CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2022-124 – amending Chapter 118 Utilities, by repealing Chapter 118 Utilities, and enacting a new Chapter 118 Utilities in lieu thereof.

MEETING DATE
June 6, 2022

ORIGINATING DEPT
Public Works - Operations

ATTACHMENTS
CB2022-124 Ordinance; Exhibit "A" New Chapter 118 Utilities; EPA Fact Sheet

REVIEWED BY
Interim Director of Public Works: Daniel Johnson; Director of Finance: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nicholas Edwards

SUMMARY
This Council Bill is an amendment to Chapter 118 Utilities, by repealing Chapter 118 Utilities to reduce the burden of technical and administrative requirements without undermining the environmental objectives of the Pretreatment Program.

BACKGROUND
The Rule revises several provisions of Environmental Protection Agency's (EPA) General Pretreatment Regulations. The objective of the Rule is to reduce the overall regulatory burden on industrial users and the Control Authority (in this case, the City of Joplin). The Rule gives the City flexibility to reduce the burden of technical and administrative requirements while still meeting the environmental objectives of the General Pretreatment Program. The EPA has identified 13 changes contained in the Rule that are more stringent than the original provisions of the General Pretreatment Regulations. The City's existing pretreatment ordinance was reviewed, and a number of changes were needed and required. The ordinance needs to be updated and the appropriate changes incorporated into the City's ordinances. With these changes, the City will be able to take advantage of the reduced regulatory burden the Rule affords by the Environmental Protection Agency (EPA) and the Missouri Department of Natural Resources (MDNR). Additionally, adoption of the Streamlining Rule changes is a condition of the new Shoal Creek and Turkey Creek operating permits. MDNR reviewed the City's suggested changes, held this for a period for any feedback and then approved the City's changes.

FUNDING SOURCE
Wastewater

RECOMMENDATION
Staff recommends adoption of this Council Bill on first reading.

National Pretreatment Program

(40 CFR 403)

Fact Sheet 1.0: Pretreatment Streamlining Rule Summary of Changes Made Under the Streamlining Rule

What is the Streamlining Rule?

The Streamlining Rule revises several provisions of the General Pretreatment Regulations (40 CFR Part 403). The Pretreatment Program requires industrial dischargers to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers. The Streamlining Rule was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Control Authorities without adversely affecting environmental protection.

How does the Streamlining Rule reduce the burden on the Control Authority?

The Streamlining Rule provides the Control Authority with the flexibility to reduce the burden of technical and administrative requirements without undermining the environmental objectives of the Pretreatment Program. These changes, listed below, allow the Control Authority to focus oversight resources on IUs with the greatest potential for affecting Publicly Owned Treatment Works (POTW) operations or the environment.

- Control Authorities may authorize an IU subject to categorical Pretreatment Standards to reduce sampling of a pollutant if the IU demonstrates that a given pollutant is neither present nor expected to be present in the discharge. [§§ 403.8(f)(2)(v) and 403.12]
- Control Authorities may authorize the use of equivalent concentration limits in lieu of mass limits for Categorical Industrial Users (CIUs) in certain industrial categories. [§ 403.6(c)(6)]
- Control Authorities may issue general control mechanisms to groups of Significant Industrial Users (SIUs) that are substantially similar. [§ 403.8(f)(1)(iii)]
- Control Authorities may reduce oversight of certain Categorical Industrial Users based on percentage of contribution to the POTW.
- Control Authorities may reduce oversight of certain Industrial Users that may be reclassified as Non-Significant Categorical Industrial Users (NCSIUs).

What other significant changes were made under the Streamlining Rule?

In finalizing the Streamlining Rule, EPA is also working to improve the effectiveness of the Pretreatment Program. The Rule:

- Provides greater flexibility in the use of certain sampling techniques.
- Allows in certain circumstances Control Authorities to express CIUs' concentration-based categorical Pretreatment Standards as equivalent mass limits. [§ 403.6(c)(5)]

- Clarifies that POTWs may use Best Management Practices (BMPs) as alternatives to numeric limits that are developed to protect the POTW, water quality, and sewage sludge.
- Clarifies the definition of significant noncompliance (SNC) as it applies to violations of instantaneous and narrative requirements, and late reports.
- Makes other miscellaneous changes designed to maintain consistency with the NPDES regulations or to correct typographical errors.

Are any of the changes in the Streamlining Rule required?

Yes, there are required changes in the Streamlining Rule. The majority of the regulatory changes, however, are not required. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If a State wishes to implement these requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

Which changes are required changes?

EPA has identified the 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate State or POTW authorities. These required changes are outlined in the Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes. Available at: http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf.

How do Control Authorities and IUs implement these changes?

In order to implement any of the changes made under the Streamlining Rule, Control Authorities must submit a program modification to their Approval Authority in accordance with 40 C.F.R. § 403.18. In some cases, State laws must be changed before the Control Authority can incorporate streamlining changes. Industries must comply with requirements from the Streamlining Rule that are more stringent than existing requirements, but may not implement changes that result in less stringent requirements (e.g., reduced monitoring) unless the Control Authority has modified its individually approved pretreatment program and any associated control mechanisms to include the less stringent requirement.

Where can I get more information?

The Streamlining Rule was published in the Federal Register on October 15, 2005 (70 Fed. Reg. 60134). You can get a copy of the rule at EPA's Pretreatment Web site, http://cfpub.epa.gov/npdes/home.cfm?program_id=3 Information is also available from your State or from EPA.

EXHIBIT A

Chapter 118 - UTILITIES

ARTICLE I. - IN GENERAL

Secs. 118-1—118-30. - Reserved.

ARTICLE II. - SEWERS AND SEWAGE DISPOSAL

DIVISION 1. - GENERALLY

Sec. 118-31. – Definitions and Abbreviations.

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 and *the act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Administrator means the chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the act and an approved state pretreatment program.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

(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 {optional}] 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 paragraphs 1 through 3, above, 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.

Approval Authority means the director in an NPDES State with an approved State pretreatment program and the administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

Best Management Practices or BMP's means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD, denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20 degrees Celsius, expressed in parts per million by weight.

Building drain means that part of the lowest 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 outside the building wall.

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

Categorical Industrial User means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Categorical standards means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand or COD means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City means the City of Joplin or the City Council of Joplin.

City sewer means a sewer which is a part of the sewer system of the city.

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

Commercial and industrial wastes means the water-carried wastes from commercial and industrial establishments, as distinct from sanitary sewage.

Commercial user means any property occupied by a nonresidential establishment not within the definition of an industrial user, and which is connected to the wastewater facilities.

Control authority means the publicly owned treatment works (POTW) that is operated by the department of public works or the City.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

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.

Day means the 24-hour period beginning at 12:01 a.m.

Deleterious effect means harmful, often in a subtle or unexpected way.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director of public works means the director of public works of the city or his authorized deputy, agent or representative.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source means any source of discharge that is not a "New Source."

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

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Indirect discharge means the discharge or introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317), into the POTW.

Industrial pretreatment monitoring charge means the amount levied against certain industries to recover the costs of testing the industry because the industry's discharges have a significant impact on the POTW in the way of interference, pass-through, inhibition, sludge degradation or volume of flow, and to ensure compliance with the industry's discharge permit.

Industrial user (IU) means any nonresidential user identified in division A, B, D, E or I of the Standard Industrial Classification Manual. An industrial user shall also include any user that discharges wastewater containing toxic or poisonous substances as defined in section 307 and section 502 of the Clean Water Act. Industrial users shall include any nonresidential user who:

(1) Has a nondomestic flow of 500,000 gallons or more of wastewater during any one calendar month; or

(2) Is determined by the state regulatory agency or the superintendent to have the potential to adversely affect the wastewater facility.

Interference means the inhibition or disruption of the city's wastewater system or operations, or its processing, use or disposal of sludge, by a user's discharge which, alone or in conjunction with other discharges, causes or contributes to the inhibition or disruption and which causes a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation; or prevents the use or disposal of sludge by the city in compliance with any of the following statutes and regulations: section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Resource Conservation and Recovery Act (RCRA) any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Marine Protection, Research, and Sanctuaries Act, the Toxic Substances Control Act (TSCA), or any more stringent state or local regulations. A user contributes to interference when the user:

(1) Discharges a pollutant concentration or a daily pollutant loading in excess of that allowed by city ordinance or permit or by federal, state or local law;

(2) Discharges wastewater which substantially differs in nature and constituents from the user's normal average discharge;

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other users, would result in interference; or

(4) Knows or has reason to know that the city is, for any reason, violating its final effluent limitations in its NPDES permit and that the user's discharge, either alone or in conjunction with discharges from other users, increases the magnitude or duration of the city's violations.

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

Living unit means a room or suite or rooms within a structure arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. Each single-family or single housekeeping unit of a duplex, apartment building or other multifamily dwelling structure shall constitute a separate living unit.

Local Limit means specific discharge limits 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).

Medical Waste means isolation wastes, infectious agents, human blood and blood products, 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 (or federal) categorical pretreatment standard and *pretreatment standard* mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with

section 307(b) and (c) of the act (33 USC 1347) which applies to a specific category of industrial users.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation meets the following criteria:

a. The building, structure, facility or installation is constructed at a site at which no other source is located;

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating process of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)a, b or c of this definition but otherwise alters, replaces or adds to the existing process or production equipment.

(3) Construction of a new source as defined under this definition has commenced if the operator or owner has:

a. Begun, or caused to begin, as part of a continuous on-site construction program:

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

2. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering and design studies, do not constitute a contractual obligation under this subsection.

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

Normal sewage means sewage which contains not over 200 parts per million of BOD and not over 240 parts per million of suspended solids, and which does not contain any of the materials or substances listed in section 118-102 in excess of allowable amounts specified in that section.

NPDES means the National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the state.

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

Owner means the person who legally owns, leases or occupies private property with wastewater facilities that discharge, or will discharge, to the city's wastewater facilities.

Pass-through means a discharge of a pollutant from a city treatment plant into waters of the United States when such discharge causes a violation of any requirement of the city's NPDES permit or a violation of a state or federal water quality standard, or increases the magnitude or duration of any violation, and which is the result of a user's discharge of the pollutant, either alone or in conjunction with other users' discharges of the pollutant, into the city's wastewater system. A user contributes to pass-through when the user:

(1) Discharges a pollutant concentration or a daily pollutant loading in excess of that allowed by city ordinance or permit or by federal, state or local law;

(2) Discharges wastewater which substantially differs in nature and constituents from the user's normal average discharge;

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other users, would result in pass-through; or

(4) Knows or has reason to know that the city is, for any reason, violating its final effluent limitations in its NPDES permit and that such user's discharge, either alone or in conjunction with discharges from other users, increases the magnitude or duration of the city's violations.

