thereto and the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 403.

Sec. 60-97. - Powers and authority of inspectors.

Except as otherwise provided for in this Article, the director shall administer, implement, and enforce the provisions of this Article.

- (a) The director or his/her designee bearing proper credentials and identification shall have the right to enter the premises of any user without delay at any reasonable time to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, observation, measurement and sampling, records examination and copying, and the performance of any additional duties.
 - (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The director or his/her designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - (3) The director or his/her designee may require the 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 user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (5) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this article.
- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless from injury or death to the City employees and the City shall indemnify the user 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 user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- (c) The director and other duly authorized employees of the City, State of Missouri and United States Environmental Protection Agency 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, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 60-98. - Violations.

- (a) It shall be a violation of this article to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or to a wastewater contribution permit, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or other component of the wastewater facilities.
- (b) Any person found to be violating any provision of this article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit, established by the director, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (c) In cases of repeated violations, failure to notify the POTW of any new, increased or changes in nature of the discharge when the discharge does not meet applicable pretreatment standards or when the

discharge would cause the POTW to violate its NPDES permit; or in order to atop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the director may revoke the offender's wastewater contribution permit and effect the discontinuation of the sewer service. The City shall reinstate the wastewater contribution permit and/or sewer service upon proof of the elimination of the noncomplying discharge. A detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City by the user within 15 days of the occurrence.

- (d) 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. In addition, the City attorney or his/her designee, may commence an action for appropriate legal and/or equitable relief in the county circuit court.
- (e) The City shall annually publish in any legal newspaper a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" means:
 - (1) A violation that remains uncorrected 45 days after notification of noncompliance;
 - (2) A violation that is part of a pattern of noncompliance over a 12-month period;
 - (3) A violation that involves failure to accurately report noncompliance by the industrial user;
 - (4) A violation that resulted in the City having to immediately suspend service to an industrial user;
 - (5) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 - (6) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (7) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (8) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;
 - (9) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (10) Failure to provide within 45 days after the due date, any required reports, including a baseline monitoring report, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (11) Failure to accurately report noncompliance; or
 - (12) Any other violations which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 60-99. - Acting director if office is vacant or abolished.

If the office of director is vacant or abolished, the mayor with advice and consent of council will appoint an acting director.

Sec. 60-100. - Sewer repairs to private service lines located in the City's public right-of-way.

Although a sewer service lateral is the responsibility of the property owner from the building to the City's sewer main, the City may make repairs to the service line that is within the public right-of-way during the course of repairs to the City's main or investigating possible problems with the City's main. For example, when sinkholes form in or very close to the City's right-of-way or sewer main easement it becomes difficult to determine exactly where the problem causing the sinkhole may be. In those cases the City may choose to excavate the sinkhole to determine the cause. If the cause is with the City's main, the City will make necessary repairs. If the problem lies with the property owners service line the City may make the repairs to the service line that is within the public right-of-way to prevent leaving the excavation open and causing a possible hazard.

The City may also make repairs to private service lines within the public right-of-way for the City's convenience during repairs to the City's main.

Sec. 60-101. - Information and Reporting Requirements.

(a) Information requirements.

- (1) When requested by the director, industrial users shall have on file with the City, prior to commencing their discharge, wastewater information deemed necessary for determination of compliance with this Article, the POTW NPDES permit conditions, local, state and federal law. Such information shall be provided by completion of a survey designed and supplied by the director and by supplements thereto as may be necessary. The director may periodically require industrial users to update the survey. Failure to submit the survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this Article. Information requested in the survey and designated by the user as confidential is subject to the conditions of confidentiality as set out in section 60-104.
- (2) Industrial users shall keep and maintain records a minimum of three years for the information referred to in (b) of this section, section 60-136, and section 60-161. This period shall be automatically extended for the duration of any litigation concerning compliance with this Article, or where the industrial user has been specifically notified of a longer retention period by the director. Such records shall be available for inspection during regular business hours by the director, and he/she shall be permitted to make and retain copies of such records.
- (3) Where a person owns, operates or occupies properties designated as an industrial user at more than one location, separate information submittals shall be made for each location as may be required by the director.

(b) Baseline monitoring reports shall be as follows:

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsection (b) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director a report which contains the information listed in this section, below. A new source shall be required to report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (2) The industrial user shall submit the information required by this section including:
 - i. *Identifying information.* The name and physical address of the facility including the name of the operator and owners.

- ii. *Environmental permits.* A list of any environmental control permits held by or for the facility.
- iii. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation 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.
- iv. *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).
- v. *Measurement of pollutants.*
 - 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 director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term 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 this Article.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.
 - d. Sampling must be performed in accordance with procedures set out in this Article.
 - e. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- vi. *Certification.* A statement, reviewed by the industrial user's authorized representative as defined in this article 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.
- vii. *Compliance schedule.*
 - a. Deadline for compliance with applicable pretreatment requirements. Compliance by existing sources covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The City shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.
 - b. New source and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New sources and new users shall install, have in operating condition,

and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

- c. Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or categorical user which is in non-compliance with any local limits (including those which may be more stringent) shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.
- d. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user submits the report required by this paragraph, the information required by v. and vi. of section 60-101(b)(2) shall pertain to the modified limits.

If the categorical pretreatment standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) after the user submits the report required by v. and vi. of section 60-101(b)(2), then a report containing modified information shall be submitted by the user within 60 days after the new limit is approved.

- e. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. 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 this section must meet the requirements set out in this article.

viii. Any other information determined necessary by the director to make a decision regarding pretreatment.

- (3) *Reports to be signed and certified.* All baseline monitoring reports must be certified in accordance with this Article and signed by an authorized representative as defined in this Article.

(c) *Compliance schedule progress reports.* The following conditions shall apply to the compliance with schedules required by this article:

- (1) 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, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The industrial user shall submit a progress report to the director 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; and
- (4) In no event shall more than nine months elapse between such progress reports to the director.

(d) *Reports 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 into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections (a)(2) of this section.

For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures established in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users who are 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 user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this article. All sampling will be done in conformance with requirements of this Article.

- (e) *Periodic compliance reports.* Periodic compliance reports shall be as follows
- (1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director, but in no case less than twice per year (on dates specified within the permit), 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 60-161(q).
 - (2) If an industrial user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW using the procedures prescribed in section 60-195(b)ix, the results of this monitoring shall be included in the report. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in section 60-195(b)ix.
 - (3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (4) The City may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.
 - (5) The City may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the City agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the City for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The City is under no obligation to perform periodic compliance monitoring for a user.
 - (6) All periodic compliance reports must be signed and certified in accordance with certifications described in Section 60-161(q).
 - (7) Significant noncategorical industrial users when defined by the director and issued a permit shall submit to the control authority at least once every six months (on dates specified within the permit) a description of the nature, concentration and flow of the pollutants required to be reported to the control authority.
- (f) *Reports of changed conditions.* Each industrial user is required to notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.
- (1) The director 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 contribution permit application under section 60-161.