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

pH means the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

ppm, denoting parts per million, means the concentration of a material in pounds per million pounds of water (1 ppm = 1 milligram/liter (mg/l)).

Pretreatment means the reduction of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or other means, except as prohibited by 10 CFR 403.6(d).

Pretreatment inspector means the person authorized by the superintendent who conducts inspections of industrial pretreatment facilities to ensure protection of the environment and compliance with regulations adopted by the POTW in addition to the general and categorical pretreatment regulations.

Pretreatment Requirements means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment standards and *standards* mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 118-102 of this article.

Properly shredded garbage means garbage that has been shredded such that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a public sanitary sewer, the initial cost of which was paid by public funds, and which is controlled by public authority.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the act (33 USC 1929), which is owned in this instance by the city. This definition includes any sewers, devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Receiving stream means any natural watercourse into which water, treatment plant effluent, combined sewer overflow or stormwater is discharged.

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

Residential user means all premises used only for human residency and that are connected to the wastewater facilities, or any living unit connected individually or jointly to the wastewater facilities.

Sanitary sewage means those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.

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

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

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

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

Sewer means a pipe or conduit for carrying sewage.

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

Significant industrial user (SIU) means, except as provided in paragraphs (3) and (4) of this Section,:

(1) An Industrial User subject to categorical Pretreatment Standards; or
(2) An Industrial User that:
    (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    (c) Is designated as such by the City on the basis that it 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 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 118-182 [see 40 CFR 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 Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, [the City] may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Slug load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 118-102 of this article. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard industrial classification means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1978, and revisions thereto.

Standard laboratory methods means methods of analyses and testing as outlined in the latest edition of Standard Methods for the Examination of Water and Sewage, published jointly by the American Waterworks Association and the Water Pollution Control Federation.

Storm sewer means a sewer which carries stormwater and surface water and drainage, but which is not to carry sanitary sewage and polluted industrial wastes.

Storm Water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent means the director of public works of the city or his authorized agent or representative who is charged with certain duties and responsibilities by this article. The term also means a Duly Authorized Representative of the Superintendent.

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

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

Treatment works means any devices or systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, and pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions or alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, including land for composting sludge and temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

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

User or industrial user means any person who is a source of indirect discharge and contributes, causes or permits the contribution of wastewater into the city's POTW.

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

Utility franchise tax means the tax imposed by the city on utility companies doing business within the corporate limits of the city, including companies providing water, gas, electricity, telephone and cable television services. The tax is further described in chapter 30, article III, division 3.

Waste meter means a water volume measuring and recording device, furnished and/or installed by the Missouri-American Water Company or a municipal water utility, and approved by the city.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed with or permitted to enter the POTW.

Wastewater Treatment Plant or Treatment Plant means the portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Watercourse means a receiving stream.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

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

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
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
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

Sec. 118-32. - Purpose of article.

The purpose of this article is to provide for the maximum possible beneficial public use of the city's wastewater facilities through regulation of sewer construction, sewer use and wastewater discharges, to provide for equitable distribution of the costs of the city's wastewater facilities, and to provide procedures for complying with the requirements contained in this article. Additionally, this article sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Joplin and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et

seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this article are:

(1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(5) To provide for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This article shall apply to all Users of the Publicly Owned Treatment Works. The article authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the equitable distribution of costs resulting from the program established herein.

Sec. 118-33. - Scope of article.

(a) The definitions of terms used in this article are found in section 118-31. The provisions of this article shall apply to the discharge of all wastewater to facilities of the city. This article provides for use of the city's wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, sewer construction plans, issuance of wastewater discharge permits, minimum sewer construction standards and conditions, and penalties and other procedures in cases of violation of this article.

(b) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's wastewater sewers or wastewater treatment facilities.

Secs. 118-34—118-50. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 118-51. - Generally.

Except as otherwise provided in this article, the superintendent of the city's wastewater system shall be responsible for the operation and maintenance of the system and shall cooperate with the other officers and representatives of the city in administering, implementing and enforcing the provisions of this article. The superintendent shall be responsible for causing to be ascertained the amount of water consumed on all premises receiving sewer service from the city's sewerage system. The amount of all sewer service charges becoming due under the provisions of this article and the billing and collection of such charges shall be the responsibility of the director of finance.

Sec. 118-52. - Notice of violation.

Any person found in violation of this article or any requirement of a permit issued under this article may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by mail. The notice shall be sent to the last address of the violator known to the superintendent. When the address is unknown, service may be made on the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, section 118-53 shall be implemented.

Sec. 118-53. - Criminal penalty; disconnection from wastewater facilities.

(a) Any person who continues to violate the discharge provisions of this article beyond the time limit provided in section 118-52 may be charged with commission of a misdemeanor and, after conviction thereof, shall be fined not more than $500.00 for each day the violation continues, or may be subject to disconnection from the city's wastewater facilities.

(b) Each day or portion thereof that a violation continues shall constitute a separate violation.

Sec. 118-54. - Fees and charges.

(a) All fees and charges payable under the provisions of this article shall be paid to the city. Such fees and charges shall be as set forth or established in this article.

(b) All fees, penalties and charges collected under division 6 of this article shall be used for the sole purpose of constructing, operating or maintaining the wastewater facilities of the city, or the retirement of debt incurred for the wastewater facilities required pursuant to federal law.

(c) All fees and charges payable under the provisions of this article are due and payable on the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as outlined in division 6 of this article.

Sec. 118-55. - Right of entry; inspection of monitoring records.

(a) The Superintendent 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 Superintendent 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 Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Superintendent 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 Superintendent 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 twice year 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 Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.

(5) Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this article.

Sec. 118-56. - Suspension of wastewater treatment service or discharge permit.

(a) The city may suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the city, in order to stop 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, causes interference to the POTW, or causes the city to violate any condition of its NPDES permit.

(b) Any person notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge unless termination proceedings have been initiated against the User. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city with 15 days of the date of occurrence.

(c) 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 Superintendent prior to the date of any show cause or termination hearing.

(d) Nothing in this Section shall be interpreted as requiring a hearing prior to any Suspension under this Section.

Sec. 118-57. - Revocation of discharge permit; Termination of Discharge.

(a) The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 118-129(l) of this article;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Superintendent timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this article.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

(b) In addition to the provisions in Section 118-57(a) of 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 of this article.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 118-59 of this article why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

Sec. 118-58. - Correction of violations.

(a) When the superintendent shall find that a violation of this article, an industrial discharge permit, or any prohibition, limitation or requirements contained in this article exists, he may post a notice upon the property where the violation exists, stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the superintendent by the user. If the superintendent shall find that an emergency exists, he may immediately cause the violation to be abated or corrected. If such violation is not corrected within the time specified on the notice, the superintendent may cause such violation to be abated or corrected.

(b) Whenever the superintendent shall have caused any violation to be abated or corrected pursuant to this section, he shall certify the costs thereof to the city council, and the owner of the property on which such violation was abated or corrected shall be civilly liable to the city for the costs of such abatements or corrections.

(c) Any proceedings under this section shall not relieve the owner of any liability for any penalty that may be assessed under section 118-60.

Sec. 118-59. - Show cause hearing.

(a) The superintendent may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any Authorized Representative

as defined by this article and required by section 118-152(1)(c). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(b) The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the department of public works to:

(1) Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the city council for action thereon.

(c) At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 118-60. - Civil penalties.

(a) Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this article and the orders, rules, regulations and permits issued under this article shall be fined not less than $100.00 and not more than $500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition, fees, court costs, court reporters' fees and other expenses of litigation may be assessed by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued under this article. 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.

(b) Any user who shall fail to pay the wastewater treatment fees set forth in section 118-203 shall be deemed guilty of an infraction, and shall be punishable by a fine not greater than $500.00.

(c) In addition, should a user violating provisions of this article and the orders, rules, regulations and permits issued under this article cause, by such violation, the city to violate its NPDES permit, the user shall be civilly liable to the city for the costs of penalties levied against the city by the state or the EPA.

(d) 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.

(e) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 118-61. - Falsifying information.

Any person who knowingly makes 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 an industrial discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required in this article, shall, upon conviction, be punished in accordance with section 1-5.

Sec. 118-62. - Injunctive relief.

When the superintendent finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or an order issued under this article, or any other pretreatment standard or requirement, the superintendent 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 wastewater discharge permit, order or other requirement imposed by this article on activities of the user. The superintendent may also seek 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.

Secs. 118-63—118-80. - Reserved.

DIVISION 3. - USE OF CITY'S WASTEWATER FACILITIES

Subdivision I. - In General

Sec. 118-81. - Unsanitary deposit of wastes.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon 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.

Sec. 118-82. - Unauthorized discharges prohibited.

Wastewater discharges to the city's wastewater facilities are not authorized unless approved by the superintendent in accordance with the provisions of this article.

Sec. 118-83. - Connection required.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated in the city and abutting on any street, alley or right-of-way or easement in which there is now located or may in the future be located a sanitary sewer of the city, is hereby required, at his expense, to install suitable facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article within 90 days after such sewer is so located and after official notice to do so; provided that such sanitary sewer is within 100 feet of the property lines. If there is no sanitary sewer within 100 feet of the property line, the owner may construct and

maintain an adequate septic tank installation in accordance with standards of the state division of health until such time as a sanitary sewer is available as provided in this section.

(b) After connection is made to the wastewater sewer, any septic tank installation shall be emptied as prescribed by local regulations and filled with suitable material.

Sec. 118-84. - Use of privies or cesspools.

It shall be unlawful for any person to construct or maintain any privy, privy vault, cesspool or other facility, except septic tanks as provided by this article, and then only when permitted by section 118-83, intended or used for the disposal of sewage or human excrement; provided that approved type privies may be temporarily erected and maintained on construction sites with the approval of the superintendent.

Sec. 118-85. - Discharge of unpolluted water.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, groundwater, subsurface drainage, 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 storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer or natural outlet.

Sec. 118-86. - Discharge of polluted water to storm sewer or natural outlet.

It shall be unlawful for any person to discharge into any natural outlet or storm sewer within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.

Sec. 118-87. - Application for sewer service; installation of connection.

Application for sewer service to premises not connected with the city's sewerage system shall be made by the occupant or owner of the premises to be served to the superintendent of the system or to such other person as may be designated by the city council. Upon the issuance of a written permit to such applicant and the payment of the fee prescribed by other ordinances of this city, such applicant shall be, in the manner prescribed by other ordinances of the city, connected with the city's sewerage system; provided, however, that all such work in making such connection shall be done only by appropriately licensed personnel.

Sec. 118-88. - Damaging or tampering with sewer system.

(a) No person shall tamper with any sewer lines or make any connection to the sanitary sewerage system of the city, either direct or indirect, without written permission from the city, or reconnect sewage service when such service has been disconnected for nonpayment of a bill for sewage service unless such bill for sewage service, including charges for disconnection, has been paid in full.

(b) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the city's

wastewater treatment facilities. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine not to exceed $500.00.

Sec. 118-89. - Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the superintendent, and at such times as are established by the superintendent. Such waste shall not violate subdivision II of division 3 of this article or any other requirements established by the city. The superintendent may require septic waste haulers to obtain wastewater discharge permits.

(b) The superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. All Significant Industrial Users generating hauled industrial waste must obtain a wastewater discharge permit. The superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

(c) Industrial waste haulers may discharge loads only at locations designated by the superintendent. No load may be discharged without prior consent of the superintendent. The superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(e) Any person who shall engage in the city in the business of hauling waste without first having obtained a certificate of registration as required in this article, or without first having obtained a business license and paid the business license fee as set forth in section 30-121, or who shall fail to report to the superintendent any changes in the data and information originally contained in the certificate of registration, or who shall park or leave standing his equipment on the public streets, alleys or public grounds of the city, or who shall violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-5.

(f) Every waste hauler, resident or nonresident, shall register with the superintendent such information concerning his business and equipment as shall be required by the superintendent, especially pertaining to:

(1) The name of the person;

(2) The form of management of the business;

(3) The business address and telephone number;

(4) The type, make and model of all equipment used in the business, together with the numbers of all state licenses on all motor vehicular equipment so employed; and,

(5) The place of discharge used and employed by such person in disposing of sewage obtained by such operations.

(g) After obtaining the information as required by this section, the superintendent shall inspect or cause to be inspected by some competent and qualified employee of the department of public works the equipment of the waste hauler so registered for the purpose of determining if his equipment is in good operating condition and if the equipment can be operated in a sanitary and healthful manner. Such equipment shall be emptied only at those places designated by the superintendent of wastewater treatment.

(h) The superintendent shall, from time to time, inspect the equipment of all persons registered and licensed under this article to determine if their equipment is properly maintained and in good operating condition and is in a sanitary and healthful condition.

(i) Every person registered and licensed under this article shall report to the superintendent each and every change in the data registered with the department of public works as required by section 118-89.

(j) Every person who shall engage in the City of Joplin in the business of hauling waste shall, before undertaking any portion of this business, obtain from the director of finance a business license as set forth in article III of chapter 30. The fee shall be paid in advance as set forth in section 30-121.

Secs. 118-90—118-100. - Reserved.

Subdivision II. - Conditions

Sec. 118-101. - Permitting uncontaminated discharge to enter sanitary sewer.

All uncontaminated discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage or other waters not required to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under section 118-85(b). Any connection, drain or arrangement that will permit such waters to enter any other wastewater sewer shall be deemed to be in violation of this section and this article.

Sec. 118-102. - Prohibited discharges.

(a) *Prohibited substances.* The following general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Any substance in a quantity or concentration which may cause interference or pass-through, or cause violations of state or federal water quality standards in a receiving watercourse, or otherwise endanger life, limb or property or constitute a public nuisance.

(2) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment plant resulting in Interference; however, if the volume of discharge represents a significant portion of the flow resulting in a temperature in excess of 120 degrees Fahrenheit into the treatment facility, a lower limit may be prescribed by the superintendent.

(3) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 parts per million, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.

(4) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the superintendent.

(5) Any wastewater having a pH less than 6.0 or greater than 9.5, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW. Excursions may be allowed pursuant to the continuous monitoring provisions of section 118-103.

(6) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent, or any single reading over ten percent of the lower explosive limit (LEL) of the meter. Any discharge which causes the discharge into the city's sewer to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) is prohibited. Closed cup flashpoints shall be determined using the test methods specified in 40 CFR 261.21. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which the city, the state or the EPA has notified the user is a fire hazard or a hazard to the system.

(7) Any solid or viscous material which could cause an obstruction to flow in the sewers or in any way interfere with the treatment process. Examples of such materials include but are not limited to ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing built solids, refuse, and debris not normally contained in sanitary sewage.

(8) Any water or waste containing toxic or poisonous substances, gases, vapors, or fumes in sufficient quantity, acting either singly or by interaction with other wastes, to injure or interfere with any sewage works process, to constitute a hazard to humans or to animals, or to create any hazard in the waters which receive treatment plant effluent, combined sewer overflow or stormwater, or that exceeds the limitation set forth in a pretreatment standard. A toxic pollutant shall include, but is not limited to, any pollutant identified pursuant to section 307(a) of the act.

(9) Any water or wastes containing a concentration of phenols in excess of 10.0 parts per million.

(10) Any radioactive wastes or isotopes of such halflife or concentration which may exceed limits established by the latest state and federal regulations and the superintendent.

(11) Any whey.

(12) Any corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the sewage works or creating a public nuisance or hazard, or preventing entry into the sewers for maintenance and repair.

(13) Any concentrated dye wastes or other wastes which are either highly colored or could become highly colored by reacting with other wastes.

(14) Any material or substance not specifically mentioned in this section which is in itself corrosive or irritating to human beings and animals, toxic or noxious, or which by interaction with other wastes could produce undesirable effects, including deleterious action on the sewage works, adversely affect any treatment process, constitute a hazard to humans or animals, or have an adverse effect upon the receiving stream.

(15) Chlorinated solvents.

(16) Septic tank sludge, except that sludge may be discharged into selected treatment plants at locations designated for this purpose by the superintendent.

(17) Any petroleum-based oil or grease, nonbiodegradable cutting oil or product of mineral oil origin, except those which unavoidably enter the user's waste stream as a normal constituent of wastewater from processes or equipment which use or process such materials or through contact with areas contaminated with such materials. In no case may such materials be discharged in quantities or concentrations which will cause interference or pass-through.

(18) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.

(19) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 118-89 of this article.

(20) Total Hexane Extractable Material (HEM), including fats, oils, greases of animal or vegetable origin, in concentrations greater than 100 mg/l based on monthly average monitoring results or at concentrations otherwise determined to interfere with the City’s POTW.

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

(22) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations

(23) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent.

(24) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(25) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit.

(26) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.

(27) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.

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.

(b) Bypass

(1) For the purposes of this Section,

a. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) 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 (3) and (4) of this Section.

(3) Bypass Notifications

a. If a User knows in advance of the need for a bypass, it shall submit prior notice to [the Superintendent], at least ten (10) days before the date of the bypass, if possible.

b. A User shall submit oral notice to [the Superintendent] of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass

a. Bypass is prohibited, and the Superintendent 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 paragraph (3) of this section.

b. The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (4)a of this Section.

(c) *Dilution of discharge.* Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for pretreatment required to comply with the provisions of this article. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

(d) *Action by superintendent.* When the superintendent determines that a user is contributing to the POTW any of the substances listed in this section in such amount as to interfere with the operation of the POTW, the superintendent shall:

(1) Advise the user of the impact of the contribution on the POTW; and

(2) Develop effluent limitations for the user to correct the interference with the POTW.

(e) *City's Right of Revision.* The City reserves the right to establish, by ordinance or in individual wastewater discharge permits stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this article.

Sec. 118-103. - Temperature and pH excursions.

When a user employs continuous monitoring techniques for temperature or pH and maintains records of the temperature or pH continuously monitored, the user shall meet the temperature and pH prohibitions and limitations specified in section 118-102 and in any applicable categorical standard, except that unintentional and temporary excursions above the temperature and upper pH values and below the lower pH values are allowed so long as the total time during which values are outside each of the upper or lower prohibition or limitation levels does not exceed eight hours in any calendar month and no individual excursion exceeds 15 minutes in length.

Secs. 118-104—118-120. - Reserved.

DIVISION 4. - INDUSTRIAL DISCHARGES

Subdivision I. - In General

Sec. 118-121. - Applicability categorical pretreatment standards.

(a) National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 118-121(4) and (5) of this section.

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(4) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 118-121(4)a.1. through 5. below.

a. To be eligible for equivalent mass limits, the Industrial User must:

1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

3. Provide sufficient information to establish the facility’s actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility’s long-term average production rate.

Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

5. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 118-121(4)a.3. of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 118-121(4)a.1. of this Section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the Superintendent:

1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

3. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow

rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 118-102(c). The Industrial User must also be in compliance with Section 118-102(b) regarding the prohibition of bypass.

(5) The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.

(6) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(7) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(8) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

State Pretreatment Standards

Users must comply with State Pretreatment Standards.

Sec. 118-122. - Special agreements.

Nothing in this division shall be construed as preventing any special agreement or arrangement between the city and any user of the wastewater facilities, whereby wastewater of unusual strength or character is accepted into the system and specially treated, subject to any applicable payments or user charges. No waiver of categorical pretreatment standards can or will be given.

Sec. 118-123. - Water and energy conservation.

The conservation of water and energy shall be encouraged by the superintendent. In establishing discharge restrictions for industrial users, the superintendent shall consider already implemented or planned conservation steps revealed by the industrial user. At the superintendent's request, each industrial user will provide pertinent information showing that the quantities of substances or pollutants have not been, nor will be, increased as a result of the

conservation steps. After such a showing is deemed satisfactory, the superintendent may adjust the discharge restrictions, which have been based on concentrations, to reflect the conservation steps.

Sec. 118-124. - Information requirements.

(a) All industrial users shall file with the city all wastewater information deemed necessary by the superintendent for determination of compliance with this article, the city's NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the superintendent, and by supplements thereto as necessary.

(b) A person who owns, operates or occupies properties designated as an industrial user at more than one location shall submit separate information for each location as may be required by the superintendent.

Sec. 118-125. - Wastewater monitoring facilities.

(a) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial user wastewater discharge shall provide suitable access and necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurements of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the superintendent. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

(b) The superintendent shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether access and equipment for monitoring an industrial user discharge shall be required.

(c) When the superintendent determines access and equipment for monitoring and measuring an industrial user wastewater discharge are not practicable, reliable or cost effective, the superintendent may specify alternative methods of determining the characteristics of the wastewater discharge that will, in the superintendent's judgment, provide an equitable measurement.

Sec. 118-126. - Acceptance of restricted wastes; pretreatment requirements.