- (2) The director may issue a wastewater contribution permit under section 60-161 or modify an existing wastewater contribution permit under section 60-163(e).
 - (3) No industrial user shall implement the planned changed conditions until and unless the director has responded to the industrial user's notice.
 - (4) For purposes of this requirement, significant changes include, but are not limited to, flow increases of fifteen percent (15%) or greater, and the discharge of any previously unreported pollutants.
- (g) *Reports of potential problems; accidental spills, slug loads.*
- (1) In the case of any discharges including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or a slug load, that may cause potential problems for the POTW, including a violation of the restricted discharges in section 60-195, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
 - (2) Within five days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the cause(s) 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; such notification shall not relieve the industrial user of any fines, civil penalties, or other liability which may be imposed pursuant to this Article.
 - (3) Failure to notify the POTW of potential problem discharges shall be deemed a separate violation of this chapter.
 - (4) 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 Section 60-195. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
 - (5) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.
- (h) *Reports from unpermitted users.* All users not required to obtain an individual wastewater contribution permit shall provide appropriate reports to the director as the director may require.
- (i) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the director 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 director within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the City performs sampling at the industrial user's facility at least once a month, or if the City performs sampling between the industrial user's initial sampling and when the industrial user receives the results of the sampling or if the City performed the sampling and analysis in lieu of the industrial user.
- (j) *Notification of the discharge of hazardous waste.*
- (1) 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 a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 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 that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this section needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 60-101(f). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 60-101 (b), (d), and (e).

- (2) Discharges are exempted from the requirements of subsection (j) of this section, during a calendar month in 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 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new regulations under section 12001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the director, 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.
 - (4) 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.
 - (5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this Article, a permit issued hereunder, or any applicable federal or state law.
- (k) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater contribution permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, Guidelines establishing test procedures for the analysis of pollutants, 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 director or other parties approved by EPA.
- (l) *Sample collection.*
- (1) 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.
 - (2) Users must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. 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.

- (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (4) For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (b) and (d) (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 director may authorize a lower minimum. For the reports required by paragraphs in section (d) (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 with applicable pretreatment standards and requirements.
- (m) *Date of receipt of reports.* Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (n) *Recordkeeping.* Industrial users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article and 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 this Article. 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 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. All users not required to obtain a wastewater contribution permit shall provide appropriate reports to the City as the director may require.

Sec. 60-102. - Provision for Monitoring and Right of Entry.

- (a) Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling and flow measurements of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises, except, where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The director, whenever applicable, may require the construction or maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

The director may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

- (b) The director shall consider such factors as the volume and strength of the discharge, quantities of toxic materials in the discharge, rate of discharge, POTW removal capabilities and cost effectiveness in determining whether or not access and equipment for monitoring wastewater discharge shall be required.
- (c) Where the director determines access and equipment for monitoring or measuring wastewater discharges to the POTW are not practicable, reliable or cost effective, the director may specify alternative methods of determining the characteristics of the wastewater discharge which will provide an equitable measurement of such characteristics.

- (d) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. 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.
- (e) *Right of entry: Inspection and sampling.* The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any individual wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - (3) The director may require the 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 user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (5) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this article.
- (f) *Search warrants.* If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant.

Sec. 60-103 - Determination of wastewater characteristics.

- (a) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this Article shall be determined in accordance with procedures contained in 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, or with any other test procedures approved by the administrator of EPA. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the director.
- (b) Except as indicated in Section 60-103(c) or as specified in the industrial user's wastewater contribution permit, for all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities.
- (c) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.
- (d) Measurements, tests and analyses of the characteristics of wastewater required by this chapter shall be performed by a laboratory approved by the director.

- (e) Monitoring of wastewater characteristics necessary for determination of compliance with this Article shall be conducted at least semiannually unless more frequent monitoring is required by the director.
- (f) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four 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 control authority may authorize a lower minimum. For the reports required by 40 CFR 403.12(e), Periodic reports on continued compliance, and (h), Reporting requirements for industrial users not subject to categorical pretreatment standards, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- (g) Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the City and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other significant industrial users, for which the City has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- (h) All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, Guidelines establishing test procedures for the analysis of pollutants, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

Sec. 60-104. - Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the 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 at 40 CFR 2.302, Special rules governing certain information obtained under the Clean Water Act, shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 60-105. - Publication of users in significant noncompliance.

The director 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 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 subsections (3), (4) or (8) of this section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period

exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this article;

- (b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in this article multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by Section 60-101 (daily maximum, long-term average, instantaneous limit, or narrative standard) the director 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;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 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;
- (f) Failure to provide within 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;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 60-106. - Administrative enforcement remedies.

- (a) *Notification of violation.* When the director finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within 14 days of the receipt of such 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. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (b) *Consent orders.* The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article and shall be judicially enforceable.
- (c) *Show cause hearing.* The director may order a user which has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the 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 the 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 as defined in this article. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- (d) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (e) *Cease and desist orders.* When the director finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director 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; and
 - (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 a bar against, or a prerequisite for, taking any other action against the user.
- (f) *Administrative fines.* When the director finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user 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 long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Users desiring to dispute such fines must file a written request for the director 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 director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (g) *Emergency suspensions.* The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary 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 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 may 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 may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in this article 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 prior to the date of any show cause or termination hearing under this article.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (h) *Termination of discharge.* In addition to the provisions in this article, any user who violates the following conditions is subject to discharge termination:
- (1) Violation of individual 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; or
 - (5) Violation of the pretreatment standards in this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this article why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 60-107. - Judicial enforcement remedies.

- (a) *Injunctive relief.* When the director finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the court 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 individual wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (b) *Civil penalties.* A user who has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$500.00 per-violation, per-day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

The director may recover reasonable attorneys' fees, 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.

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 of the violation, 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.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (c) *Criminal prosecution.* A user who willfully or negligently violates any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per-violation, per-day, or imprisonment.

A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a municipal ordinance violation and be subject to a

penalty. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

A user who 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 article, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine or imprisonment.

(d) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The director may 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 director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user.

Sec. 60-108. - Affirmative defenses to discharge violations.

(a) *Upset.* For the purposes of this section, 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 user including fines, cost and fees assessed other regulatory agencies and the City with a \$500.00 maximum fine per day by the City (section 1-14). 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.

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3)[sic], below, are met.

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

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the director within 24 hours of becoming aware of the upset or if this information is provided orally, a written submission must be provided within five (5) days:
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, 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) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in the article 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:
- (1) Local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (2) No local limit 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.* For the purposes of this section:
- (1) *Bypass* means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - (2) *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.

A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D)[sic] of this article.

- (d) *Bypass notifications.*
- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards 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 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 the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (e) *Bypass.* Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) 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 back-up 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
 - (3) The user submitted notices as required under this article.

The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in this article.