(a) *Acceptance of restricted wastes.* If any waters or wastes are discharged or are proposed to be discharged into the city's sewers which contain any quantity of substance having the characteristics described in section 118-102 and/or are in violation of the standards of pretreatment provided in chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 403, Pretreatment Standards, Federal Register Volume 46, No. 18, Wednesday, January 26, 1981, and any amendments thereto, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise may create hazard to life or constitute a public nuisance, the superintendent may:

(1) Reject the wastes;

(2) Require, at the owner's expense, pretreatment facilities to reduce objectionable characteristics or constituents to within the maximum limits provided for in section 118-102 and/or federal, state or local pretreatment standards; and/or

(3) Require control over the quantities and rates of discharge.

(b) *Design and installation.* If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be at the owner's expense. Construction drawings, specifications and other pertinent data shall be submitted for the approval of the superintendent and the state. No construction of such facilities shall be commenced until such approvals are obtained in writing. Construction shall be in accordance with the approval plans.

(c) *Maintenance.* Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

(d) *Publication of list of users in significant noncompliance.* The superintendent shall publish annually, in the largest daily newspaper published in the city, a list of users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. As used in this subsection, the term "significant compliance" shall mean:

(1) Chronic violations of wastewater discharge limits, defined for purposes of this section as those in which 66 percent or more of wastewater measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude), a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 118-102;

(2) Technical review criteria (TRC) violations, defined for purposes of this section 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 by Section 118-102, 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);

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 118-102 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of his emergency authority to halt or prevent such a discharge;

(5) Any other violation of a Pretreatment Standard or Requirement as defined by this article (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges,

Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(6) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(7) Failure to provide, within 30 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;

(8) Failure to accurately report noncompliance; or

(9) Any other violation which, which may include a violation of Best Management Practices, the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 118-127. - Private waste treatment facilities.

(a) In lieu of introducing untreated or partially treated industrial wastes and polluted waters into the sewers of the city, the owner of the premises producing such wastes may, if approved by the state clean water commission, construct and operate, at his expense, private waste treatment facilities, with the effluent discharged into a natural outlet. The design and operation of such facilities shall continuously produce an effluent which will not create a public nuisance. Construction drawings, specifications and other pertinent information relating to such proposed treatment facilities shall be prepared by the owner, at his expense, and shall be submitted to the superintendent and the state clean water commission, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Construction shall be in accordance with such approved plans.

(b) Where such private waste treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

Sec. 118-128. - Interceptors.

Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 118-129. - User reports.

(a) *User questionnaire.*

(1) When required by the superintendent, the following users shall submit applicable user questionnaires to the superintendent on forms provided by the superintendent:

a. Any user who discharges wastewater to the city's wastewater system or stormwater system, or to a watercourse, and who consumes at least 500,000 gallons of water in any calendar month.

b. Any user who discharges or may discharge toxic substances.

c. Any user subject to federal categorical pretreatment standards.

d. Any user required to pretreat wastewater in accordance with division 5 of this article.

e. Any user who discharges radioactive materials.

f. Any other user not previously listed in this subsection when the superintendent determines that such information is required to ensure the city's compliance with any state or federal regulation or with the provisions of this article.

(2) Any user who has previously submitted a user questionnaire may be required to submit a new questionnaire at any time the superintendent determines such information is necessary to ensure the city's compliance with any state or federal regulations or with any provisions of this article. Unless so requested by the superintendent, a user who submitted a questionnaire prior to enactment of the ordinance from which this article is derived is not required to submit a new questionnaire.

(b) *Baseline monitoring report.*

Within either one hundred eighty (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 Superintendent a report which contains the information listed in paragraph (2), below. At least ninety (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 submit to the Superintendent a report which contains the information listed in paragraph (2), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(1) Users described above shall submit the information set forth below.

a. All information required in Section 118-152(a)(1), (11), (15), and (17).

b. Measurement of pollutants.

1. The User shall provide the information required in Section 118-152 (5) a through d.

2. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

3. 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 wastestream 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;

4. Sampling and analysis shall be performed in accordance with Section 118-208;

5. The Superintendent 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;

6. 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.

c. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in by 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.

d. Compliance Schedule. 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 Section 118-129(g) of this article.

e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 118-182(a) of this article and signed by an Authorized Representative as defined in this article.

(c) *Ninety-day compliance report.* When required by the superintendent, within 90 days following the date for final compliance with applicable categorical pretreatment standards (CPS) or following commencement of introduction of wastewater from a new source into

the city's system, any industrial user subject to the standards shall submit a report to the superintendent which contains the information required by 40 CFR 403.12(b). Ninety-day CPS compliance reports must be signed and certified in accordance with 40 CFR 403.12(1).

(d) *Self-monitoring reports.*

(1) When required by the superintendent or by state or federal regulations, any user who discharges any wastewater or stormwater to the city's system shall submit to the superintendent self-monitoring reports identifying the nature and concentration or mass of prohibited or regulated substances in discharges from regulated processes or from the user's premises. The results shall be reported as concentration if the pollutant limits are given in concentration terms and shall be reported as mass if the pollutant limits are given as mass. The report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Other information may be required based upon applicable state and federal regulations. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User**.** The reporting period shall be determined by the superintendent based upon the quantity or characteristics of the discharge or the requirements of the state or federal regulations. All sampling and analyses performed to satisfy this monitoring requirement shall be performed in accordance with the provisions of 40 CFR part 136, and amendments thereto. Self-monitoring reports must be signed and certified in accordance with Section 118-182(a) of this article.

(2) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 118-152(a)(18).

c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility’s process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

d. The request for a monitoring waiver must be signed by the Authorized or Duly Authorized Representative of the User and include the certification statement in 118-182(a) (40 CFR 403.6(a)(2)(ii)).

e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

f. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.

g. Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 118-182(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 118-182(a), or other more frequent monitoring requirements imposed by the Superintendent and notify the Superintendent.

i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(3) If a user performs monitoring using the methods specified in 40 CFR part 136 more often than required by the superintendent, the results of all such additional monitoring and any additional flow measurements shall be reported to the superintendent at least quarterly.

(4) If any sampling performed by a user using the methods specified in 40 CFR part 136 indicates a violation of any pretreatment limitation, the user shall notify the superintendent within one business day of becoming aware of the violation. The user shall resample the discharge and shall submit the results of the resampling to the superintendent within 30 days of becoming aware of the violation.

(5) The provisions of 40 CFR 403.12(O)(2) require industrial users subject to reporting requirements to retain for a minimum of three years any records of monitoring activities and results, and users shall make such records available for inspection and copying by the POTW.

(6) 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.

(e) *Production reports.*

(1) All users subject to production-based discharge limitations shall submit to the superintendent periodic reports on production rates. The first report shall be submitted within 90 days following the date for final compliance with applicable categorical pretreatment standards or following commencement of discharge from a new source into the city's system. Thereafter, the reports shall be submitted semiannually at the time specified by the superintendent. Users for which equivalent mass or concentration limits have been established by the superintendent in accordance with section 118-184 shall report a reasonable measure of the user's longterm average daily production rate. For the initial report, the longterm average daily production rate should be based upon a minimum of one recent year's historical data, if available, or upon well-documented projections if such data is not available. Subsequent reports shall contain actual average daily production rates during the reporting period. All other users subject to production-based discharge limitations shall report the actual daily production rates during the reporting period.

(2) Any user for which the superintendent has converted production-based discharge limitations to equivalent mass or concentration limits shall notify the superintendent within two business days after the user has a reasonable basis to know that the average daily production rate will significantly change within the next calendar month.

(f) *Reports of new or increased discharge.* Any user planning a significant new or increased discharge shall notify the superintendent at least ten business days prior to the date of the planned increase or addition. A significant increase is defined as a 20 percent or greater increase in the volume or concentration of the discharge. The superintendent may exercise the authority granted in section 118-181 to impose conditions on the proposed increase or addition.

(g) *Compliance schedule progress reports.*

The following conditions shall apply to the compliance schedule required by Section 118-129(b)(2)d of 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 User shall submit a progress report to the Superintendent no later than fourteen (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 User to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(h) *Notification of problem discharge.*

(1) *Unanticipated discharge.*

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent 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 User.

b. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this article**.**

c. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

(2) *Anticipated discharge.* If a user anticipates a need for a pretreatment facility or treatment facility bypass which may cause pretreatment or treatment standards or requirements to be violated, the user shall notify the superintendent prior to commencing the bypass. An anticipated bypass will be allowed only when the conditions specified in section 118-102 have been satisfied.

(i) *Hazardous waste discharge report.*

(1) Any 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 User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the 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 twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 118-129(m) of this article. 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 Sections 118-129 (b), (d), and (k) of this article.

(2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (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 fifteen (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 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify [the Superintendent], the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this Section, the 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 provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

(j) *Reports by private treatment facilities.* Any person who operates a wastewater system or wastewater treatment facility or who discharges any wastewater, cooling water, stormwater or unpolluted water into any watercourse within the city shall furnish such reports as may be required by the superintendent for ascertaining compliance with this article.

(k) *Reports on Compliance with Categorical Pretreatment Standard Deadline.* Within ninety (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 User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 118-152(a)(5) and (17) and 118-129(b)(2)b of this article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 118-121(a). This report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 118-182(a) of this article. All sampling will be done in conformance with Section 118-208.

(l) *Reports of Changed Conditions*

(1) Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

a. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 118-152 of this article.

b. The Superintendent may issue an individual wastewater discharge permit under Section 118-155 of this article or modify an existing wastewater discharge permit Section 118-153 of this article in response to changed conditions or anticipated changed conditions.

(m) *Reports from Unpermitted Users*

(1) All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

(n) *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.

(o) *Recordkeeping.* 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, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 118-184(3). 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 five (5) 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 Superintendent.

(p) *Chain-of Custody Forms.* Users shall submit chain of custody forms for all monitoring data.

Sec. 118-130. - Control manhole and sampling equipment.

(a) The city shall require to be provided and operated, at the significant industrial user's own expense, a control manhole to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The control manhole shall normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

Sec. 118-131. - Accidental discharge/slug control plan.

(a) At least once every two years, the superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges. The superintendent may require any user to develop, submit for approval and implement such a plan. Alternatively, the superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

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

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by section 118-132; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are 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 pollutants, including solvents, and/or measures and equipment for emergency response.

(b) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city before construction of the facility. No user who commences contribution to the POTW after November 1, 1984, shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facilities as necessary to meet the requirements of this section.

Sec. 118-132. - Notification of accidental discharge.

(a) Any spill or accidental discharge of wastes which may create an explosion hazard in the sewage works or in any way have a deleterious effect upon the works or the treatment process, or constitute a hazard to human beings, animals or the receiving stream, shall be immediately reported to the superintendent by the person responsible for such spill or accidental discharge.

(b) Such notification shall set forth the time and place of the spill or discharge, the type and quantity of material included in the waste, and actions taken to stop the spill or discharge.