DIVISION 2. - REGULATIONS

Sec. 60-123. - Purpose.

The purpose of this article is to provide for the maximum possible beneficial public use of the POTW through regulations of sewer construction, sewer use and wastewater discharges; to provide for equitable distribution of the costs of the POTW; and to provide procedures for complying with the requirements contained in this article.

Sec. 60-124. - Scope.

- (a) The provisions of this article shall apply to the discharge of all wastewater into the POTW. This article provides for use of the POTW, regulations of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, alternate treatment facilities, equitable distribution of costs, assurance that existing capacity will not be exceeded, approval of sewer construction plans, issuance of wastewater contribution permits, minimum sewer connection standards and conditions and penalties and other procedures for violation of this article.
- (b) This article shall apply within the City and to persons outside the City who are users of the POTW.
- (c) All connections of lateral or building sewer lines into the sewage system of the POTW service area, whether within or outside the City, shall be made subject to such terms and conditions as the ordinances of the City may prescribe.

Sec. 60-125. -- Limitation on point of discharge to POTW.

No person shall discharge any wastewater or pollutant directly into a manhole or other opening of the POTW, other than through an approved building sewer, unless he shall have been given written permission to do so by the director.

Sec. 60-126. - Pretreatment facilities.

The admission into the POTW of any wastewater containing any quantity of pollutant shall be subject to review and approval of the director. Where necessary, in the opinion of the director, the owner of the property or premises producing such wastewater shall provide, at their expense, such preliminary treatment as may be necessary to reduce pollution or certain pollutants to within the maximum limits provided for in this Article or to control the quantities or rates of discharge of such wastewaters.

Users of the POTW shall provide necessary wastewater pretreatment, as required to comply with these code sections, within the time limitations specified by federal, state, or local law, 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 user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City pursuant to 60-161(f) 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 user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Article.

Sec. 60-127. - Use of public sewers required.

- (a) 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 the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

- (b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (d) The owners of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the 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 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 date of official notice to do so, provided that said public sewer is within 500 feet of the property line. All established private wastewater disposal systems in existence prior to the effective date of December 19, 2011 and all established private wastewater disposal systems in existence prior to the effective date of December 19, 2011 which are also located within 500 feet of a public sewer are hereby grandfathered; provided however, in the event that said grandfathered private wastewater disposal system fails and there is a public sewer located within 500 feet of the property line, said property owner would then be required to connect to the public sewer system.

Sec. 60-128. - Private wastewater disposal.

- (a) Where a public sanitary or combined sewer is not available under the provisions of section 60-127(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- (b) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the director. The application for such 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 director. A permit and inspection fee as set forth in the City's fee schedule shall be paid to the City at the time the application is filed.
- (c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the director. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four hours of the receipt of notice by the director.
- (d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the state division of health except that any private lagoon shall not be constructed after the effective date of this ordinance [December 19, 2011] anywhere within the City limits of Sedalia as it would constitute a public nuisance. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection (d) of this section, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.
- (f) The owner shall operate and maintain the private wastewater facilities in a sanitary manner at all times, at no expense to the City.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state division of health.
- (h) When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private wastewater disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

Sec. 60-129. - Building sewers and connections.

- (a) 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 director.
- (b) There shall be two classes of building sewer permits for:
 - (1) Residential and commercial service; and
 - (2) 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 judgment of the director. A permit and inspection fee as set forth in the City's fee schedule for a residential, commercial or industrial building sewer permit shall be paid to the City at the time the application is filed.

- (c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owners. 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) 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, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.
- (f) 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 ASTM and the WPCF Manual of Practice No. 9 shall apply.
- (g) 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, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (h) No person shall make connection of roof downspouts, 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) 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 procedures set forth in appropriate specifications of the ASTM and the WPCF 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 director before installation.
- (j) The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.
- (k) The fee for connecting any new building sewer to the City sewer main shall be as set forth in the City's fee schedule.

- (l) All excavations 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.

Sec. 60-130. - Extensions of system outside of City.

Any person outside the City limits may connect to the sanitary sewerage system of the City upon the following terms and conditions:

- (a) Any such person shall present an application with the detailed plans and specifications of the sewerage system existing or proposed to be constructed upon their premises and from their premises to one or more points connecting with the existing sewerage system of the City as may be designated and approved by the city engineer, and the person shall agree that they shall pay all costs and expenses in connection with the acquisition of easements if necessary, and the construction of the proposed sewerage system upon their premises and from their premises to the point of connection with the existing sewerage system of the City.
- (b) Any such person making a connection to the public sewer shall conform to the requirements of the plumbing code or other applicable rules, regulations and ordinances of the City.
- (c) Before any such person shall connect sanitary sewers to the existing sewerage system of the City, the plumbing in any building or improvement to be connected shall be inspected and approved by the plumbing inspector.
- (d) Any such person shall be responsible for the construction and maintenance of such additional sewerage system and the payments therefor, however, the entire additional sewerage system shall be constructed and maintained according to the plans and specifications so approved and by requirements as may be from time to time set forth by the city engineer.
- (e) If the person shall fail to comply with the terms and conditions of the aforesaid approved additional sewerage system as set forth herein or with the rules, regulations and ordinances relating to the sanitation department of the City with respect to the use, operation and maintenance of such sewerage system, the city engineer is hereby directed to disconnect the sewerage system of any such person.
- (f) Any such person who is not on the city water system shall pay to the finance director a sewerage service charge twice the minimum rate, plus 1½ times the average commodity charge for operation and maintenance of all other residential users to be adjusted annually.
- (g) Any industry or business which is not on the city water system shall pay to the finance director a sewerage service charge as set forth in the City's fee schedule.

Sec. 60-131. - Use of public sewers.

- (a) 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) 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 director. Uncontaminated industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a stormwater sewer, combined sewer or natural outlet.
- (c) All nondomestic users must notify the director of public works of the nature and characteristics of their wastewater prior to commencing their discharge.
- (d) It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, in to the City's sanitary sewer system without first obtaining an industrial user pretreatment permit from the director of public works. Any violation of the terms and conditions of an industrial user pretreatment permit shall be deemed a violation of this Article. Obtaining an industrial user

pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state, or local law.

- (e) The public works director may require that other industrial users, including liquid waste haulers, obtain industrial user pretreatment permits as necessary to carry out the purposes of this chapter.
- (f) Any industrial user located beyond the city limits and discharging to the POTW shall submit a permit application in accordance with section 60-161 within 60 days of the effective date of the ordinance from which this article is derived. New industrial users located beyond the city limits and seeking to discharge to the POTW shall submit such applications to the public works director 90 days prior to discharging into the sanitary sewer. Upon review and approval of such application, the director of public works may enter into a contract with the user which requires the user to subject itself to, and abide by this chapter, including all permitting, compliance monitoring, reporting, and enforcement provisions herein.
- (g) Industrial users required to obtain a wastewater contribution permit shall complete and file with the City an application in the form prescribed by the City and accompanied by a fee in the amount provided in the City's fee schedule. Existing industrial users shall apply for a wastewater contribution permit within 60 days after the effective date of the ordinance from which this article is derived, and proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the wastewater facilities.
- (h) Wastewater contribution permits shall be expressly subject to all provisions of this chapter and other conditions as deemed appropriate by the City to ensure compliance with this chapter. The director may impose mass limitations on industrial users in cases where the imposition of such limitations is appropriate.
- (i) Within 90 days following the date for final compliance with applicable pretreatment standards established in a wastewater contribution permit, or if a new source, following its commencement of its discharge, the permittee shall submit a report indicating average and maximum daily flows and concentration or mass of all pollutants from the regulated processes. The report shall also state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.
- (j) Any industrial user holding a wastewater contribution permit, after the compliance date specified in such permit, shall submit semiannually to the pretreatment coordinator, unless required more frequently in the permit, a report indicating the concentrations or mass of pollutants in the effluent which are limited by such permit. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period.
- (k) The reports required by subsection (j) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the pretreatment coordinator, of pollutants contained therein which are specified by the wastewater contribution permit. Upon consent of the director, flows may be estimated on the basis of water consumption. The frequency of monitoring shall be prescribed in the permit.
- (l) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available for the public or governmental agencies 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 of the industrial user. Information accepted by the City as confidential, shall not be transmitted to any governmental agency by City until notification is given to the industrial user. In no event shall effluent data be considered confidential.

- (m) The City may adopt a schedule of pretreatment charges and fees. These charges or fees will be separate from other taxes or sewer charges and will apply only to the cost of operating the City's pretreatment program. Charges and fees which may be assessed include:
- (1) Fees for monitoring, inspections and surveillance procedures;
 - (2) Fees for reviewing accidental discharge procedures and construction;
 - (3) Fees for filing appeals;
 - (4) Fees for consistent removal (by the City) of pollutants otherwise subject to categorical standards;
 - (5) Other fees as the City may deem necessary to carry out the requirements contained herein.

Sec. 60-132. - Dental office point source category applicability.

- (a) Except as provided in paragraphs (c), (d), and (e) of this section, this section applies to dental dischargers.
- (b) Unless otherwise designated by the City, dental dischargers subject to this part are not significant industrial users as defined in section 60-95, and are not "categorical industrial users" or "industrial users subject to categorical pretreatment standards" as those terms and variations are used in section 60-95, as a result of applicability of this rule.
- (c) This part does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
- (d) This part does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
- (e) This part does not apply to dental dischargers that do not discharge any amalgam process wastewater to a publically owned treatment works, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility as defined in section 60-133(c).
- (f) Dental dischargers that do not place dental amalgam and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the City as required in section 60-136 are exempt from any further requirements of this part.

Sec. 60-133. - Same—General definitions.

- (a) *Amalgam process wastewater* means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.
- (b) *Amalgam separator* means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.
- (c) *Centralized waste treatment (CWT) facility* means any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. "CWT facility" includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste generated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government.
- (d) *Dental amalgam* means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- (e) *Dental discharger* means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and

operated by federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).

- (f) *Existing sources* means for purposes of section 60-132 to section 60-136 a dental discharger that is not a new source.
- (g) *Mobile unit* means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.
- (h) *New sources* means for purposes of section 60-132 to section 60-136 a dental discharger whose first discharge to a POTW occurs after July 14, 2017.
- (i) Other definitions can be found at section 60-95.

Sec. 60-134. - Same—Pretreatment standards for existing sources (PSES).

No later than July 14, 2020, any existing source subject to this section must achieve the following pretreatment standards:

- (a) Removal of dental amalgam solids from all amalgam process wastewater by one of the following methods:
 - (1) Installation, operation, and maintenance of one or more amalgam separators that meet the following requirements:
 - i. Compliant with either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) or the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions so long as that version requires amalgam separators to achieve at least a 95% removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108-2009 or ISO 11143.
 - ii. The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
 - iii. A dental discharger subject to this part that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of paragraphs (a)(1)(i) and (ii) of this section until the existing separator is replaced as described in paragraph (a)(1)(v) of this section or until June 14, 2027, whichever is sooner.
 - iv. The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
 - v. In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a)(i) and (ii) of this section as soon as possible, but no later than ten business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.
 - vi. The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

- (2) Installation, operation, and maintenance of one or more amalgam removal device(s) other than an amalgam separator. The amalgam removal device must meet the following requirements:
- i. Removal efficiency of at least 95 percent of the mass of solids from all amalgam process wastewater. The removal efficiency must be calculated in grams recorded to three decimal places, on a dry weight basis. The removal efficiency must be demonstrated at the maximum water flow rate through the device as established by the device manufacturer's instructions for use.
 - ii. The removal efficiency must be determined using the average performance of three samples. The removal efficiency must be demonstrated using a test sample of dental amalgam that meets the following particle size distribution specifications: 60 percent by mass of particles that pass through a 3150 μm sieve, but which do not pass through a 500 μm sieve, 10 percent by mass of particles that pass through a 500 μm sieve but which do not pass through a 100 μm sieve, and 30 percent by mass of particles that pass through a 100 μm sieve. Each of these three specified particle size distributions must contain a representative distribution of particle sizes.
 - iii. The device(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
 - iv. The device(s) must be accompanied by the manufacturer's manual providing instructions for use including the frequency for inspection and collecting container replacement such that the unit is replaced once it has reached the maximum filling level at which the device can perform to the specified efficiency.
 - v. The device(s) must be inspected in accordance with the manufacturer's operation manual to ensure proper operation and maintenance, including confirmation that amalgam process wastewater is flowing through the amalgam separating portion of the device(s).
 - vi. In the event that a device is not functioning properly, it must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a)(2)(i) through (iii) of this section as soon as possible, but no later than ten business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.
 - vii. The amalgam retaining unit(s) of the device(s) must be replaced as specified in the manufacturer's operating manual, or when the collecting container has reached the maximum filling level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.
 - viii. The demonstration of the device(s) under paragraphs (a)(2)(i) through (iii) of this section must be documented in the one-time compliance report.
- (b) Implementation of the following best management practices (BMPs):
- (1) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.
 - (2) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than six or greater than eight.
- (c) All material is available for inspection at U.S. EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Telephone: 202-566-2426, and is available from the sources listed below.

- (1) The following standards are available from the American Dental Association (ADA), 211 East Chicago Ave., Chicago IL 60611-2678, Telephone 312-440-2500, <http://www.ada.org>.
 - i. ANSI/ADA Specification No. 108:2009, American National Standard/American Dental Association Specification No. 108 Amalgam Separators. February 2009.
 - ii. ANSI/ADA Specification No. 108:2009 Addendum, American National Standard/American Dental Association Specification No. 108 Amalgam Separators, Addendum. November 2011.
- (2) The following standards are available from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036, Telephone 212-642-4900, <http://webstore.ansi.org>.
 - i. International Standard ISO 11143:2008, Dentistry—Amalgam Separators. Second edition, July 1, 2008.