(c) It shall be the responsibility of each person having knowledge of the spill or accidental discharge to have available, insofar as practicable and reasonable, the following information:

(1) Potential toxicity in water to human beings, animals and aquatic life.

(2) Suggestions on safeguards or other precautionary measures to nullify the toxic effects of such waste.

(d) It shall be the responsibility of each person responsible for the spill or accidental discharge to provide the superintendent with written verification of what measures are to be taken to prevent a recurrence of any such spill or accidental discharge. Such information shall be in the hands of the superintendent within seven days after the spill or accidental discharge occurred. This report shall also include a description of the cause of the spill or accidental discharge. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

Sec. 118-133. - Confidential information.

Information and data obtained from applications, questionnaires, permits, monitoring programs and inspections and any other required reports or documents under this article shall be available for inspection by the public or any government agency without restriction, unless a user specifically states that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any information submitted to the superintendent may be claimed as confidential in accordance with applicable federal regulations. Any claim of confidentiality must be made at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. When requested by the user furnishing the report, the portion 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 upon written request to governmental agencies for uses related to regulation of the user's discharge; subject, however, to the confidentiality provisions of 40 CFR part 2, which are incorporated by this reference as applicable to the city to the same extent part 2 is applicable to the EPA, or any applicable state law. If a party to any judicial or administrative proceeding or any court or any administrative agency (except as specified in this section) demands or subpoenas or orders the production of any such confidential information, the city shall immediately notify the person who supplied such information so that the person shall have the opportunity to secure judicial or administrative relief to preserve such confidentiality. Unless such person gets such relief, the city will comply with such demand, subpoena or order if it is legally required to do so. Wastewater constituents and characteristics will not be recognized as confidential information. Persons, other than authorized representatives of the United States Environmental Protection Agency or the state department of natural resources, requesting to review information and data, must do so in writing and must pay all applicable costs associated with the preparation and copying of such information and data.

Secs. 118-134—118-150. - Reserved.

Subdivision II. - Permit

Sec. 118-151. - Required.

(a) Individual Wastewater Discharge Permit Requirement

(1) No significant industrial user shall be allowed to discharge any wastes into city sewers after November 1, 1984, without a valid industrial discharge permit obtained from the ~~director of public works~~ Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 118-151(b) of this article may continue to discharge for the time period specified therein.

(2) The Superintendent may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this article.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out this article. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(b) Individual Wastewater Discharge Permitting: Existing Connections

(1) Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the Superintendent for an individual wastewater discharge in accordance with Section 118-152 of this article, and shall not cause or allow discharges to the POTW to

continue after 30 days of the effective date of this article except in accordance with an individual wastewater discharge permit issued by the Superintendent.

(c) Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit in accordance with Section 118-152 of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

Sec. 118-152. - Application; issuance.

(a) Application for an industrial discharge permit shall be made by the owner or his agent on a special form provided by the city. Existing users classified as a significant industrial user shall file the completed application no later than October 1, 1984. New users that may be classified as significant industrial users must file a completed application at least 90 days prior to connecting to or contributing to the city sewers. The following information, in units and terms appropriate for evaluation, shall be included in the application:

(1) Name, address and standard industrial classification number of the facility, including the name of the operator and owner. Contact information, description of activities, facilities, and plant production processes on the premises.

(2) Signature and title of the official completing the application.

(3) Location of plant.

(4) Manufacturing or service activity conducted at the plant, including all materials which are or could be discharged.

(5) Wastewater constituents and characteristics, including but not limited to those mentioned in section 118-102, as determined by a reliable analytical laboratory, and the following:

a. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. Type and amount of raw materials processed (average and maximum per day).

b. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

c. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.

d. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

e. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 118-208 of this article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

f. Sampling must be performed in accordance with procedures set out in Section 118-208 of this article.

(6) Time and duration of contribution.

(7) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.

(8) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation. Also included should be a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(9) Where known, the nature and concentration of any pollutants in the discharge which are limited by any 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 and/or additional pretreatment is required for the user to meet the applicable pretreatment standards.

(10) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall be no later than the compliance date established for the pretreatment standard. The following conditions shall apply to this compliance schedule:

a. A schedule shall contain increments of progress 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 standard, e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction, etc.

b. No increment referred to in subsection (10)a of this subsection shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.

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

(12) Number of employees in each plant, by shifts. Hours of operation and proposed or actual hours of operation.

(13) Source of water supply at each plant and the volume of water used by each plant daily, specified as to each source.

(14) Description of raw water treatment and/or industrial waste pretreatment facilities currently in use.

(15) A list of any environmental control permits held by or for the facility.

(16) The location for monitoring all wastes covered by the permit.

(17) 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 Section 118-121(a)(3) (40 CFR 403.6(e)).

(18) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 118-129(d)(2) [40 CFR 403.12(e)(2)].

(19) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(b) Permit Decisions

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue an industrial discharge permit, subject to the terms and conditions provided in this article. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(c) Applications and Signatories

(1) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 118-182.

(2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

(3) A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent must annually submit the signed certification statement in Section 118-182.

Sec. 118-153. - Modifications.

(a) Within nine months of the promulgation of a federal categorical pretreatment standard, the industrial discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a significant industrial user subject to a federal categorical pretreatment standard has not previously submitted an application for an industrial discharge permit as required by section 118-151, the significant industrial user shall apply for an industrial discharge permit within 180 days after the promulgation of the applicable federal categorical pretreatment standard. In addition, the significant industrial user with an existing industrial discharge permit shall submit to the superintendent, within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by section 118-152(a)(9) and (10).

(b) The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit.

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13. EPA regulations at 40 CFR 403.13 authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard.

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 118-156.

Sec. 118-154. - Conditions.

(a) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 118-156 of this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

d. Self monitoring, sampling, reporting, notification, and record-keeping 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.

e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 118-129(d)(2).

f. 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.

g. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

h. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit.

(b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit and

(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this article, and State and Federal laws, rules, and regulations.

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Sec. 118-155. - Term; renewal.

Industrial discharge permits shall be issued for a period of time as specified by the superintendent but shall not exceed 5 years from the effective date of the permit. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 118-156. - Transfer.

(a) Industrial discharge permits are issued to a specific user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. Permittee shall give the Superintendent 90 days advanced notice for approval of the permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

Sec. 118-157. - Payment of costs of extra sampling and testing.

(a) It is the purpose of this section to provide for the recovery from significant industrial users of the costs incurred by the city for the implementation and continued operation of the industrial pretreatment program.

(b) Should additional sampling and testing be required of a significant industrial user's discharge above and beyond that anticipated, the costs to the city for the additional sampling and testing shall be paid by the significant industrial user. Costs for the additional sampling and testing shall be billed to the significant industrial user at a rate equal to the actual cost to the city. This additional cost will be included in the industrial pretreatment monitoring charges.

Secs. 118-158—118-180. - Reserved.

DIVISION 5. - PRETREATMENT

Sec. 118-181. - Generally.

(a) The superintendent should initially rely on the federal categorical pretreatment standards as provided in section 118-121 to protect wastewater facilities or receiving waters; however, if any wastewater that contains substances or characteristics shown to have deleterious effect on the wastewater facilities, processes, equipment or receiving waters, or that constitutes a public nuisance or hazard, is discharged or proposed for discharge to the wastewater sewers, the superintendent may:

(1) Require pretreatment to a condition acceptable for discharge to the wastewater sewers;

(2) Require control over the quantities and rates of discharges;

(3) Require payment to cover the added cost of handling and treating the wastewater not covered by existing fees and charges;

(4) Require the development of compliance schedules to meet any applicable treatment requirements;

(5) Require the submission of reports necessary to ensure compliance with applicable pretreatment requirements;

(6) Carry out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements;

(7) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in division 2 of this article, or appropriate criminal penalties; or

(8) Reject the wastewater if scientific evidence indicates the discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

(b) When considering the alternatives listed in subsection (a) of this section, the superintendent shall ensure that conditions of the city's NPDES permit are met. The superintendent shall also consider the cost effectiveness and economic impact of the alternatives on the equalization of wastewater flows. The installation of necessary facilities shall be subject to review. The superintendent shall review and recommend any appropriate changes to the program.

(c) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation, at the owner's expense.

Sec. 118-182. - Certification of compliance.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 118-152; Users submitting baseline monitoring reports under Section 118-129(b)(2)e. Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 118-129(k). Users submitting periodic compliance reports required by Section 118-129(d)(1) through (2); and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 118-129(d)(2)d. The following certification statement must be signed by an Authorized Representative as defined in this article:

> 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.

(b) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent as defined by this article and 118-152(c)(3) must annually submit the following certification statement signed in accordance with the signatory requirements for the Authorized or Duly Authorized Representative of the User. This certification must accompany an alternative report required by the Superintendent:

> 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 _____, _____ [months, days, year]:
>
> (a) The facility described as _____
> [facility name] met the definition of a Non-Significant Categorical Industrial User as described in this article.
>
> (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) 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.
>
> _____
>
> _____

(c) Certification of Pollutants Not Present

(1) Users that have an approved monitoring waiver based on Section 118-129(d)(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

> Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 118-129(d)(1).

Sec. 118-183. - Monitoring requirements.

Discharge of wastewater to the city's wastewater facilities from the facilities of any user shall be monitored in accordance with 40 CFR 403.12(g) and the provisions of section 118-125.

Sec. 118-184. - Discharge limitations.

The limitations for quantities and/or concentrations of pollutants contained in this section pertain to all users who discharge to the POTW.

(1) *Categorical pretreatment standards.* Any industrial user having process waste streams which are subject to any federal categorical pretreatment standards, either currently in effect or promulgated or modified after the effective date of the ordinance from which this article is derived, shall comply with the requirements of such standards. All categorical pretreatment standards established pursuant to 40 CFR, chapter I, subchapter N, are hereby incorporated by reference and are fully enforceable under this article the same as if fully set out in this article. Limitations established in such standards shall apply to the treated effluent or, if no treatment is provided, to the untreated effluent from the processes regulated by the standard, unless otherwise specified by the standard. When the limits in a categorical pretreatment standard are production based, the superintendent may convert the limits to an equivalent mass or concentration for purposes of calculating effluent limitations applicable to individual users. Where regulated process effluent cannot be sampled prior to mixing with other waste streams, alternative limits for the mixed effluent may be established by the superintendent using the combined waste stream formula, subject to the provisions of 40 CFR 403.6(e). All users subject to categorical pretreatment standards are also obligated under federal law to comply with the POTW's discharge limitations specified in this section. When a pollutant in a user's discharge is subject to both a limit from a categorical pretreatment standard and a local limit at the same sampling point, the most strict limit shall apply.