Sec. 60-135. - Dental—Pretreatment standards for new sources (PSNS).

As of July 14, 2017, any new source subject to this section must comply with the requirements of section 60-134(a) and (b) and the reporting and recordkeeping requirements of section 60-136.

Sec. 60-136. - Dental—Reporting and recordkeeping requirements.

- (a) Dental dischargers subject to this part shall comply with the following reporting requirements:
 - (1) *One-time compliance report deadlines.* For existing sources, a one-time compliance report must be submitted to the City no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, a one-time compliance report must be submitted to the City no later than 90 days following the introduction of wastewater into a POTW.
 - (2) *Signature and certification.* The one-time compliance report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of section 60-95.
 - (3) *Contents.*
 - i. The one-time compliance report for dental dischargers subject to this part that do not place or remove dental amalgam as described at section 60-132(f) must include the: facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s); and a certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.
 - ii. The one-time compliance report for dental dischargers subject to the standards of this part must include:
 - a. The facility name, physical address, mailing address, and contact information.
 - b. Name(s) of the operator(s) and owner(s).
 - c. A description of the operation at the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, year of installation.
 - d. Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in section 60-132 and section 60-133.

- e. Certification that the dental discharger is implementing BMPs specified in section 60-134(b) and will continue to do so.
 - f. The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with section 60-132 or section 60-134.
- (4) *Transfer of ownership notification.* If a dental discharger transfers ownership of the facility, the new owner must submit a new one-time compliance report to the City no later than 90 days after the transfer.
 - (5) *Retention period.* As long as a dental discharger subject to this part is in operation, or until ownership is transferred, the dental discharger or an agent or representative of the dental discharger must maintain the one-time compliance report required at paragraph (a) of this section and make it available for inspection in either physical or electronic form.
- (b) Dental dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:
 - (1) Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
 - (2) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
 - (3) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 Code of Federal Regulations 261.5(g)(3), special requirements for hazardous waste generated by conditionally exempt small quantity generators, and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
 - (4) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
 - (5) Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

Secs. 60-137—60-159. - Reserved.

DIVISION 3. - WASTEWATER CONTRIBUTION PERMITS

Sec. 60-160. - General Permits

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater contribution permit from the director; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of a wastewater contribution permit shall be deemed a violation of this Article and subjects the wastewater contribution permittee to the sanctions set forth in this Article. Obtaining a wastewater contribution permit does not relieve a permittee of its obligation to comply with all federal, state and local pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The director may require other users, including liquid waste haulers, to obtain wastewater contribution permits as necessary to carry out the purposes of this Article.

- (b) Wastewater contribution permitting: Existing significant industrial user. Any significant industrial user that was discharging wastewater into the POTW prior to the effective date of this Article and that wishes to continue such discharges in the future shall, within 60 days after notification by the director, submit a permit application to the City in accordance with section 60-161 of this Article, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance from which this section derives except in accordance with a wastewater contribution permit issued by the director.
- (c) Wastewater contribution permitting: New source and new user. At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the City to fit the definition of significant industrial user shall apply for a wastewater discharge permit and will be required to submit to the City at least the information listed in Section 60-161(a) through (s). A new source or new user cannot discharge without first receiving a wastewater contribution permit from the City. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in Section 60-161(c) through (e).
- (d) Prior to the commencement of any increase or change in an industrial user's contribution of pollutants to the POTW, the industrial user shall notify the POTW. If the increase or change causes the industrial user to become a significant industrial user, they shall apply for and obtain a permit to cover such increase or change. Any increase or change in an industrial user's contribution of pollutants to the POTW without prior approval is prohibited.
- (e) An industrial user will be exempted from obtaining a wastewater contribution permit if the director determines the industrial user is contributing only domestic waste. At any time that an industrial user is determined by the director to be a significant industrial user, such industrial user shall apply for a wastewater contribution permit within 60 days of notification and shall obtain such permit within 120 days after application.
- (f) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Sec. 60-161. - Permit application.

Significant industrial users shall complete and file with the director a wastewater contribution permit application in the form prescribed by the director and shall certify its true accuracy and completeness in the manner and form specified in 4- CFR 403. In support of and with the application, the significant industrial user shall submit in units and terms appropriate for evaluation, the following:

- (a) Name, address, and location; if different from the address, of the significant industrial user, including the name of the owner and operators.
- (b) Standard industrial classification, SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, latest edition. The SIC code of both the industry as a whole and any processes for which federal categorical pretreatment standards have been promulgated are required.
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 60-195(b)(1) and (2) as determined by an approved laboratory including any pollutants in the discharge which are limited by any federal, state or local standards. Sampling and analysis shall be performed in accordance with procedures established by US EPA pursuant to section 1204(g) of the Act and contained in 40 CFR 136, as amended.
- (d) Time and duration of the contribution.

- (e) Average daily and maximum wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (f) The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, connections, and appurtenances by size, location and elevation.
- (g) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.
- (h) The nature and concentration of any pollutants in the discharge which are limited by City, state or federal pretreatment standards, and a statement regarding whether or not the 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 for the significant industrial user to meet pretreatment standards. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures and requirements as outlined in this section.
- (i) Each product produced by type, amount, process or processes and rate of production, including daily, monthly and seasonal variations, if any.
- (j) Type and amount of raw material processed, average and maximum per day.
- (k) Number and type of employees, and hours of plant operation and proposed or actual hours of operation of the pretreatment system;
- (l) Such additional information as is deemed necessary or appropriate by the director in order to evaluate the permit application. The director may allow additional time, if necessary, in which to submit the additional information.
- (m) A list of any environmental control permits held by or for the facility.
- (n) Average and maximum daily volume flows to the POTW for each regulated process stream and other streams as necessary to use the combined wastestream formula of 40 CFR 403.6(e).
- (o) Certification, by a qualified professional, indicating whether or not pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required.

If additional pretreatment and/or operation and maintenance will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or operation and maintenance. No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the POTW indicating whether or not it has complied with the increment of progress to be met on such date or complied with the final compliance date or if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the industrial user to return the construction to the schedule established. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standards.

- (p) All plans required in Section 60-161(f) must be certified for accuracy by a state registered professional engineer.
- (q) Application, user reports and initial monitoring signatories and certifications.
 - (1) All permit applications and industrial user reports must contain the following certification statement and be signed by a duly authorized representative in accordance with this Section 60-161(q):

"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 and imprisonment for knowing violations.

All samples and measurements taken are to the best of my knowledge representative of the permitted wastewater discharge.

All sampling measurements, and analyses were conducted in accordance with guidelines prescribed in 40 CFR 136 and the wastewater contribution permit issued by the City."

(2) Annual certification for non-significant categorical industrial users

A facility determined to be a Non-significant Categorical Industrial User by the director pursuant to Section 60-95 must annually submit the following signed certification statement:

A facility determined to be a non-significant categorical industrial user by the director pursuant to 60-95 and 60-161(q) or pursuant to 40 CFR 403.3(v)(2) must annually submit the following certification statement signed in accordance with the signatory requirements in 60-161(r) or pursuant to 40 CFR 403.120(l). This certification must accompany an alternative report required by the director:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____ to _____(month, day, year):

- i. The facility described as _____ met the definition of a Non-significant Categorical Industrial User as described in 60-95 or pursuant to 40 CFR 403.3(v)(2).
- ii. The facility complied with all applicable Pretreatment Standards and requirements during this report period; and
- iii. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

(r) A duly authorized representative is:

- (1) A responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this Section 60-161(r), a responsible corporate officer means:
 - i. A president, secretary, treasurer, or 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; or
 - ii. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00, in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively;
- (3) A principal executive officer or director having responsibility for the overall operation of discharging facility if the industrial user submitting the reports is a federal, state, or local governmental entity, or their agents;

- (4) A duly authorized representative of the individual designated in Section 60-161(r)(1), (2) or (3), if the authorization is made in writing by individual described in Section 60-161(r)(1), (2) or (3); or the authorization specifies either an individual or a position having responsibility for the overall responsibility for environmental matters for the company; and the written authorization is submitted to the City;
 - (5) If an authorization in Section 60-161(r)(4) is no longer accurate because of a different individual or position having responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements in Section 60-161(r)(4) must be submitted to the City prior to or together with any reports to be signed by an authorized representative.
- (s) The director of public works will evaluate the data furnished by the industrial user and may require additional information. Within 120 days of receipt of a complete wastewater contribution permit application, the director will determine whether or not to issue a wastewater contribution permit. If no determination is made within this time period, the application will be deemed denied. The director may deny any application for a wastewater contribution permit.

Sec. 60-162. - Wastewater contribution permit contents.

- (a) Wastewater contribution permits shall include such conditions as are reasonably deemed necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the.
- (b) Wastewater contribution permits must contain, but need not be limited to, the following conditions:
 - (1) A statement that indicates wastewater contribution permit duration, which in no event shall exceed five (5) years. Wastewater contribution permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater contribution permit may be issued for a period of less than five years, at the discretion of the director. Each wastewater contribution permit will indicate a specific date upon which it will expire.
 - (2) A statement that the wastewater contribution permit is nontransferable without prior notification to and approval from the director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater contribution permit.
 - (3) Effluent limits applicable to the user based on applicable pretreatment standards in federal, state and local law.
 - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
 - (5) A statement of applicable civil and criminal 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 or local law.
- (c) Wastewater contribution permits may contain, but need not be limited to, the following:
 - (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - (2) Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties.
 - (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

- (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (8) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for test, and reporting schedules;
- (9) Requirements for notification to the director prior to the commencement of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (10) Other conditions as deemed appropriate by the director to ensure compliance with this chapter and local, state and federal laws, rules and regulations.
- (11) Requirements for submission of technical reports or discharge reports with an accompanying signed certification statement as set forth in section 60-161(q).

Sec. 60-163. - Wastewater Contribution permit issuance process.

- (a) *Application; fees.* Application for wastewater contribution permits hereunder shall be made to the director and shall be accompanied by the permit fee provided in the City's fee schedule which shall be provided to the City's Finance Department.
- (b) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years, at the discretion of the public works director.
- (c) *Public notification.* The director of public works will publish notice of intent to issue a pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (d) *Permit appeals.*
 - (1) Any person, including the industrial user, may petition the director to reconsider the terms of a wastewater contribution permit within 30 days of its issuance.
 - (2) Failure to submit a petition for review within 30 days shall be deemed to be a waiver of the administrative appeal.
 - (3) In its petition, the appealing party must indicate the wastewater contribution permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater contribution permit.
 - (4) The effectiveness of the wastewater contribution permit shall not be stayed pending the appeal.
 - (5) If, the director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater contribution permit, not to issue a wastewater contribution permit, or not to modify a wastewater contribution permit shall be considered final administrative action for purposes of judicial review.
 - (6) Aggrieved parties seeking judicial review of the final control authority must do so by filing a petition with the circuit court of the county.

(e) *Permit modification.*

The filing of a request by the permittee for a wastewater contribution permit modification, revocation and reissuance, termination, a notification of planned changes or an anticipated noncompliance, does not stay any permit condition.

The director of public works may modify the wastewater contribution permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
- (2) To address material or substantial alternations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving waters.
- (5) Violation of any terms or conditions of the wastewater contribution permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater contribution permit application or in any required reporting.
- (7) Revisions of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13, Variances from categorical pretreatment standards for fundamentally different factors;
- (8) To correct typographical or other errors in the wastewater contribution permit;
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator; or
- (10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

(f) *Permit transfer.*

- (1) Wastewater contribution permits are issued to a specific owner and may only be reassigned or transferred to a new owner and/or operator with prior approval of the director. The permittee must give at least 90 days advance notice to the director and the director approves the wastewater contribution permit transfer.

Provided that the 90 day notice occurred and there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and will be covered by the existing limits and requirements of the previous owner's permit. The notice to the director must include a written certification by the new owner and/or operator which:

- i. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
 - ii. Identifies the specific date on which the transfer is to occur.
 - iii. Acknowledges full responsibility for complying with the existing wastewater contribution permit.
- (2) Failure to provide such advance notice of a transfer renders the wastewater contribution permit voidable from the date of facility transfer.

(g) *Permit termination.* Pretreatment permits may be terminated for the following reasons:

- (1) The director may revoke a wastewater contribution permit for good cause, including, but not limited to the following reasons:

- i. Failure to notify the POTW of significant changes to the wastewater prior to the changed discharge.
 - ii. Failure to provide prior notification to the POTW of changed conditions pursuant to section 60-101(f).
 - iii. Misrepresentation or failure to fully disclose all relevant facts in the wastewater contribution permit application.
 - iv. Falsifying self-monitoring reports.
 - v. Tampering with monitoring equipment.
 - vi. Refusing to allow the director timely access to the facility premises and records.
 - vii. Failure to meet effluent limitations.
 - viii. Failure to pay fines.
 - ix. Failure to pay sewer charges, connection charges, or other applicable fees and charges as determined by the director.
 - x. Failure to meet compliance schedules
 - xi. Failure to complete a wastewater survey or the wastewater contribution permit application.
 - xii. Failure to provide advance notice of the transfer of a permitted facility.
 - xiii. Violation of any pretreatment standard or requirement or any terms of the wastewater contribution permit or this Article.
- (2) Wastewater contribution permits shall be voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater contribution permits issued to a particular user are void upon the issuance of a new wastewater contribution permit to that user.
- (h) *Permit reissuance.* A user with an expiring wastewater contribution permit shall apply for a wastewater contribution permit reissuance by submitting a complete permit application in accordance with section 60-161, a minimum of 90 days prior to the expiration of the industrial user's existing wastewater contribution permit.
- (i) *Continuation of expired permits.* An expired wastewater contribution permit will continue to be effective and enforceable until the wastewater contribution permit is reissued if:
- (1) The industrial user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit.
 - (2) The failure to reissue the wastewater contribution permit, prior to expiration of the previous wastewater contribution permit, is not due to any act or failure to act on the part of the industrial user.