(2) *Local limitations.* The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. The City will develop the permit limitations for all users that meet the definition of S.I.U. as defined by this article. The sum total per day of each permitted Local Limit shall not exceed the mass in the table below. The Table of Total Mass Allowable is as follows:

Total Mass Allowable (lbs) from S.I.U.'s per Day Discharging to the Turkey Creek WWTP

Pollutant	**Maximum Allowable Industrial Load (lb/day)**
Ag	4.50
As	1.13
Cd	0.28
CN	0.93
Cr	33.27
Cu	4.89
Hg	0.16
Mo	1.02
Ni	6.62
Pb	1.10

Se	0.75
Zn	10.71
BOD(5)	12,740
TSS	10,013
TKN	2,344

Total Mass Allowable (lbs) from S.I.U.'s per Day Discharging to the Shoal Creek WWTP

Pollutant	**Maximum Allowable Industrial Load (lb/day)**
Ag	3.63
As	0.60
Cd	0.33
CN	1.01
Cr	13.67
Cu	6.73
Hg	0.35
Mo	0.51
Ni	5.81
Pb	0.76
Se	0.84
Zn	6.71
BOD(5)	12,581
TSS	8,758
TKN	935

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above. Local limits are subject to change as local environmental conditions change. All changes to Local Limits shall be approved by the Missouri Department of Natural Resources.

Excursions may be allowed pursuant to the continuous monitoring provisions of section 118-103.

(3) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 118-102.

Secs. 118-185—118-200. - Reserved.

DIVISION 6. - RATES AND CHARGES

Sec. 118-201. - Generally.

Sewer service charges are hereby levied against every residential, commercial, industrial and governmental user connected to public sewers in accordance with the rate recommendation documented in the 2019 Burns and McDonnell rate study, said rate study is incorporated herein by reference as Appendix 1. The proceeds of such charges so derived will be used first, for the purpose of retiring the debt for the public wastewater treatment works and then for the purpose of operation, maintaining and replacing the sewer system and equipment.

Sec. 118-202. - Rates and surcharges.

(a) All residential, commercial, industrial and governmental establishments shall be charged for sewer service in accordance with the following rate table. The sewer service charge shall consist of a monthly facility charge based upon the size of water meter plus a charge based upon the gallons of water used per month. The charges shall become effective on the dates listed in the table. The rate effective on April 1, 2020, shall be effective thereafter until changed.

RATE TABLE I

¾ Inch Meter or Smaller

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	31.56	41.03	2.07	2.69
April 1, 2020	33.14	43.08	2.17	2.82
January 1, 2021	34.80	45.23	2.28	2.96
January 1, 2022	36.54	47.49	2.39	3.11
January 1, 2023	38.37	49.86	2.51	3.27
January 1, 2024	40.29	52.35	2.64	3.43

1 Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	40.51	52.66	2.07	2.69

April 1, 2020	42.54	55.29	2.17	2.82
January 1, 2021	44.67	58.05	2.28	2.96
January 1, 2022	46.90	60.95	2.39	3.11
January 1, 2023	49.25	64.00	2.51	3.27
January 1, 2024	51.71	67.20	2.64	3.43

1½ Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	62.94	81.82	2.07	2.69
April 1, 2020	66.09	85.91	2.17	2.82
January 1, 2021	69.39	90.21	2.28	2.96
January 1, 2022	72.86	94.72	2.39	3.11
January 1, 2023	76.50	99.46	2.51	3.27
January 1, 2024	80.33	104.43	2.64	3.43

2 Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	89.92	116.77	2.07	2.69
April 1, 2020	94.31	122.61	2.17	2.82
January 1, 2021	99.03	128.74	2.28	2.96

January 1, 2022	103.98	135.18	2.39	3.11
January 1, 2023	109.18	141.94	2.51	3.27
January 1, 2024	114.64	149.04	2.64	3.43

3 Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	152.56	198.33	2.07	2.69
April 1, 2020	160.19	208.25	2.17	2.82
January 1, 2021	168.20	218.66	2.28	2.96
January 1, 2022	176.61	229.59	2.39	3.11
January 1, 2023	185.44	241.07	2.51	3.27
January 1, 2024	194.71	253.12	2.64	3.43

4 Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	242.13	314.77	2.07	2.69
April 1, 2020	254.24	330.51	2.17	2.82
January 1, 2021	266.95	347.04	2.28	2.96
January 1, 2022	280.30	364.39	2.39	3.11
January 1, 2023	294.32	382.61	2.51	3.27

January 1, 2024	309.04	401.74	2.64	3.43

6 Inch Meter

Effective Date	Facility Charge Per Month		Volume Charge Per 1,000 Gal.	
	In City	Out of City	In City	Out of City
Present Rate	466.20	606.06	2.07	2.69
April 1, 2020	489.51	636.36	2.17	2.82
January 1, 2021	513.99	668.18	2.28	2.96
January 1, 2022	539.69	701.59	2.39	3.11
January 1, 2023	566.67	736.67	2.51	3.27
January 1, 2024	595.00	773.50	2.64	3.43

(b) A surcharge rate is established for each user which discharges wastewater into the city treatment works which contains excess strength biochemical oxygen demand (BOD) and total suspended solids (TSS). Excess strength BOD and TSS are defined as wastewater with a BOD concentration in excess of 2.5 lb./1,000 gallons or a TSS concentration in excess of 2.5 lb./1,000 gallons. Surcharges for BOD and TSS shall be paid at the rates established in Rate Table II, and shall be paid in addition to the normally established rates listed in Rate Table I. The charges shall become effective on the dates listed in the table and shall be applicable through the subsequent year. The rate effective on April 1, 2020 shall be effective thereafter until changed.

RATE TABLE II

Effective Date	BOD Surcharge Rate Per Pound		SS Surcharge Rate Per Pound	
	In City	Out of City	In City	Out of City
Present Rate	0.87	1.13	0.53	0.69
April 1, 2020	0.91	1.19	0.56	0.72
January 1, 2021	0.96	1.25	0.59	0.76

January 1, 2022	1.01	1.31	0.62	0.80
January 1, 2023	1.06	1.38	0.65	0.84
January 1, 2024	1.11	1.45	0.68	0.88

(c) In addition to any fee or surcharge described hereinabove, any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost or operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.

Sec. 118-203. - Basis for computation.

Sewer service charges for residential establishments shall be based upon the average consumption for the months of December, January and February and shall be billed monthly for the 12-month period beginning in April of each year on the basis of said average monthly water consumption for the immediately preceding months of December, January, and February.

For any residential customer that did not occupy said residence during the months of December, January, and February, a city-wide average shall be billed monthly for the 12-month period beginning in April of each year. The city-wide average shall be adjusted annually based on the actual average consumption of residential customers.

Residential sewer service charges based upon the average consumption for a user at a location less than a full month shall be prorated to the number of days the same user is at the same location.

Sec. 118-204. - Measurement of water consumption.

(a) The metered water consumption records of the Missouri American Water Company, or its successor, as shown by its monthly water bills, shall be used to determine the amount of water consumption of all residential, commercial or industrial establishments and governmental establishments supplied with water by the Missouri American Water Company, or its successor, for the purpose of computing sewer service charges under the provisions of this division.

(b) All residential, commercial or industrial, and governmental establishments supplied with water from sources other than the Missouri American Water Company, or its successor, shall furnish evidence satisfactory to the city, of the monthly quantity of water consumption by such establishments from such other sources and in such cases the monthly sewer service charges shall be based upon such evidence; otherwise the city shall estimate the monthly water consumption of such establishments, and such computation shall constitute the basis for the monthly sewer service charge for such establishments.

Sec. 118-205. - Adjustments.

(a) *Low usage.* When any residential, commercial or industrial, or governmental establishment, using in excess of 1,000 gallons of water per month, furnishes the city with evidence satisfactory to the city that such establishment actually discharged into the public sewers in the preceding calendar year less than 90 percent of the water used by such establishment, the city may adjust the sewer service charges of such establishment for the next subsequent calendar year by computing same either on the basis of water discharged into the public sewers or by flat rate rather than on the amount of water consumption of such establishment.

(b) *Flooding.* When any residential, commercial industrial, or governmental establishment furnishes the city with evidence that it has been inundated or had a sewer backup caused by area flooding lasting more than 14 consecutive days after January 1, 2010, the city may adjust any bill on a pro-rated basis for the time sewer service was not available. The establishment must demonstrate that it has or will take steps to prevent sewer back flows due to flooding. Any request for adjustment must be filed within one year of the bill sought to be adjusted.

Sec. 118-206. - Billing and collection procedures.

(a) All sewer service charges shall be paid to the city, or its authorized agent, at the location or locations designated by the city. Sewer service charges shall be paid within 15 days of the date of their billing.

(b) Every sewer service charge specified in this section remaining unpaid for 25 days after the date of its billing may be increased by ten percent for the current month outstanding balance.

(c) Sewer services shall be deemed to be furnished to both the occupant and owner of all residential properties receiving sewer service, and the occupant and owner of such properties shall be severally and jointly liable to the city for payment of the charges for such service rendered on or to premises upon which such properties are located. If any bill for such services is not paid within 15 days from the date of such bill, the city may sue the occupant, the owner, or both, of the properties receiving such service, or for which such service has been made available, and receive any sums due for such services plus reasonable attorney's fees to be fixed by the court and the costs of such suit. In addition, the city may use other such means now or hereafter available to it under the statutes of Missouri and the ordinances of the city to effect the collection of any bill for sewer service remaining unpaid upon the expiration of 15 days from the date of such bill.

(d) In the event either the occupant or owner of property which receives sewer service furnished by the city has reason to dispute the amount or nature of any bill, the recipient shall be permitted to make payment under protest, provided that the recipient of service provides to the city at the time of payment the following information:

(1) The period of time for which the service is disputed.

(2) The reason for the dispute.

(3) The requested remedy.

Nothing contained herein shall in any way forgive or avoid any payment to the city as outlined in this chapter for sewer services. Upon receipt of any such payment under protest, the finance director in coordination with the city attorney shall respond in writing to the

recipient of the service with a response to their complaint and a copy shall be forwarded to the city manager and a reply shall be forthcoming within a reasonable period of time.

(e) In addition to any fees or charges established pursuant to this chapter, there shall be a fee for the termination of water service due to a delinquent sewer bill that remains unpaid or in arrears for at least 30 days. The fee shall be established by the water company for:

(1) Standard termination or restoration per metered connection, including unsuccessful attempts; and,

(2) After hours restoration per metered connection, including unsuccessful attempts.