Secs. 60-164—60-194. - Reserved.

DIVISION 4. - DISCHARGES

Sec. 60-195. - Acceptability of wastewater.

- (a) No person shall discharge or cause to be discharged anything other than wastewater to the POTW. Any connection, drain or arrangement which will permit any other water to enter the POTW shall be deemed to be a violation of this Article.
- (b) Restricted discharges.
 - (1) These general restrictions apply to all users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

- i. No person shall discharge or cause to be discharged the substances, materials, waters or wastes described in this Section 60-195, if it appears likely in the opinion of the director that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream, restrict the reuse or recycling of sludge, or otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors, but in no event shall the director be allowed to alter a federally or state mandated prohibition to make it less stringent than allowed under applicable federal or state law.
- ii. No 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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users which the director believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- iii. 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 this Section 60-195(b), and which in the judgment of the director, may have a deleterious effect upon receiving waters, sludge reuse, or the wastewater facilities, processes, and equipment, or which otherwise create a hazard to life or constitute a public nuisance, the director may:
 - a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require the person discharging or proposing to discharge to obtain a wastewater contribution permit; or
 - d. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.
- iv. If the director 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 director, and subject to the requirements of all applicable codes, ordinances and laws. In no event shall the discharges referred to in this section violate any pretreatment standards or requirements.
- v. The City reserves the right to establish more stringent limitations on user discharges if deemed necessary to comply with the protection of the public health, safety, welfare and convenience of the City.
- vi. Users shall provide grease, oil, and sand interceptors when they are necessary for the proper handling of liquid wastes containing grease 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 director, and shall be located as to be readily and easily accessible for cleaning and inspection. The interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated oil and grease. Outdoor interceptors shall be pumped by a commercial grease contractor on a schedule, which allows the interceptor to operate in a fully efficient manner.

- a. The director is authorized to establish minimum cleaning schedules on a case-by-case basis.
 1. Interior grease traps shall be cleaned as needed, but no less often than monthly. Whenever an interceptor or trap is cleaned, the full volume of water and grease present shall be removed and disposed of properly. Under no circumstances shall the removed water or grease be reintroduced into any City sewer. Flushing a trap with hot water, or the use of chemicals or other agents to dissolve grease, is specifically prohibited. Enzyme or bacterial digestants are allowed for interceptor or drain maintenance, but do not preclude the need for additional cleaning.
 2. Proof of pumping or cleaning shall be maintained on the premises and available for inspection. In the case of interceptors pumped by a grease contractor, such proof shall consist of a signed and dated invoice or manifest. For self-cleaned interior grease traps, a written log shall be kept, and a dated, signed notation shall be made each time the trap is cleaned.
 3. Existing facilities for which a determination by the director has been made that a grease trap or interceptor is required shall have 90 days from the date of notice by the director to install an approved trap or interceptor.
 4. New facilities proposing to discharge into the sanitary sewer system must have an approved trap or interceptor installed prior to connecting to the sanitary sewer system as provided by building codes.
- vii. Where pretreatment 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.
- viii. When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- ix. 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 procedures contained in 40 CFR 136 and amendments thereto, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special manhole has been required, the control structure 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 wastewater facilities and to determine the existence of hazards to life, limb and property. The particular analyses involved and discharge schedule will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample should be taken. All sampling and analysis records shall be held for a minimum of three years or longer, if requested by the director of public works or if during the course of any unresolved litigation.
- x. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p) and (j).

- xi. Each industrial user shall provide protection from accidental discharge of substances regulated by this Article or other toxic pollutants.
 - xii. Users must comply with State of Missouri pretreatment standards codified at 10 CSR 20-6.100—General pretreatment regulation.
 - xiii. The director may require the development of best management practices (BMPs), in individual wastewater contribution permits, to implement local limits specified in the Pollutant Limits Table, below and within Section 60-195.
- (2) Specific restrictions. No person shall introduce or cause to be introduced, directly or indirectly, any pollutant, substance, or wastewater which acting alone or in conjunction with other substances present in the POTW interferes with the operation or performance of the POTW or which causes or contributes to interference or pass through. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

A person shall not contribute substances to the POTW which may:

- i. Create a fire or explosion hazard including, but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids or gases with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) (the RCRA ignitability standard for liquid characteristic waste) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings over a one-hour period on any explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be more than five percent nor shall any single reading be over ten percent of the lower explosive limit (LEL).
- ii. Cause corrosive damage or hazard to structures, equipment or personnel of the POTW. In no case shall the discharges have a pH lower than 5.0 or higher than 9.0.
- iii. Contain:
 - a. A five-day BOD concentration greater than 300 milligrams per liter;
 - b. More than 350 milligrams per liter of suspended solids; or
 - c. An average daily flow greater than two percent of the average wastewater flow of the receiving wastewater treatment plant shall be subject to the review of the director.

The owner shall provide, at his expense, such pretreatment as may be necessary to reduce the biochemical oxygen demand to 300 milligrams per liter, or reduce the suspended solids to 350 milligrams per liter, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- iv. Cause obstruction to the flow in the POTW or other interference with the operation of the wastewater facilities due to accumulation of solid, cementitious, or viscous material such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimensions, animal tissues, paunch manure, bones, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, blood, hair, hide or fleshings, entrails and paper dishes, cups, milk containers, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grindings or polishing wastes.
- v. Constitute a rate of discharge sufficient to cause interference with the operation and performance of the POTW, including oxygen-demanding pollutants (BOD, COD, etc.)
- vi. Contain heat in amounts which will inhibit biological activity of the POTW treatment plant. In no case shall the temperature of the point of connection to the POTW exceed 150 degrees Fahrenheit (65.5 degrees Celsius) or cause the temperature at POTW treatment plant influent to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- vii. Contain 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 director.
- viii. Contain petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- ix. Contain any noxious or malodorous liquids, gases or solids which either single or by intersection with other wastes are sufficient to create a public nuisance or hazard to life and property or that result in toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems, damage to infrastructure or to prevent entry into the sewers for maintenance, inspection or repair.
- x. Contain radioactive waste or isotopes of such half-life or concentration as may exceed limits defined by applicable local, state and federal regulations.
- xi. Contain any odor, or color producing substances exceeding concentration limits which may be published by the director for the purpose of meeting the POTW's NPDES permit.
- xii. Contain any substance which may cause the POTW's effluent or any product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program.
- xiii. Contain toxic pollutants in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans to other life forms, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in an applicable categorical pretreatment standard or toxic substances and chemical elements or compounds, phenols, or odor producing substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.
- xiv. Contain strong acid from pickling wastes, or concentrated plating solutions whether neutralized or not.
- xv. Contain fats, wax, oils, or grease of animal or vegetable origin whether emulsified or not, in excess of 100 milligrams per liter (mg/l) or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees Fahrenheit (zero to 40 degrees Celsius) that will cause interference or pass through.
- xvi. Contain substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- xvii. Contain stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director.
- xviii. Contain any medical wastes, except as specifically authorized by the director in an individual wastewater discharge permit.
- xix. Contain detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW.
- xx. Contain sludges, screenings or other residues from the pretreatment of industrial wastes.
- xxi. Contain wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- xxii. Contain pollutants, including oxygen-demanding pollutants (BOD₅, 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 the POTW.

xxiii. Contain materials which exhibit or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime 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 wastewater treatment works.
- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(c) Specific pollutant limitations

- (1) Local discharge limitations for specific pollutants listed in this table are established to protect against pass through and interference. No person shall discharge wastewater containing an excess of the pollutants contained in the following Pollutant Limits Table. The local limits expressed shall be distributed at the discretion of the director via wastewater contribution permits issued to each significant industrial user as necessary. The sum total of each permitted local limit shall not exceed the amounts in the Table below.
- (2) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this chapter, the director establishes limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user.
- (3) Where process effluent is mixed prior to treatment with wastewaters other than those generated by the categorical regulated process, fixed alternative discharge limits may be derived in accordance with 40 CFR 403.6(e), combined wastestream formula.
- (4) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in an industrial user's intake water in accordance with 40 CFR 403.15, net/gross calculation. A categorical industrial user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following:
 - i. Any industrial user wishing to obtain credit for intake pollutants must make application to the City. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of 60-195(c)(4)ii. of this section are met.
 - ii. Criteria.
 - a. Either the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - c. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

- d. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The director may waive this requirement if it finds that no environmental degradation will result.

Pollutant Limits Table

Pollutant	Central Plant (lbs./day)	North Plant (lbs./day)	Southeast Plant (lbs./day)
Aluminum	--*	--*	--*
Antimony	--*	--*	--*
Arsenic	0.177	0.122	0.059
Boron	--*	--*	--*
Cadmium	0.021	0.069	0.020
Chloride + Sulfate	--	--	--
Chromium - total (Cr)	2.753	2.822	2.314
Chromium VI, hexavalent (Cr ⁶⁺) Dissolved	--*	--*	--*
Copper, Total Recoverable	0.829	2.355	0.558
Cyanide	0.187	0.127	0.136
Fluoride	--*	--*	--*
Lead	0.358	0.672	0.237
Manganese	--*	--*	--*
Mercury	0.02	0.074	0.022
Molybdenum	2.00	2.44	2.16
Nickel	1.142	0.577	0.564
Nitrite + Nitrate	-- *	-- *	-- *
Phenols	--*	--*	--*
Phosphorus, Total	-- *	-- *	-- *
Selenium	0.10	3.61	0.002
Silver	0.299	0.412	0.297
Zinc	3.259	4.063	2.435
Total Kjeldahl Nitrogen (TKN)	-- *	-- *	-- *
Total Toxic Organics (TTO)	2.13 mg/l	2.13 mg/l	2.13 mg/l

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

** No discharge limit is currently warranted for these parameters. The director reserves the right, however, to establish a discharge limit as the need occurs.*

Sec. 60-196. - Accidental or slug discharges.

- (a) The director shall evaluate whether industrial users need an accidental discharge/slug discharge control plan or other action to control slug discharges. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user.
- (b) Each industrial user shall provide protection from accidental discharge of substances regulated by this Article or other toxic pollutants.
- (c) The City shall determine users which are required to develop a plan and shall require such plan be submitted within 30 days after notification by the City.
- (d) Any user required to develop, to submit for approval, and to implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Permanent posting of a notice on the industrial user's bulletin board or other prominent place advising employees that in the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the City of the incident.
 - i. The notification to the City shall include: location of discharge, type of waste, concentration and volume, and corrective actions.
 - ii. The industrial user shall ensure all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.
 - iii. Within five days following an accidental discharge, the industrial user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences.
 - (4) Procedures for immediately notifying the POTW of any accidental or slug discharges shall require such notification also be given for any discharge which would violate any of the standards in sections 60-195, 60-197 and 60-198;
 - (5) The procedures to prevent adverse impact from any accidental or slug discharge should consider procedures including, but not limited to, inspection and maintenance of storage areas, 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 organic chemicals (including solvents), and/or measures and equipment for emergency response.
- (e) Where deemed necessary by the City, facilities shall be maintained, at the user's cost and expense, which are suitable and adequate to prevent accidental discharge or slug discharges of pollutants.
- (f) Each user shall implement its slug control plan as submitted or as modified after such plan has been reviewed and approved by the City. Review and approval of such plans and operating

procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

- (g) Providing notification to the City of a slug load shall not relieve the industrial user of any liability which may be imposed by this Article or other applicable law.

Sec. 60-197. - Federal categorical pretreatment standards.

The National Categorical Pretreatment Standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405—471 and as amended, are hereby incorporated and shall be enforceable under this Article. If federal categorical standards are more stringent than the limits set forth in this Article, said federal categorical standard or standards shall supersede said local standard or standards.

No user subject to an applicable federal categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement shall discharge or cause to be discharged to the POTW, wastewater containing substances in excess of the quantity prescribed unless otherwise provided in this Section 60-197.

Upon application by a user, the director may revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. EPA approval is required before removal credits may be granted by the director. The revised discharge limit for specified substances shall be derived in accordance with 40 CFR 403.7 and 403.11.

Upon application by a user, the director may adjust any limitations on substances specified in the applicable pretreatment standards to consider factors relating to such persons which are fundamentally different from the factors considered by EPA during the development of the pretreatment standards. Request for and determinations of a fundamentally different factor adjustment shall be in accordance with 40 CFR 403.13.

The director shall notify any user affected by the provisions of this Section 60-197 and shall establish an enforceable compliance schedule for each.

Sec. 60-198. - State pretreatment standards.

State pretreatment standards located at 10 CSR 20-6.100 and as amended are hereby incorporated. State pretreatment standards and requirements on discharges to the POTW shall be met by all users including, but not limited to, any instance in which they are more stringent than federal or local standards and requirements.

Sec. 60-199. - Special agreements.

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the City and any user of the POTW, whose wastewater discharge is not subject to state or federal regulations, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net/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 approval authority in accordance with 40 CFR 403.13.

Secs. 60-200—60-215. - Reserved.