(f) When the occupant of rental property is delinquent in payment of sewer fees, the City of Joplin shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant of rental property is delinquent more than 90 days, the owner shall not be liable for sums due for more than 90 days of service. The city shall make a good faith effort to notify both the occupant and owner of the premises of any termination of service.

Sec. 118-207. - Annual review and revision.

The city shall review annually the schedules of rates for sewer service charges, and revise the rates, if necessary, to generate adequate revenues to pay the costs of operation and maintenance, to promptly pay the principal of and interest on all bonds issued by the city which by their terms are payable solely from the revenues of the treatment works, and to maintain any special accounts created and established by the bond ordinance pursuant to which the bonds are issued.

Sec. 118-208. - Standards for measurements, tests and analyses.

(a) Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

(b) Sample Collection

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

(1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

~~(3)~~ For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 118-129 (b) and (k) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 118-129(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 by with applicable Pretreatment Standards and Requirements.

Sec. 118-209. - Unauthorized connection or reconnection.

No person shall tamper with any sewer line or other part of the city's sewerage system or make any connection to the system without written permission from the city, or reconnect service when service has been discontinued for nonpayment of a bill for service until such bill, including all disconnection and reconnection charges, has been paid in full.

Sec. 118-210. - Collection agent.

The city may contract, for a stated period of time and for a stated consideration and under such terms and conditions agreeable to the city, with any person for the preparation, mailing and collection, or for the mailing or collection, of bills for sewer service charges.

Sec. 118-211. - Hauled wastewater; fee.

Hauled wastewater may be introduced into the POTW pursuant to the provisions of Section 11989 and any other applicable provision of this Code. A fee of $0.04 shall be assessed for each gallon of hauled wastewater so introduced.

DIVISION 7. - BUILDING SEWERS

Footnotes:

Sec. 118-231. - Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public or district sewer or appurtenance thereof without first obtaining a written permit from the director of public works.

Sec. 118-232. - Classifications of permits.

In addition to the permit for private sewer disposal system, there shall be three types of building sewer permits as follows:

(1) For reconnection to public and district sewers.

(2) For a new sewer connection, either inside or outside city limits.

(3) For a sewer tap, either inside or outside city limits.

Sec. 118-233. - Application for permit.

Applications for either type of permit required by this division shall be made by the owner or his agent on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered necessary by the public works director.

Sec. 118-234. - Determination that property cannot be included in district sewer.

Permits to connect to public sewers shall be issued only to those applicants or their agents whose land or property cannot reasonably be included in a district sewer, as determined by the director of public works. In making such determination, the director of public works shall consider the availability of the public sewer system to the land in question, the cost to be incurred by the applicant, the effects on land and owners thereof in the general area, the fair and equal treatment of landowners in the general area, and the anticipated future sewage disposal requirements of land in the general area.

Sec. 118-235. - Permit fee, connection fee, and other sewer fees.

Fees.

(1) A sewer reconnection permit and inspection fee of $100.00 shall be charged for any sewer reconnection service inside the limits of the City of Joplin.

(2) A sewer reconnection permit and inspection fee of $125.00 shall be charged for any sewer reconnection service outside the limits of the City of Joplin.

(3) A sewer new connection permit and inspection fee of $300.00 shall be charged for any new sewer connection service inside the limits of the City of Joplin.

(4) A sewer new connection permit and inspection fee of $400.00 shall be charged for any new sewer connection service outside the limits of the City of Joplin.

(5) A sewer extension permit and inspection fee of $300.00 shall be charged for any new sewer extension inside the limits of the City of Joplin.

(6) A sewer extension permits and inspection fee of $400.00 shall be charged for any new sewer extension outside the limits of the City of Joplin.

(7) There shall be an additional fee of $200.00 as determined by the director of public works when sewer connection work as described in this section is performed on concrete and/or clay pipes.

(8) There shall be an additional sewer riser locate permit fee of $100.00 for city personnel to inspect or locate a sewer connection point to the city sewer main.

Sec. 118-236. - Liability for costs of installation and connection; indemnification of city.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 118-237. - Separate building sewer required for each building; exception.

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

Sec. 118-238. - Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director of public works, to meet all requirements of this division. Old building sewers not acceptable for reuse, and which will not be reconnected immediately, are required to be capped in a watertight manner sufficiently below grade to be permanent.

Sec. 118-239. - Specifications.

The size, slope, alignment and 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.

Sec. 118-240. - Inspection; supervision of connection.

The applicant for the building sewer permit shall notify the director of public works when the building sewer is ready for inspection and connection to the public or district sewer. The connection shall be made under the supervision of the director of public works or his representative.

Sec. 118-241. - Excavations.

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. 118-242. - Raising of manholes; access to lines and manholes.

It shall be the responsibility of the property owner, contractor or developer to raise manhole casings to conform to the finished ground elevation if the area is filled or reshaped to change the

depth of cover over sewer piping. Property owners or contractors shall provide access to sewer lines and sewer manholes. Access shall not be restricted by fences, shrubbery or buildings.

Sec. 118-243. - Sewer improvements by private contract.

The provisions of sections 106-64 and 106-65 shall be applicable to and shall govern sewer improvements by private contract.

Sec 118-244. - Sanitary sewer overflows.

The City of Joplin shall not be held liable for damages due to sanitary sewer overflows caused by rain events, as they are considered an act of God. It shall be the responsibility of the property owner, contractor or developer to construct and maintain adequate devices to protect the property from damage due to sanitary sewer overflows as a result of such events.

Secs. 118-245—118-274. - Reserved.

DIVISION 8. - ON-SITE DISPOSAL SYSTEMS

Sec. 118-275. - Director of public works to promulgate regulations.

The director of public works is hereby authorized and empowered to promulgate rules and regulations governing the construction, placement, and maintenance of on-site sewage disposal systems. Any and all rules and regulations promulgated by the director of public works shall substantially comply with those found in RSMo ch. 701 as may be amended from time to time and those found at 19 CSR 20-3.060, 19 CSR 20-3.070, and 19 CSR 20-3.080 as may be amended from time to time.

Secs. 118-276—118-300. - Reserved.

DIVISION 9. - ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Sec. 118-301. - General provisions.

a) *Findings of fact.* It is hereby determined that:

1) Federal regulations define an illicit discharge as "…any discharge to an MS4 that is not composed entirely of stormwater…" with some exceptions.

2) Illicit discharges are considered "illicit" because MS4s are not designed to accept, process, or discharge such non-stormwater wastes.

3) Illicit discharges result in untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria to receiving waterbodies.

b) *Purpose.* The purpose and intent of this division is to ensure the health, safety and general welfare of citizens of the City of Joplin through the regulation of non-stormwater discharges to the storm drain system to the maximum extent practicable BMPs and found them to be effective for the Joplin region and in accordance with current city codes, as required by federal and state law. This division establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the national pollutant discharge elimination system (NPDES) permit. The objectives of this division are:

1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges from any user,

2) To prohibit illicit connections and discharges to the municipal separate storm sewer system, and

3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this division.

4) Enforcement—See Section 16.

c) *Authority.* The City of Joplin, a Missouri Municipal Corporation.

d) *Applicability.* This division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Joplin.

Sec. 118-302. - Definitions.

Authorized enforcement agency means employees or designees of the City of Joplin designated to enforce this division.

Best Management Practices or BMP's means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 118-102(a) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to NPDES construction permits, which generally include construction projects resulting in land disturbance of one acre or more, or less if part of a larger common project. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 118-307 of this division.

Illicit connections means an illicit connection is defined as any of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system; and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

MS4 means municipal separate storm sewer system; a municipality which has a sanitary sewer system and a stormwater sewer system so that the two systems are completely separate.

National pollutant discharge elimination system (NPDES) permit means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drain system means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any road drainage systems, municipal street, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan (SWPPP) means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Sec. 118-303. - Applicability.

This division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec. 118-304. - Responsibility for administration.

The City of Joplin shall administer, implement, and enforce the provisions of this division. Any powers granted, or duties imposed upon the authorized enforcement agency may be delegated in writing by the administrator of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 118-305. - Severability.

The provisions of this division are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this division or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this division.

Sec. 118-306. - Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore, this division does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 118-307. - Discharge prohibitions.

a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

b) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1) The following discharges are exempt from discharge prohibitions established by this division:

a. Landscape irrigation or lawn watering;

b. Diverted stream flows,

c. Rising groundwater;

d. Uncontaminated groundwater infiltration to storm drains;

e. Uncontaminated pumped groundwater;

f. Foundation or footing drains (not including active groundwater dewatering systems);

g. Uncontaminated water from crawl space/basement sump pumps;

h. Air conditioning condensation;

i. Springs;

j. Individual residential car washing as prescribed in article IV section 114-358(2).

k. Natural riparian habitat or wetland flows;

l. Flows through mine tailings;

m. Emergency fire-fighting activities; and

n. Any other water source not containing pollutants.

2) The following discharges are not exempt from discharge prohibitions established by this division:

a. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water.

1. However, planned discharges from potable water sources may be discharged to the MS4 provided that the city has determined that they are not substantial contributors of pollutants.

b. Swimming pool discharges.

1. Certain swimming pool discharges are permitted under the Missouri Department of Natural Resources' NPDES Industrial Permits;

2. Discharges from swimming pools not subject to Missouri Department of Natural Resources' NPDES Industrial Permits may be discharged to the MS4 provided that they are dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled.

c. Street and sidewalk wash water containing detergents, water used to control dust containing detergents, and routine external building wash down containing

detergents. (Also prohibited in City Code chapter 118 Utilities, article II Sewers and sewage disposal, section 118-86; and chapter 54 Environments, section 54-35(4).

1. Street and sidewalk wash water, water used to control dust, and routine external building wash down water may be discharged to the MS4 provided it does not contain detergents, streets and sidewalks are swept and material removed prior to washing. Active construction sites shall be scraped and swept daily prior to washing the street, as outlined in Appendix 29-F. Erosion and sediment control regulations section VI, 8. b. and c.

d. Discharges specified in writing by the City of Joplin as being necessary to protect public health and safety.

e. Dye testing is an allowable discharge but requires a written/verbal notification to the City of Joplin prior to the time of the test.

f. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the permitting authority, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

c) *Prohibition of illicit connections.*

1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. (Also prohibited in chapter 118 Utilities, article II Sewers and sewage disposal, section 118-86; and chapter 54 Environment, section 54-35(17).

2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3) A person is considered to be in violation of this division if the person connects a line conveying sewage to the MS4 or allows such a connection to continue. (Also prohibited in chapter 118 Utilities, article II Sewers and sewage disposal, section 118-86; and chapter 54 Environment, section 54-35(17).

Sec. 118-308. - Suspension of MS4 access.

a) *Suspension due to illicit discharges in emergency situations.* The City of Joplin may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

b) *Suspension due to the detection of illicit discharge.*

1) Any person discharging to the MS4 in violation of this division may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Joplin will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the City of Joplin.

Sec. 118-309. - Powers and authority of inspectors.

a) The City of Joplin inspector bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, records examination and copying, observation, measurements, sampling, and testing pertinent to discharge or potential to discharge, and for repair and maintenance to the municipal separate storm sewer system.

b) Information and data on a non-domestic source obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the non-domestic source specifically requests and is able to demonstrate to the satisfaction of the City of Joplin that the release of such information would divulge information, processes or methods of production entitled to protection as confidential information according to the criteria set forth in 40 CFR 2.208 and 2.302, as may be amended from time to time. When requested by the person furnishing a report, the portions of a report which might disclose confidential information shall not be made available for inspection by the public. Stormwater constituents and characteristics will not be recognized as confidential information. Information accepted by the City of Joplin as confidential shall be made available upon request to any agency meeting the requirements of section 308 of the Clean Water Act, including officers, employees or authorized representatives of the United States concerned with carrying out the Clean Water Act, bound by the confidentiality rules in 40 CFR Part 2, as may be amended from time to time.

c) While performing inspections the City of Joplin shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the authorized representative(s), and the City of Joplin shall indemnify the company against loss or damage to its property by City of Joplin employees and against liability claims and demands for personal injury or property damage asserted against the company by City of Joplin employees and growing out of the inspection and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

d) Unreasonable delays in allowing the City of Joplin access to the premises or other interference with the activities of the City of Joplin shall be a violation of this law. Access to property and/or records of a non-domestic source may not be refused on the basis that the City of Joplin refuses to sign any waiver, access agreement, or similar document.

e) If the City of Joplin has been refused access to a building, structure or property or any part thereof, and if the City of Joplin has demonstrated probable cause to believe that there may be a violation of this law or that there is a need to inspect as part of a routine inspection program of the City of Joplin to verify compliance with this law or any permit or order

issued hereunder, or to protect the environment and overall public health, safety and welfare of the community, then the City of Joplin will make an application to a court of competent jurisdiction for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant application shall specify what, if anything, may be searched and/or seized on the property described. If granted by the court, such warrant shall be served at reasonable hours by the City of Joplin in the company of a uniformed officer of the law enforcement agency with jurisdiction over the property. In the event of an emergency affecting public health and safety, inspections may be made without the issuance of a warrant.

Sec. 118-310. - Industrial or construction site activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Joplin prior to the allowing of discharges to the MS4.

Sec. 118-311. - Monitoring of discharges.

a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

b) *Access to facilities.*

1) The City of Joplin shall be permitted to enter and inspect facilities subject to regulation under this division as often as may be necessary to determine compliance with this division. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2) Facility operators shall allow the City of Joplin ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

3) The City of Joplin shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Joplin to conduct monitoring and/or sampling of the facility's stormwater discharge.

4) The City of Joplin has the right to require the discharger 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 discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5) 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 operator at the written or oral request of the City of Joplin and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6) Unreasonable delays in allowing the City of Joplin access to a permitted facility is a violation of a stormwater discharge permit and of this division. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this division.

7) If the City of Joplin has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this division or any order issued hereunder, or to protect the environment and overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 118-312. - Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural best management practices (BMPs). Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 118-313. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 118-314. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of

such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Joplin within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 118-315. - Illegal dumping prohibited.

No person shall dump or otherwise deposit outside an authorized landfill or other authorized garbage or trash collection point, including but not limited to any grass clippings, leaves, motor oil, paint, wash water, chemicals, trash or garbage of any kind or description on any private or public property, occupied or unoccupied, with the potential to discharge to the municipal storm sewer system.

Sec. 118-316. - Enforcement.

(a) *Notice of violation.*

(1) When the Superintendent 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 Superintendent may serve upon that User a written Notice of Violation. Within 30 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 Superintendent. 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 Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. Such notice may require without limitation:

1) The performance of monitoring, analyses, and reporting;

2) The elimination of illicit connections or discharges;

3) That violating discharges, practices, or operations shall cease and desist;

4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

5) Payment of a fine to cover administrative and remediation costs; and

6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(2) If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

(b) *Consent Orders.* The Superintendent 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 Sections 118-316(c) and (d) of this article and shall be judicially enforceable.

(c) *Compliance Orders.* When the Superintendent 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 Superintendent 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.

(d) *Cease and Desist Orders.*

(1) When the Superintendent 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 Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

a. Immediately comply with all requirements; and

b. 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.

Sec. 118-317. - Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Sec. 118-318. - Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 118-319. - Cost of abatement of the violation.

a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. Where a request has merit, the Superintendent 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 Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

b) Any person violating any of the provisions of this division shall become liable to the City of Joplin by reason of such violation. The liability shall be paid in not more than 12 equal payments beginning 30 days following final notification of the abatement costs. Interest at the rate of ten percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

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

Sec. 118-320. - Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this division. If a person has violated or continues to violate the provisions of this division, the City of Joplin may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The Superintendent 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.

Sec. 118-321. - Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this division, the City of Joplin may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 118-322. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this division is a danger to the environment and threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 118-323. - Criminal prosecution.

Any person who shall violate the provisions of this article shall be guilty of an ordinance violation and shall be subject to the penalties set forth in City Code section 1-5 General penalty; continuing violations; violations deemed public nuisance (a), (b), and (c).

Sec. 118-324. - Cost recovery.

The City of Joplin may recover all attorney's fees, court costs and other expenses associated with enforcement of this division, including sampling and monitoring expenses.

Sec. 118-325. - Remedies not exclusive.

The remedies provided for in this article are not exclusive. The Superintendent 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 Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

Sec. 118-326. - Adoption of ordinance.

The ordinance from which this division derived shall be in full force and effect immediately after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with the ordinance from which this division derived are hereby repealed.

Sec. 118-327. Regulation of Waste Received from Other Jurisdictions.

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), above, the Superintendent shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

(c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article e and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 118-184 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits.

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis.

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent.

(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities.

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge.

(7) A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Secs. 118-328—118-499. - Reserved.

ARTICLE III. - WATER USE EMERGENCY

Sec. 118-500. - Emergency declaration.

The mayor is hereby authorized to declare a water use emergency to include all, or any portion of the city, under any of the following conditions:

(a) An equipment failure, large fire, water main break, or drought has caused, or unless water conservation measures are taken, will cause inadequate water pressures and flows for fire protection and public health; or

(b) Water system pumping compared to demand is inadequate to maintain sufficient water reserves to meet expected demands for fire protection and public health.

Sec. 118-501. - Applicability.

When the mayor has declared a water emergency, the provisions of this article shall apply to all persons using water, regardless of whether such person shall have a contract for water service with any water company. "Person" shall be defined as set out in section 1-2 of the Code of the City of Joplin, Missouri.

Sec. 118-502. - Types of water emergencies, prohibited uses.

When the mayor has declared a water emergency of the type specified below, the use and withdrawal of water by any person for the included purposes is hereby prohibited:

(a) Phase 1 water emergency.

(1) Watering yards and other vegetation. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation my occur only on even number days for homes or businesses whose address number ends in an even number and may occur only on odd numbered days for homes or businesses whose address number ends in an odd number. This provision shall not prohibit the watering of vegetation of those businesses involved in the commercial raising of the same.

(2) Cleaning outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.

(3) Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.

(4) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.

(b) Phase 2 water emergency.

(1) Watering yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.

(2) Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other types of mobile equipment.

(3) Clean outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.

(4) Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.

(5) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.

(6) Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water.

(7) Swimming Pools. Swimming and wading pools not employing a filter and recirculating system.

(8) Watering of golf course greens except to the extent that non-fresh water sources of water (such as grey water) are available for this purpose.

Sec. 118-503. - Exceptions, when.

When the mayor has declared a phase 2 water emergency, the use and withdrawal of water by any person for the following purposes are hereby excepted from prohibition:

(a) Exception for business and industrial uses. All businesses and industries utilizing water shall be permitted to utilize the normal amount of water necessary for the maintenance of their business or industry. This exception shall not permit the watering of yards as defined above at any business location except those involved in the raising of vegetation for commercial uses. Should water supplies reach or approach critical levels, the mayor may, by separate proclamation, suspend this exception for a designated period of time.

Sec. 118-504. - Enforcement.

(a) Police officers enforce. Every police officer of the city shall in connection with his duties imposed by law diligently enforce the provisions of this article.

(b) Discontinuance of service. The manager of each water company or district doing business within the city shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service in the event of violation hereof or shall, upon the request of the mayor, city administrator, fire chief or any police officer, discontinue water service to any building whose occupants are violating the provisions of this article.

(c) Penalties. Any person violating the provisions of this article shall be subject to a fine not to exceed $500.00 per occurrence, or imprisonment for not more than 100 days, or any combination thereof.

Sec. 118-505. - Effective period.

The water emergency, and the regulations in effect thereby, shall be in full force and effect from the issuance of the proclamation until:

(a) The date it is designated to expire in the proclamation;

(b) Until such times as the emergency ends as indicated in writing by the manager of the water company and/or districts; or

(c) Until otherwise repealed or modified.

COUNCIL BILL NO. 2022-124 ORDINANCE NO.

AN ORDINANCE amending Chapter 118 Utilities, by repealing Chapter 118 Utilities, and enacting a new Chapter 118 Utilities in lieu thereof.

WHEREAS, the Streamlining Rule revises several provisions of the General Pretreatment Regulations (40 CFR Part 403). The Pretreatment Program requires industrial dischargers to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers. The Streamlining Rule was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Control Authorities without adversely affecting environmental protection; and

WHEREAS, the Streamlining Rule provides the Control Authority with the flexibility to reduce the burden of technical and administrative requirements without undermining the environmental objectives of the Pretreatment Program. These changes allow the Control Authority to focus oversight resources on IUs with the greatest potential for affecting Publicly Owned Treatment Works (POTW) operations or the environment; and

WHEREAS, in finalizing the Streamlining Rule, EPA is also working to improve the effectiveness of the Pretreatment Program; and

WHEREAS, in order to implement any of the changes made under the Streamlining Rule, Control Authorities must submit a program modification to their Approval Authority in accordance with 40 C.F.R. § 403.18; and

WHEREAS, the Missouri Department of Natural Resources approved the City's modification on or about April 6, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 118 Utilities is repealed, and a new Chapter 118 Utilities is enacted in lieu thereof in substantially the form as attached hereto as Exhibit A and fully incorporated by this reference. Passed on first reading.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2022, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney