

## Chapter 710 – SEWER USE AND SEWER RATES

### ARTICLE I. DEFINITIONS

#### Sec. 710.010 – Definitions and abbreviations.

- (a) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a provision explicitly states otherwise:

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

Applicable Pretreatment Standards means for any specified pollutant, City of Willard prohibitive standard, local limit pretreatment standard, state prohibitive standard, or federal categorical pretreatment standards (when effective), whichever standard is appropriate or most stringent.

Approval authority means the state department of natural resources; otherwise, the regional administrator of the U.S. EPA Region VII, or his designee.

Authorized representative of the user means:

- (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 operation 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 necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and 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 government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3) of this section may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for the environmental matters for the company, and the written authorization is submitted to the city.

Availability of sewers means an owner or occupant of property shall have sewers available whenever the property or premises is located in a sewer district established by the ordinance of the city, or whenever public sewers are available to the property or premises in any jurisdiction with which the city has an interjurisdictional sewage treatment agreement, or the city has notified the owner or occupant of the property pursuant to section 710.150.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage for raw materials storage.

Biochemical oxygen demand (BOD<sub>5</sub>) means the quantity of dissolved oxygen required for the biochemical degradation of organic material (carbonaceous demand) and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron. It may also be the quantity of dissolved oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) unless their oxidation is prevented by an inhibitor. Such BOD<sub>5</sub> shall be determined as described under the heading "Oxygen Demand (Biochemical)" in the Standard Methods of the Examination of Water and Wastewater, latest edition, as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

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

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by 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.

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

City means City of Willard, Missouri.

Color means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

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

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

Construction Reimbursement Fee means a fee established by the City of Willard to reimburse a developer or the city for construction costs of sewer infrastructure in sanitary sewer districts and joint sewer districts which serve the properties within the districts.

Control Authority refers to: (1) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of 40 CFR § 403.11; or (2) the Approval Authority if the Submission has not been approved.

Cooling water means as follows:

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

Director means the director of Public Works Department of the City of Willard, Missouri or his/her authorized representative.

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

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

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

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

Existing User. Any non-categorical user which was discharging wastewater prior to the effective date of this ordinance.

Fundamentally different factors means factors relating to a user which are different from those factors considered during development of a categorical pretreatment standard or requirements as defined in 40 CFR 403.13.

Garbage means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

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

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

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

Industrial user means any nonresidential user identified in division A, B, D, E or I of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous substances or any substances which cause interference or pass through in the POTW.

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

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

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal or; (2) is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge maintenance plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Joint Sanitary Sewer District means a defined land area, based on the topographical boundaries of a drainage basin, that can, by gravity, serve one or more established or proposed sanitary sewer districts and/or undeveloped land within the basin.

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

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

National Categorical Pretreatment Standard or Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits.

National Pollutant Discharge Elimination System or NPDES permit means a permit issued pursuant to section 402 of the act.

New source means:

- (1) any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 306 of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building structure, facility or installation is constructed at a site at which no other source is located; or

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- d. Construction on a site, at which an existing source is located, is a modification, rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1) b. or c. above, but otherwise alters, replaces or adds to existing process or production equipment.

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

- (1) Begun, or caused to begin, as part of a continuous onsite construction program:
  - a. Any placement, assembly, or installation of facilities or equipment; or
  - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
- (2) 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 definition.

New User means a user that is not regulated under federal categorical pretreatment standards,

but that applies to the City for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the City's collection system after the effective date of this code section. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the industrial operation.

Nonresidential user means all premises other than residential as defined in this chapter, used for

other than or in combination with human residency and which is connected, or has availability, to the POTW.

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

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

Permittee: A Person or user who holds a wastewater discharge permit issued by the City.

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

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

Pollutant means anything discharged into the POTW which causes any alteration of chemical, physical, biological, or radiological integrity of water including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

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

Pretreatment Standards or Standards means prohibiting discharge standards, categorical pretreatment standards, and local limits and/or BMPs established by the City of Willard.

Prohibited Discharge Standards or Restricted Discharges means absolute prohibitions against the discharge of certain substances, which appear in City Code Section 710.230.

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

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

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

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

Sanitary sewer means a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Sanitary Sewer District means a defined land area which is formed and established to be served directly by a public gravity sanitary sewer line. For a defined land area to be considered

as being served within a sewer district, it must be adjacent to the public gravity sanitary sewer line or a permanent easement for the public gravity sanitary sewer line.

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

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

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

Sewer Impact Fee means a charge to every new or expanded user of the POTW, based on the water usage as defined by the number and size of water meters that serve the property or premises.

Significant Industrial User (SIU) means as follows:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - a. Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
  - b. Contributes a process wastestream which makes up five 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) Upon a finding that a user meeting the criteria in subsection (2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug discharge means any discharge which in concentration of any given constituent or in quantity of flow may cause or may significantly contribute to cause interference with the operation and performance of the POTW or may cause or may significantly contribute to cause pass through of

pollutants through the POTW into waters of the state in sufficient quantities or concentrations to cause or significantly contribute to cause a violation of the POTW's NPDES permit, or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Special Connection Permit means a permit granting permission to connect to the city POTW when the connected property is located outside of an existing sanitary sewer district and/or joint sanitary sewer district or is located within a proposed sanitary sewer district, or when deemed necessary by other circumstances as assessed by the director. If approved, the permit must be secured by either a deposit fee or a rental fee as described in section 710.545.

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

State means the State of Missouri.

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

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

Suspended solids means the dry weights of matter physically suspended in a flow of water or wastewater, as determined by the method of determining total nonfilterable residue dried at 103 degrees to 105 degrees Celsius described under the heading "Residue" in the Standard Methods of the Examination of Water and Wastewater, latest edition, as published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and expressed in milligrams per liter by weight.

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

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of section 1207(a) of the act or other acts.

Treatment Plant Effluent means the discharge from the POTW into waters of the United States.

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

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

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

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

Willard Sewer System means all of the sanitary sewer lines, including interceptor and collection system, pumping stations, force mains and other facilities and appurtenances, built by the City of Willard that discharge wastewater into Springfield POTW, excluding sewer laterals and plumbing, which serve individual of premises, buildings or structures.

(b) **Abbreviations.** For the purposes of this chapter, the following abbreviations shall have the designated meanings:

BOD <sub>5</sub>	Oxygen demand (biochemical)
CFR	Code of Federal Regulations
CSR	Code of State Regulations
EPA	Unites States Environmental Protection Agency
gpd	Gallons per day
l	Liter
LEL	Lower Explosive Limit

mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works

RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	Total Suspended Solids (Total Nonfilterable Residue)
USC	United States Code

(c) *Usage of shall and may.* Where the word “shall” is used in this Chapter, it indicates a mandatory requirement. Where the word “may” is used in this Chapter, it indicates something that is permissible, but not required.

## ARTICLE II. GENERAL PROVISIONS

### **Sec. 710.020 – Purpose.**

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

### **Sec. 710.030 – Scope.**

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

**Sec. 710.040 – Administration.**

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

**Sec. 710.050 – Fees and charges.**

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
  - (1) All fees and charges payable under this chapter shall be paid to the city.
  - (2) All fees and charges under the provisions of this chapter are due and payable upon receipt of notice of charges. Charges unpaid 20 days after mailing of notice of charges shall be delinquent and shall be subject to penalty as provided in section 710.540 and interest charges at the statutory rate.
  - (3) Premium charges, rental fees, and applicable fees as defined by the Environmental Protection Agency of the United States of America, and as collected by the city pursuant to section 710.500 pertaining to charges for service outside sewer districts shall be placed by the finance director to provide debt service for sanitary sewers.

**Sec. 710.060 – Inspections.**

The director or his designee bearing proper credentials and identification shall be permitted without delay at any reasonable time for the purposes of inspection, observation, measurement and sampling of the wastewater discharge to ensure that the discharge to the POTW is in accordance with the provisions of this chapter. Users shall allow the director ready

access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a use has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct a sampling and/or metering of the user's operations.
- (c) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (d) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this Chapter.

**Sec. 710.070 – Vandalism.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or impede accessibility of any structure, appurtenance or equipment which is part of the POTW. Any person found in violation of this Chapter shall be subject to the sanctions set out in this Chapter.

**Sec. 710.080 – Confidential information.**

- (a) Any information submitted pursuant to this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information.
- (b) If no claim of confidentiality is made at the time of submission, the director may make the information available to the public without further notice.
- (c) Upon approval of the director, such portions of a report claimed as "confidential business information", and which might disclose trade secrets, secret processes, or methods of production 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 this chapter, the POTW NPDES permit, and/or the pretreatment program; but, such portions of a report shall be available for use by the city, the state, or any federal agency in judicial or enforcement proceedings involving the person furnishing the report. Wastewater

constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**Sec. 710.090 – Falsifying information.**

No person shall knowingly make any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, nor falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

**Sec. 710.100 – Noncompliance reporting.**

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean as follows:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during the a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.2(1);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of the measurements for each pollutant parameter taken during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the TRC (TRC = 1.4 BOD<sub>5</sub>, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the POTW 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 or pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

- (6) Failure to provide within thirty (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;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

**Sec. 710.130 – Private wastewater treatment facilities.**

- (a) It shall be unlawful to construct or maintain any privy, privy vault, cesspool or other facility, except approved septic tanks as provided by this chapter, intended or used for disposal of wastewater, provided that approved portable chemical toilets may be temporarily erected and maintained on construction sites with the approval of the director of Director of Development.
- (b) In lieu of introducing untreated or partially treated wastewater into the POTW, the owner of the premises producing such waste may construct and operate, at his expense, private waste treatment facilities with the effluent discharged to the waters of the state, provided:
  - (1) The design and operation of such facilities shall continuously produce an effluent which is in compliance with standards that may be imposed by the director and the state.
  - (2) 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 director and the state. Construction shall be in accordance with such approved plans and shall not commence until such approvals are obtained in writing, appropriate permits are obtained, and charges or fees are paid.
  - (3) Such facilities shall be operated and maintained in a satisfactory and effective manner by the owner at his expense. Such facilities shall be subject to inspection by the director at reasonable times with reasonable notice.

**ARTICLE III. – USE OF THE PUBLICLY OWNED TREATMENT WORKS**

**Sec. 710.140 – Pretreatment facilities.**

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

Users of the POTW shall provide necessary wastewater pretreatment, as required to comply with these code sections, within the time limitations specified by federal, state, or city, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city, shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this Chapter.

**Sec. 710.150 – Connection to the publicly owned treatment works.**

- (a) All new buildings within the City of Willard or in any area where there is an availability of sewers in a jurisdiction with which the city has an interjurisdictional sewage treatment agreement are required to connect to public gravity sewer if the sewer is adjacent to the property and located in a public right-of-way, utility or sewer easement immediately abutting the property unless otherwise approved by the Director of Public Works. All new lot splits, subdivisions or land divisions within the city must provide public gravity sewer adjacent to each proposed lot using the City of Willard design standards, unless otherwise approved by the Director of Public Works. No new building can be constructed, nor can lot splits, subdivisions or land divisions occur unless public gravity sewer is onsite or adjacent to the property, unless this requirement is waived by the director. Factors that the director may consider as justification for such a waiver may include, but are not limited to:
- (1) The new structure is an alteration or addition to an existing, functioning structure that is currently served by an approved on-site septic system and will not significantly increase sewer flows.
  - (2) The land meets the requirements for an on-site wastewater system.
  - (3) The new structure or land use will not require public sewer or water.
  - (4) Connecting to public sewer would be impractical or impossible for reasons such as:

- a. The adjacent right-of-way or easement contains natural or manmade obstructions, such as streams, ravines, elevation changes, solid rock, drainage structures, or other utilities that would be cost prohibitive to cross.
  - b. The adjacent right-of-way is owned by another entity that refuses to grant permission to cross property boundaries.
- (b) If public sewer is made available by construction of capital improvements and included in a Board of Alderman-approved sewer district, any existing building that requires a sanitary sewer connection must connect to the sewer within 90 days after the sewer is available, provided that the sewer is on-site or adjacent to the property and is located within a public right-of-way, utility or sewer easement. If public sewer become available to any existing building, that building shall connect the sewer lines, unless they meet certain exceptions. These exceptions include, but are not limited to:
  - (1) The land meets the requirements for an on-site wastewater system.
  - (2) None of the existing structures nor the land use requires public sewer or water.
- (c) No person shall make any connection to the POTW, either direct or indirect, without written permission from the director, or reconnect wastewater services when such services have been disconnected for nonpayment of a bill for wastewater services unless such bill for wastewater services, including charges for disconnection, has been paid in full.
- (d) No person shall tap into any sanitary sewer line of the POTW except by using an approved tapping machine and an approved connection fitting unless otherwise approved by the director. The director shall develop reasonable rules and regulations on tapping and connecting procedures. These rules and regulations shall take force and effect five days after the rules and regulations shall be filed in the office of the city clerk.
- (e) Any person outside the city limits that requests permission to connect to the POTW must:
  - (1) file an application for a special connection permit; and
  - (2) comply with (c) and (d) above; and
  - (3) execute and file with the recorder of deeds an Irrevocable Consent to Annex in to the city limits pertaining to their property.

**Sec. 710.160 – Limitation on point of discharge.**

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

**Sec. 710.170 – Harmful contributions.**

The director may, after informal notice to the discharger, take whatever steps are reasonably necessary to immediately temporarily suspend a user's sewer use permit, or impose temporary restrictions on discharges, or halt and prevent the discharge of pollutants to the POTW which reasonably appear to present an immediate endangerment to the health or welfare of persons. If the director determines that an industrial user's discharge to the POTW does not present an immediate endangerment to the health or welfare of persons, but presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW, he shall notify the discharger in writing setting forth sufficient facts to describe the violation and allowing a reasonable period of time, which shall be stated in the notice, to respond or to abate or correct the violation and if the response or actions of the discharger do not result in abatement and correction within such period of time, the director may take action as reasonably necessary to halt or prevent the discharge.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution.

In the event of a user's failure to voluntarily comply with the suspension order, the Director shall take such steps as the Director deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Section 710.580 of this ordinance are initiated against the user.

A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 710.570 and 710.580 of this ordinance.

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

**Sec. 710.190 – Trucked or hauled wastewater; conditions for discharge to the POTW.**

- (a) Holding tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate Article III of this chapter or any other requirements established by the city. The director may require holding tank waste haulers to obtain wastewater discharge permits.
- (b) The director shall require haulers of industrial waste to obtain wastewater discharge permits, provide proof of vehicle or company liability insurance, and obtain a city business

license. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

- (c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director 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) All wastewater transported to the POTW for treatment shall be transported in a vacuum truck or tanker in compliance with all federal motor carrier licensing and safety regulations – Title 49, Code of Federal Regulations, Parts 390 through 397. Vehicles shall be operated by a person holding a valid commercial driver’s license with applicable endorsements under state and federal motor carrier law for the vehicle operated and all contents being transported. Containers such as drums, totes, portable container, other non-permanently mounted containers, or vehicles without value Missouri State Highway Patrol Commercial Vehicle Enforcement Division approval are prohibited to access the POTW.

**Sec. 710.195 – Trucked or hauled wastes; charges and fees.**

The director is hereby authorized to determine the cost to receive, test and administer wastewater which is trucked or hauled to the POTW. The director shall file such cost determinations with the city clerk, with notice to the Board of Alderman, and the city thereafter shall charge for such services in accordance with the amount so filed, unless countermanded by a resolution of the Board of Alderman.

**Sec. 710.200 – Sale of process residues from publicly owned treatment works.**

The director shall dispose of all treated sludges and other byproducts of the POTW. He may sell such sludges and other byproducts to such persons as may desire to purchase the sludges and byproducts and shall determine a schedule of charges and provide for the collection of such charges. He shall account monthly to the director of finance for such sales.

**Sec. 710.210 – Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided at the user's expense when the director determines that they are necessary for the proper handling of wastewater containing grease 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 director, shall be compliant with the current adopted Plumbing Code, and shall be so located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when butted in place shall be gastight and watertight. All devices must be installed to meet manufacturer installation requirements for proper operation. When installed, all grease oil and sand interceptors shall be maintained by the user, at his expense, in continuously efficient operation.

**Sec. 710.215 – Grease traps.**

- (a) Grease traps shall be provided on kitchen drain lines from institutions, hotels, restaurants, school lunch rooms, nursing homes and facilities and other establishments from which significant amounts of grease may be discharged to the treatment facility.
- (b) Grease traps should be located as close to the fixtures being served as possible and should receive only the waste streams from grease-producing fixtures. Sanitary waste streams, garbage grinder waste streams and other waste streams, which do not include grease, should be excluded from passing through the grease traps. This separation is mandatory for new construction or replacement facilities. Grease traps must be cleaned on a regular basis and must be readily accessible for this purpose.
- (c) Sizing of grease traps is based on wastewater flow and can be calculated from the number and kind of sinks and fixtures discharge to the trap. The following two (2) equations shall be used to determine the capacity of grease traps for restaurants and other types of commercial facilities:

- (1) Restaurants.

$D \times G1 \times Sc \times (Hr/2) \times Lf =$  Size of grease trap in gallons, where:

- D = Number of seats in dining area;
- G1 = Gallons of wastewater per meal, normally two (2) to five (5) gallons;
- Sc = Storage capacity factor, minimum of 1.7;
- Hr = Number of hours open; and
- Lf = Loading factor,  
1.25 interstate highways  
1.0 other freeways

1.0 recreational areas  
0.8 main highways  
0.5 other highways

- (2) Hospitals, nursing homes, other type commercial kitchens with varied seating capacity.

$M \times G1 \times Sc \times 2.5 \times Lf =$  Size of grease trap in gallons, where:

M = Meals per day;  
G1 = Gallons of wastewater per meal, normally two (2) to four and one-half (4.5);  
Sc = Storage capacity factor, minimum of 1.7; and  
Lf = Loading factor,  
1.25 garbage disposal and dishwashing  
1.0 without garbage disposal  
0.75 without dishwashing  
0.5 without dishwashing and garbage disposal

Water use data and the number of meals served at similar facilities may be used to determine the gallons of wastewater per meal. Grease traps should not be less than one thousand (1,000) gallon capacity.

- (d) Grease traps shall be provided with a manhole or opening sufficient size to permit inspection and cleaning. When the grease trap is located below ground, the access opening shall be extended to grade. The opening shall be fitted with a tight-fitting cover which will prevent the entrance of insects and vermin.
- (e) The grease trap should be constructed of materials similar to septic tanks and be properly baffled on both the inlet and outlet.
- (f) Grease traps shall be cleaned on a regular basis. Minimum frequency of cleaning shall be once each six (6) months. Frequency of cleaning should be determined by regular measurements of thickness of the floating grease layer. Cleaning should take place in accordance with the trap manufacturer's instructions, when the bottom of the floating grease layer approaches within six (6) inches of the trap outlet elevation or when the sludge layer approaches within twelve (12) inches of the trap outlet elevation, whichever comes first.
- (g) The owner of any establishment required to comply with this Chapter shall maintain a log showing dates of FOG or grease removal, the amount of grease removed and the name of the individual and company that removed the grease. The log shall be signed by the owner or operator of the business and the person who does the hauling. The log shall be available for review by the inspector at each site visit.

- (h) Grease traps shall not discharge prohibited substances as defined in Article IV in any single event as determined by a grab sample.
- (i) City shall have the right to inspect facilities from time to time, during regular business hours, to determine if the facility is in compliance with this provision.
- (j) Additives that emulsify greases and oils are prohibited.
- (k) Use of hot water, acids, caustics, solvents or emulsifying agents when cleaning grease traps is prohibited.

#### **Sec. 710.216 – Deadline for Compliance with Applicable Pretreatment Requirements**

Compliance by existing sources covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective, unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than the federal Categorical Pretreatment Standards.

New source and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of discharge. New source and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or categorical user that must comply with a more stringent local limit which is in non-compliance with any local limits, shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.

### **ARTICLE IV – CONDITIONS FOR USE OF THE PUBLICLY OWNED TREATMENT WORKS**

#### **Sec. 710.220 – Special uses of publicly owned treatment works.**

No person shall discharge anything other than wastewater to the POTW. Any connection, Drain or arrangement which will permit any other water to enter the POTW shall be deemed to be a violation of this chapter.

**Sec. 710.230 – Restricted discharges.**

- (a) General restrictions apply to all users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.
- (b) Special Restrictions - No person shall introduce or cause to be introduced, directly or indirectly, any pollutant, substance, or wastewater which acting alone or in conjunction with other substances present in the POTW interferes with the operation or performance of the POTW or which causes or contributes to interference or pass through. A person shall not contribute substances to the POTW which may:
  - (1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) (the RCRA ignitability standard for liquid characteristic waste) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings over a one-hour period on any explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be more than five percent nor shall any single reading be over ten percent of the lower explosive limit (LEL).
  - (2) Cause corrosive damage or hazard to structures, equipment or personnel of the POTW. In no case shall the discharges have a pH lower than 5.0 or higher than 12.5.
  - (3) Cause obstruction to the flow in the POTW or other interference with the operation of the wastewater facilities due to accumulation of solid or viscous material such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimensions, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, rags, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
  - (4) Constitute a rate of discharge sufficient to cause interference with the operation and performance of the POTW, including oxygen-demanding pollutants (BOD, COD, etc.)
  - (5) Contain heat in amounts which will inhibit biological activity of the POTW treatment plant. In no case shall the temperature of the point of connection to the POTW exceed 150 degrees Fahrenheit (65.5 degrees Celsius) or cause the temperature at the treatment plant influent to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- (6) Contain any garbage that has not been properly shredded.
- (7) Contain petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- (8) Contain any noxious or malodorous liquids, gases or solids which either singly or by intersection with other wastes are sufficient to create a public nuisance or hazard to life and property or that result in toxic gases, vapors, and fumes in a quantity that may cause acute worker health and safety problems, damage to infrastructure or to prevent entry into the sewers for maintenance, inspection, or repair.
- (9) Contain radioactive waste or isotopes of such half life or concentration as may exceed limits defined by applicable state and federal regulations.
- (10) Contain any odor, or color producing substances exceeding concentration limits which may be published by the director for the purpose of meeting the POTW's NPDES permit.
- (11) Contain any substances which may cause the POTW's effluent or any product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program.
- (12) Contain toxic pollutants in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans or other life forms, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in an applicable categorical pretreatment standard.
- (13) Contain compatible pollutants of such concentration, quantity or rate of discharge that the POTW treatment efficiency is impaired or unusual attention or expense is required to handle such materials in the POTW.
- (14) Contain fats, oils or grease of animal or vegetable origin greater than 100 milligrams per liter that will cause interference or pass through.
- (15) Contain any trucked or hauled pollutants, except at points and times designated by the director in accordance with sections 710.190 and 710.195.
- (16) Contain any medical wastes, except as specifically authorized by the director.

- (17) Contain pollutants, including oxygen-demanding pollutants (BOD<sub>5</sub>, 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.
- (18) Contain stormwater, surface water, groundwater, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted wastewater, unless specifically authorized by the director.
- (19) Contain sludges, screenings or other residues from the pretreatment of industrial wastes.
- (20) Contain wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Contain detergents, surface-active agents, or other substances which may 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 discharge to the POTW.

**Sec. 710.240 – Specific pollutant limitations.**

- (a) Local discharge limitations for specific pollutants listed in this table are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

Parameters	mg/l
Aluminum – dissolved (A1)	*
Antimony (Sb)	*
Arsenic (As)	0.85

Barium (Ba)	*
Beryllium (Be)	*
Boron (B)	*
Cadmium (Cd)	0.86
Chromium – total (Cr)	5.43
Chromium – hexavalent (Cr <sup>6+</sup> )	*
Cobalt (Co)	*
Copper (Cu)	1.89
Cyanide (CN)	0.31
Fluoride (F)	*
Lead (Pb)	0.95
Manganese (Mn)	*
Mercury (Hg)	0.05
Nickel (Ni)	19.85
Phenols	*
Selenium (Se)	*
Silver (Ag)	*
Thallium (Tl)	*
Zinc (Zn)	10.60
Total Kjeldahl Nitrogen (TKN)	*
Ammonia (NH <sub>3</sub> -N)	*
Oil and Grease (animal and/or vegetable)	100

Total Toxic Organics (T.T.O.)	*
Total Dissolved Solids	*
Temperature – Maximum (degrees in Fahrenheit)	150
pH – Maximum (pH units)	12.50
pH – Minimum (pH units)	5.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	*
Chemical Oxygen Demand (COD)	*
Suspended Solids (NFR)	*
Flow – (MGD)	*
Flashpoint – not less than (degrees in Fahrenheit)	140

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

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

- (b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this chapter, the director establishes limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user.
- (c) Where process effluent is mixed prior to treatment with wastewaters other than those generated by the categorical regulated process, fixed alternative discharge limits may be derived in accordance with 40 CFR 403.6(e), combined wastestream formula.
- (d) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in an industrial user’s intake water in accordance with 40 CFR 403.15, net/gross calculations.

**Sec. 710.250 – Federal categorical pretreatment standards.**

The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated and shall be enforceable under this Chapter.

- (a) No user subject to an applicable federal categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement shall discharge or cause to be discharged to the POTW, wastewater containing substances in excess of the quantity prescribed unless otherwise provided in this section.
- (b) Upon application by a user, the director may revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. EPA approval is required before removal credits may be granted by the director. The revised discharge limit for specified substances shall be derived in accordance with 40 CFR 403.7 and 403.11.
- (c) Upon application by a user, the director may adjust any limitations on substances specified in the applicable pretreatment standards to consider factors relating to such persons which are fundamentally different from the factors considered by EPA during the development of the pretreatment standards. Request for and determinations of a fundamentally different factor adjustment shall be in accordance with 40 CFR 403.13.
- (d) The director shall notify any user affected by the provisions of this section and shall establish an enforceable compliance schedule for each.

**Sec. 710.251 – State pretreatment standards.**

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

**Sec. 710.260 – Special agreements.**

Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the city and any user of the POTW, whose wastewater discharge is not subject to state or federal regulations, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 40 CFR 403.13.

**Sec. 710.270 – Excessive discharge.**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users which the director believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**Sec. 710.280 – Accidental or Slug Discharges.**

The director may require any user to develop and implement an accidental spill prevention plan or slug control plan. Where deemed necessary by the city, facilities shall be provided and maintained at the user's cost and expense which are suitable and adequate to prevent accidental discharge or slug discharges or pollutants. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within thirty (30) days after notification by the city. Each user shall implement its slug control plan as submitted or modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements or this ordinance.

- (a) Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the restricted discharges in section 710.230 through 710.251 of this ordinance;
  - (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 chemicals (including solvents), and/or measures and equipment for emergency response.

**Sec. 710.285 – Notification of the discharge of hazardous waste.**

- (a) 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 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 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 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 710.291. The notification requirement in this section does not apply to pollutants already reported by users who are subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c) and (d) of section 710.291.
- (b) Discharges are exempt from the requirements of subsection (a) of this section, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of new regulations under section 12001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

## ARTICLE V – INDUSTRIAL USERS.

### **Sec. 710.290 – Information requirements.**

- (a) When requested by the director, industrial users shall have on file with the city, prior to commencing their discharge, wastewater information deemed necessary for determination of compliance with this chapter, the POTW NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the director and by supplements thereto as may be necessary. The director may periodically require industrial users to update the questionnaire. Failure to submit the questionnaire shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter. Information requested in the questionnaire and designated by the user as confidential is subject to the conditions of confidentiality as set out in section 710.080.
- (b) Industrial users shall keep and maintain records a minimum of five years of the information as referred to in subsection (a) of this section and section 710.291. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the director. Such records shall be available for inspection during regular business hours by the director, and he shall be permitted to make and retain copies of such records.
- (c) Where a person owns, operates or occupies properties designated as an industrial user at more than one location, separate information submittals shall be made for each location as may be required by the director.

### **Sec. 710.291 – Reporting requirements.**

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

- (2) The industrial user shall submit the information required by this section including:
- a. *Identifying information.* The name and address of the facility, including the name of the operator and owners.
  - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
  - c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow us of the combined wastestream formula set out in 40 CFR 403.6(e).
  - e. *Measurement of pollutants.*
    1. Identify the categorical pretreatment standards applicable to each regulated process.
    2. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with the procedures set out in section 710.310.
    3. Sampling must be performed in accordance with procedures set out in section 710.310.
  - f. *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis – and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - g. *Compliance schedule.*

1. **Deadline for Compliance with Applicable Pretreatment Requirements.** Compliance by existing sources covered by Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than the federal Categorical Pretreatment Standards.
2. New source and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of discharge. New Sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.
3. Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or categorical user which is in non-compliance with any local limits (including those which may be more stringent), shall be provided with a compliance schedule place in an industrial wastewater permit to insure compliance within the shortest time feasible.
4. Where the user's categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (f) and (g) of this section, then a report containing modified information shall be submitted by the user within sixty (60) days after the new limit is approved.

If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (f) and (g) of this section, then a report containing modified information shall be submitted by the user within 60 days after the new limit is approved.

- h. *Reports to be signed and certified.* All baseline monitoring reports must be signed and certified in accordance with section 710.335.

- (b) *Compliance schedule progress reports.* The following conditions shall apply to compliance with schedules:

- (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, beginning and conducting routine operation);
- (2) No increment referred to in subsection (1) shall exceed nine months.
- (3) The industrial user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and
- (4) In no event shall more than nine months elapse between such progress reports to the director.

- (c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections (a)(2), (d)-(f) of this section.

For industrial users who are subject to equivalent mass or concentration limits established by the city in accordance with the procedures established in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users who are subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 710.335.

- (d) *Periodic compliance reports.* Periodic compliance reports shall be as follows:
- (1) Any significant industrial user subject to a pretreatment standard, shall at a frequency determined by the director, but in no case less than twice a year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 710.335.

- (2) If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in section 710.310, the results of this monitoring shall be included in the report. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in Section 710.310.
  - (3) The city may require reporting by users that are not required to have an industrial wastewater permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.
  - (4) The city may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user.
- (e) *Reports of changed conditions.* Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.
- (1) The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of wastewater contribution permit application under section 710.320.
  - (2) The director may issue a wastewater contribution permit under section 710.350 or modify an existing wastewater contribution permit under section 710.360.
  - (3) No industrial user shall implement the planned changed conditions until and unless the director has responded to the industrial user's notice.
  - (4) For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent or greater, and the discharge of any previously unreported pollutants.
- (f) *Reports of potential problems; accidental spills, slug loads.*
- (1) In the case of any discharges including, but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or

a slug load which may cause potential problems for the POTW, including a violation of the restricted discharges in section 710.230, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of wastes, concentration and volume, if known, and corrective actions taken by the industrial user.

- (2) Within five days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; such notification shall not relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.
  - (3) Failure to notify the POTW of potential problem discharges shall be deemed a separate violation of this chapter.
  - (4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (f)(1) of this section. Employers shall ensure all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
- (g) *Reports from unpermitted users.* All users not required to obtain a wastewater contribution permit shall provide appropriate reports to the director as the director may require.
- (h) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (i) *Notification of the discharge of hazardous waste.*
- (1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40

CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications or changed discharges must be submitted under subsection (e) of this section. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (c) and (d) of this section.

- (2) Discharges are exempted from the requirements of subsection (i)(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
  - (3) In the case of any new regulations under section 12001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
  - (4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.
  - (5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder or any applicable federal or state law.
- (j) *Timing.* 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 U.S. Postal Service, the date of receipt of the report shall govern.

- (k) *Recordkeeping.* Industrial users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person 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 years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.

**Sec. 710.300 – Provision for monitoring.**

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

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

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

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

wastewater discharge which will provide an equitable measurement of such characteristics.

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

**Sec. 710.310 – Determination of wastewater characteristics.**

- (a) Measurements, tests and analyses of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with procedures contained in 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, or with any other test procedures approved by the administrator of the EPA. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the director.
- (b) Except as indicated in subsection (c) of this section, for all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 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. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.
- (c) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.
- (d) Measurements, tests and analyses of the characteristics of wastewater required by this chapter shall be performed by a laboratory approved by the director. When such analyses are required of a user, the user may, with the approval of the director, make arrangements with a qualified laboratory, including that of the user, to perform such analyses.
- (e) Monitoring of wastewater characteristics necessary for determination of compliance with this chapter shall be conducted at least semiannually unless more frequent monitoring is required by the director.

- (f) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (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 which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.
- (g) Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the City and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which the City has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- (h) All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

## ARTICLE VI – WASTEWATER CONTRIBUTION PERMITS

### Sec. 710.320 – General permits.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. The director may require other users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (b) *Wastewater Discharge Permitting: Existing SIU.* Any SIU that was discharging wastewater into the POTW prior to the effective date of this chapter and that wishes to continue such

discharges in the future shall, within 60 days after notification by the director, submit a permit application to the city in accordance with Section 710.330 of this ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days after the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the director.

- (c) *Wastewater Discharge Permitting: New Source and New User.* At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the city to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the city at least the information listed in Section 710.330(1)-(5). A new source or new user cannot discharge without first receiving a wastewater discharge permit from the City. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in Section 710.330(3)-(5).
- (d) Prior to the commencement of any increase or change in an industrial user's contribution of pollutants to the POTW, the industrial user shall notify the POTW. If the increase or change causes the industrial user to become a significant industrial user, they shall apply for and obtain a permit to cover such increase or change. Any increase or change in an industrial user's contribution of pollutants to the POTW without prior approval is prohibited.
- (e) An industrial user will be exempted from obtaining a wastewater contribution permit if the director determines the industrial user is contributing only domestic waste. At any time that an industrial user is determined by the director to be a significant industrial user, such industrial user shall apply for a wastewater contribution permit within (sixty) 60 days of notification and shall obtain such permit within 120 days after application.

**Sec. 710.330 – Permit application.**

Significant industrial users shall complete and file with the director a wastewater contribution permit application in the form prescribed by the director and shall certify its true accuracy and completeness in the manner and form specified in 40 CFR 403. In support of and with the application, the significant industrial user shall submit in units and terms appropriate for evaluation, the following:

- (1) Name, address and location, if different from the address of the significant industrial user, including the name of the owner or operators.

- (2) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, latest edition.
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in sections 710.230 and 710.240 as determined by an approved laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 1204(g) of the act and contained in 40 CFR 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and maximum wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plan, floorplans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances thereto by size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged to the POTW.
- (8) The nature and concentration of any pollutants in the discharge which are limited by city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the significant industrial user to meet pretreatment standards. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures and requirements as outlined in this Section.
- (9) Each product produced by type, amount, process and rate of production, including daily, monthly and seasonal variations, if any.
- (10) Type and amount of raw materials processed, average and maximum per day.
- (11) Number of employees, hours of plant operation and proposed or actual hours of operation of pretreatment system.
- (12) Such additional information as is deemed necessary or appropriate by the director in order to evaluate the permit application. The director may allow additional time, if necessary, in which to submit the application information.

- (13) Any environmental control permits held by or for the facility.
- (14) Average and maximum daily volume flows to the POTW for each regulated process stream and other streams as necessary to use the combined wastestream formula of 40 CFR 403.6(e).
- (15) Monitoring requirements as specified in 40 CFR 403.12(b)(5).
- (16) Certification, by a qualified professional, indicating whether or not pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required.
- (17) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**Sec. 710.335 – Signatories and certification.**

All permit applications and industrial user reports must contain the following certification statement and be signed by a responsible officer or manager, or sole proprietor or general partner as applicable, or duly authorized representative of the industrial user:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

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

*“All sampling, measurements, and analyses were conducted in accordance with guidelines prescribed in 40 CFR 136 and the wastewater contribution permit obtained from the city.”*

A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to the city and also specifies either an individual or a position having the responsibility of the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section 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 authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

**Sec. 710.350 – Permit decisions.**

The director will evaluate the data furnished by the industrial user and may require additional information. Within 120 days of receipt of a complete wastewater contribution permit application, the director will determine whether or not to issue a wastewater contribution permit. If no determination is made within this time period, the application will be deemed denied. The director may deny any application for a wastewater contribution permit.

**Sec. 710.360 – Permit modification.**

- (a) The director may modify the wastewater contribution permit for good cause including, but not limited to, the following:
- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
  - (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater contribution permit issuance.
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  - (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving waters.
  - (5) Violation of any terms or conditions of the wastewater contribution permit.
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater contribution permit application or in any required reporting.
  - (7) Revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
  - (8) To correct typographical or other errors in the wastewater contribution permit.
  - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

- (b) The filing of a request by the permittee for a wastewater contribution permit modification does not stay any wastewater contribution permit condition.

**Sec. 710.370 – Permit contents.**

- (a) Wastewater contribution permits shall include such conditions as are reasonably deemed necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.
- (b) Wastewater contribution permits must contain the following conditions:
  - (1) A statement that indicates wastewater contribution permit duration, which in no event shall exceed three years.
  - (2) A statement that the wastewater contribution permit is nontransferable without prior notification to and approval from the director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater contribution permit.
  - (3) Effluent limits applicable to the user based on applicable pretreatment standards in federal, state and local law.
  - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
- (c) Wastewater contribution permits may contain, but need not be limited to, the following:
  - (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - (2) 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 discharge to the POTW.
- (5) The unit charge or schedule of industrial user charges and fees for the wastewater discharged to the POTW.
- (6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater contribution permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater contribution permit.
- (8) Requirements for notification to the director prior to the commencement of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (9) Other conditions as deemed appropriate by the director to ensure compliance with this chapter and state and federal laws, rules and regulations.

**Sec. 710.380 – Permit duration.**

Wastewater contribution permits shall be issued for a specified time period, not to exceed three years from the effective date of the permit. A wastewater contribution permit may be issued for a period less than three years, at the discretion of the director. Each wastewater contribution permit will indicate a specific date upon which it will expire.

**Sec. 710.390 – Permit transfer.**

- (a) Wastewater contribution permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days advance notice to the director and the director approves the wastewater contribution permit transfer.

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

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

**Sec. 710.400 – Permit revocation.**

- (a) The director may revoke a wastewater contribution permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the POTW of significant changes to the wastewater prior to the changed discharge.
  - (2) Failure to provide prior notification to POTW of changed conditions pursuant to section 710.291(e).
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater contribution permit application.
  - (4) Falsifying self-monitoring reports.
  - (5) Tampering with monitoring equipment.
  - (6) Refusing to allow the director 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, connection charges, or other applicable fees and charges as determined by the director.
  - (10) Failure to meet compliance schedules.
  - (11) Failure to complete a wastewater questionnaire or the wastewater contribution permit application.
  - (12) Failure to provide advance notice of the transfer of a permitted facility.

- (13) Violation of any pretreatment standard or requirement of any terms of the wastewater contribution permit or this chapter.
  - (14) Failure to provide notification of the POTW of potential problems pursuant to section 710.291.
- (b) Wastewater contribution permits shall be voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater contribution permits issued to a particular user are void upon the issuance of a new wastewater contribution permit to that user.

**Sec. 710.410 – Permit reissuance.**

A user with an expiring wastewater contribution permit shall apply for wastewater contribution permit reissuance by submitting a complete permit application in accordance with section 710.330, a minimum of 90 days prior to the expiration of the industrial user's existing wastewater contribution permit.

**Sec. 710.420 – Continuation of expired permits.**

An expired wastewater contribution permit will continue to be effective and enforceable until the wastewater contribution permit is reissued if:

- (1) The industrial user has submitted a complete wastewater contribution permit application at least 90 days prior to the expiration of the user's existing wastewater contribution permit.
- (2) The failure to reissue the wastewater contribution permit, prior to expiration of the previous wastewater contribution permit, is not due to any act or failure to act on the part of the industrial user.

**Sec. 710.421 – Permit appeals.**

- (a) Any person, including the industrial user, may petition the director to reconsider the terms of a wastewater contribution permit within 30 days of its issuance.
- (b) Failure to submit a petition for review within 30 days shall be deemed to be a waiver of the administrative appeal.
- (c) In its petition, the appealing party must indicate the wastewater contribution permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater contribution permit.

- (d) The effectiveness of the wastewater contribution permit shall not be stayed pending the appeal.
- (e) If the director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater contribution permit, not to issue a wastewater contribution permit, or not to modify a wastewater contribution permit shall be considered final administrative action for purposes of judicial review.

## ARTICLE VII – WASTEWATER CHARGES AND RATES

### **Sec. 710.430 – General information.**

The city shall collect wastewater service charges for the use of, and the services rendered by, the POTW from the owners or occupants of every lot, parcel of real estate, or building that has availability to the POTW or which discharges, either directly or indirectly, wastes to the POTW.

### **Sec. 710.440 – Basis for sewer charges.**

Except as otherwise provided in this article, wastewater service charges shall be based on the quantity of water used on or in the property or premises, which are subject to such charges, and shall be computed by applying the rates established by this article and shall be payable as provided in this chapter.

### **Sec. 710.450 – Determination of usage.**

- (a) Except as otherwise provided in this chapter, wastewater service charges shall be based on one of the following:
  - (1) On the quantity of water used from any source of supply as measured by water meters acceptable to the director.
  - (2) On the quantity of wastewater entering the POTW and measured by a wastewater meter acceptable to the director.
  - (3) On the quantity of water used as determined by the director.
  - (4) On the quantity of wastewater entering the POTW, as determined by the director.
  - (5) On the percentage of the metered water used entering the POTW, as determined by the director.
- (b) Installation of water and wastewater meters shall conform to the following:

- (1) The City of Willard shall install and maintain in continuous efficient operation a water meter at each lot, parcel of real estate or building served by a water utility.
  - (2) Each owner of a private well or other private water supply shall, at his own expense, install and maintain in continuous efficient operation a water meter acceptable to the director. In lieu of installing a water meter, the owner of a residence may elect to be billed on the basis of 2,000 gallons/month of wastewater discharged per bedroom in the residence.
  - (3) The director may require users of the POTW to provide other methods of determination as may be required.
- (c) Maintenance of meters, either water or wastewater, shall be in accordance with manufacturer's specifications. The readings of any such meter which has not been maintained in a continuous and efficient manner may be disregarded and the director may determine the wastewater volume delivered to the POTW during the time covered by discredited meter readings.
- (d) Water meters, other than those of the City of Willard, and wastewater meters shall be read by the user in accordance with the meter reading practices of the director. These readings shall be furnished to the director upon request.
- (e) Water meter readings obtained by any other entity other than the City of Willard and other records pertaining to the billing and collection of wastewater service charges shall be made available to the city during business hours within four days of the time readings are taken.

**Sec. 710.460 – Basis for computing residential bills.**

Residential billing for wastewater charges shall be determined as follows:

- (1) The rates and charges established by this chapter shall be applied to the water consumption billed after this chapter shall have been placed in effect, except as otherwise provided by this chapter. In order that there will be the least wastewater service charge to residential water consumers for water used to maintain lawns, gardens, flowers, shrubs, trees, etc., water usage shall be derived from water consumption recorded in period when such activities are reduced.
- (2) If wastewater service bills are rendered monthly, the basis for the bill for wastewater service for residences shall be computed from the average of the monthly water consumptions recorded during the period beginning January 1 and extending through the following March 31 of the year preceding the establishment of the basis for the charge, or from the average of the consumptions for any such months during which water was used, except as

otherwise provided. The basis so established shall first be used in rendering wastewater service bills beginning in the month of April following the establishment of the basis for the charge and shall be the basis for the charge and shall be the basis used until the following April. A new basis for wastewater service bills shall be established annually.

In cases where a residence first become subject, after the meter reading date in March, to the wastewater service charges established in this article and no water meter readings were taken before such date, the owner or occupant of such residence shall be billed the customer charge plus a volume charge, as determined by the director, until a basis can be established as provided in this section.

Averages resulting in fractions of 1,000 gallons shall be reduced to the next whole number of 1,000 gallons in computing average monthly water consumption or averages of monthly water consumptions.

- (3) If the basis of wastewater service charges for a residence is established by agreement between the city and the user, the agreement shall be reviewed annually by the city and may be so reviewed at such other times as the city, in its discretion, may require or permit.
- (4) Nothing contained in this section shall prevent the city, the owner or occupant of any residential premises from electing to be charged for wastewater services on the basis of actual water consumption as determined by monthly meter readings, if such owner or occupant makes application in writing to pay on the basis and agrees to pay on such basis for at least one year from the date of the next billing following the date of application.

#### **Sec. 710.470 – Rates.**

For the services rendered to the city or other public authority, the city or authority shall be subject to the same charges provided in this section for other users of the POTW.

- (1) Effective January 1, 2019, the schedule of wastewater service rates shall be as follows:
  - a. There shall be assessed to each residential user of the POTW a basic customer charge of twenty-four dollars and ninety-six cents (\$24.96) per month, and each commercial user of the POTW a basic customer charge of thirty dollars and thirty-nine cents (\$30.39) per month.
  - b. There shall be assessed to each rural resident user of the POTW a basic customer charge of twenty-seven dollars and sixteen cents (\$27.16) per

month for residential addresses and thirty-four dollars and seventy-three cents (\$34.73) for rural commercial.

- c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: five dollars and fifty-seven cents (\$5.57) per one thousand (1,000) gallons for city residential and city commercial users and six dollars and six cents (\$6.06) per one thousand (1,000) gallons for rural residential and rural commercial users, or fraction thereof, used per month.

**Sec. 710.475 – Sewer Impact fees.**

- (a) *Schedule established.* Notwithstanding any other provision of this Code to the contrary, there is hereby established a charge to every new or expanded user of the POTW of the city, which is in addition to the other fees and charges under this article. An expanded user of the POTW is a user which increases the size or number of water meters serving its property or premises. The sewer impact fee will be in accordance with the following sewer impact fee schedule and shall be based on the water meter(s) size serving the property or premises.

**SEWER IMPACT FEE SCHEDULE**

Meter Size (inches)	Impact Fee
¾	\$900.00
1	1,100.00
1 ½	1,300.00
2	2,100.00
3	4,000.00
4	6,750.00
6	13,300.00
8	21,300.00
10	31,900.00
12	41,300.00

- (b) *New users.* New users of the POTW will not be assessed a sewer impact fee in the following instances:
- (1) If an unexpired building permit was in existence for the user's property or premises on September 19, 1990.
  - (2) If the user's property or premises was served by the POTW, or if the new user occupied a structure in and had previously been assessed for a joint sanitary sewer district, on the effective date of the ordinance from which this section derives.
  - (3) If there was a break in sewer service to the user's property or premises for less than two years.
  - (4) If the metered water usage on the user's property or premises is solely for the purpose of fire protection or landscape irrigation.
- (c) *Rules and regulations.* The director will have authority to establish rules and regulations pertaining to sewer impact fees set forth in this section in order to carry out the intent of the section. Such rules and regulations must be placed on file with the city clerk ten days before they become effective. A permit to connect to the POTW shall not be issued by the city or any other agency acting on behalf of the city with respect to the issuance of permits to connect to the sewer system, unless the sewer impact fee set forth in this section has been paid.
- (d) *Increase in size or number of water meters.* Any user who increases the size or number of water meters serving its property or premises shall pay a fee equal to the difference between the sewer impact fee for the meter which existed prior to the increase, and the sewer impact fee for the newly installed meter.

**Sec. 710.480 – Extra charges.**

In order that rates and charges will be equitably related to the service rendered, the city shall, in addition to the charges set forth in section 710.470, assess extra charges for biochemical oxygen demand (BOD) and total suspended solids (TSS) in excess of the amounts thereafter set forth. The extra charges for BOD and TSS shall be as follows:

- (1) *Effective July 1, 2019.*
  - a. For five (5) day biochemical oxygen demand in excess of 1.60 pounds for each one hundred (100) cubic feet (two hundred fifty-six (256 milligrams per liter) of wastewater, an additional charge of \$0.300 shall be made of each such excess pound or fraction thereof.

- b. For TSS in excess of 1.90 pounds for each one hundred 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.126 shall be made for each such excess pound or fraction thereof.

**Sec. 710.510 – Connection to POTW a privilege.**

Any premises connected to the POTW under the provisions of section 710.545 shall be deemed so connected as a privilege extended by the city and not as a matter of right and shall in no way relieve any such premises from its lawful share of any sewer tax bill special assessment heretofore or hereafter made for the payment in whole or in part of the cost of construction of sanitary sewers.

**Sec. 710.520 – Requirements of sewer easements.**

The director is hereby authorized to require, as a condition of issuing special connect permits under the provisions set forth in section 710.545, that the owner of the property being served by the special connection permit: 1) execute an irrevocable consent and petition to annex the connecting property in the city limits; and 2) grant to the city a sewer easement in the areas where the director determines sewers will be needed. The director is authorized to accept such easements for and on behalf of the city.

**Sec. 710.530 – Wastewater service charge adjustments – Appeal to Board of Alderman.**

When a water utility has adjusted water meter readings or when it appears that an inequity has occurred, the Finance Director may make adjustments of wastewater service charges. Any user aggrieved by the decision of the Finance Director shall have the right to appeal to the Board of Alderman, whose decision shall be final for purposes of appeal pursuant to Chapter 536, RSMo.

**Sec. 710.540 – Payment and delinquency.**

- (a) All bills for sewer service shall be due and payable at the City Hall in accordance with the provision of Chapter 705, Section 705.070, with the exception that no additional late payment penalty fees, other than those stipulated in Chapter 705, Section 705.070, shall be assessed unless the physical disconnection of the building sewer has been required. In the event of a failure of the responsible party to make the required payment, the City may assess the delinquent charges and fees in accordance with Section 710.540(d).
- (b) It shall be the duty of the Finance Director or other representative of the City charged with the responsibility of receiving payments for wastewater services to notify the Director of those premises which because of delinquency in the payment of bills are no longer entitled to wastewater service and the Director may take the necessary steps to have the building sewer disconnected from the POTW.

- (c) The occupant or user of the premises receiving wastewater services and the owner of such premises shall be jointly and severally liable to pay for such services rendered on such premises. The City shall have the power to sue the occupant or owner, or both, of such real estate in a civil action and receive any sums due for such services, plus a reasonable attorney's fee to be fixed by the Court.
- (d) All owners of real property within or outside the City of Willard, State of Missouri, to which sewage services are supplied are liable to the City for the charges for providing such sewerage service. The property owner's liability is concurrent with any person or persons residing upon said property and who may be deemed to be the actual users of the service. In the event the service charge or charges for use of sewerage services are not paid within the time or in the manner provided by ordinances of this City, the City may assess the delinquent charges and fees as a special assessment against lot or parcel of land to which services were provided. In such event, the City Clerk shall certify the unpaid delinquent charges and fees to the County Clerk, along with a legal description of the real property benefitting from the water and/or sewerage service, and the same shall be placed on the tax rolls for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible and shall become a lien upon the real property so served.
- (e) Any water utility shall cease to furnish water to any user who is delinquent in the payment of wastewater service charges.

**Sec. 710.545 – POTW special connections; deposits.**

- (a) In addition to any other fees, deposits, permits or requirements of this Code, no person shall connect to the POTW of the city any property located outside a sanitary sewer district or within a proposed sanitary sewer district in which construction of sanitary sewers has not yet been ordered by the Board of Aldermen without first obtaining a special connection permit from the director.
  - (1) The director may issue such permit upon receiving an application for a special connection permit, an executed irrevocable consent to annex the property into the city limits, and the applicable special connection permit deposit computed as follows:
    - a. For properties containing 6,000 square feet of area, or any fraction therefore, \$240.00.
    - b. For properties containing more than 6,000 square feet, \$240.00 for the first 6,000 square feet and \$40.00 for each additional 1,000 square feet of property area or any fraction thereof; however, no special connection permit deposit shall be required in excess of \$1,500.00.

- (b) Should the property to be connected be located within a joint sanitary sewer district where joint sanitary sewers have been constructed or have been ordered to be constructed by the Board of Aldermen, the deposits required in this section shall be reduced by 25 percent.
- (c) Should property for which a special connection permit deposit has been made, as provided in this section, be placed within a joint sanitary sewer district, then upon the construction of joint sanitary sewers within the joint sewer district and the sewer tax bill assessment for the cost thereof, the then recorded owner of the property shall be entitled to a return of 25 percent of the deposit previously made. If only a portion of the property for which the deposit was made is placed within a joint sanitary sewer district and the joint sanitary sewers have been built and the assessments made, the amount of the deposit returnable shall be that portion of 25 percent of the entire deposit which is directly proportionable to the area of the property placed within the joint sanitary sewer district as compared to the total area of the property for which the deposit was made.
- (d) Should property, for which a sewer deposit has been made, as provided in this section, be placed within a sanitary sewer district, then upon the construction of sanitary sewers within the sanitary district and the sewer tax bill assessment for the cost thereof, the then recorded owner of the property shall be entitled to the return of the deposit or so much thereof as shall not have been previously returned. If only a portion of the property for which the deposit was made is placed within a sanitary sewer district, and the sanitary sewers have been built and the assessment made, the amount of the deposit returnable shall be that portion of the entire deposit or of so much thereof not yet returned, which is directly proportional to the area of the property placed within the sanitary sewer district as compared to the total area of the property for which the deposit was made.
- (e) All deposits shall be placed in a separate account to be established by the director of finance and shall be disbursed only upon a finding by the director of public works that the deposit or a portion thereof is returnable under the provisions of this section. All deposits shall be returned to the then present recorded owner of the property for which the deposit was made, so that the deposit will run in effect with the land for which the deposit was made.
- (f) The special connection permit deposit is in addition to any other fees, deposits, permits or requirements to connect to the POTW and does not relieve the property owners from future special assessments for construction of a sanitary sewer district and/or joint sewer district, tax bill assessments, construction reimbursement fees, or sewer impact fees.

**Sec. 710.546 – Connection fees; private contract sewers.**

Notwithstanding any other provision of this Code to the contrary, whenever sanitary sewers are not required to be built by provisions of this Code, but are built by private contract and dedicated to the city, the city shall charge a connection fee for the privilege of connecting to

the POTW to all persons who own land in the sanitary sewer district which connection fee shall be computed in the following manner:

- (1) All persons owning land in the sanitary sewer district or their successors in title shall pay a connection fee for the privilege of connecting to the sanitary sewer which shall be equivalent to their proportionate share of the cost of the sanitary sewer. A person's proportionate share of the costs shall be computed by multiplying the number of square feet of land that a person owns in the sewer district times the cost per square foot for construction of the sanitary sewer. The cost per square foot for construction of the sanitary sewer shall be determined by the director. The person causing such sewer to be constructed, hereinafter referred to as developer, shall have a licensed engineer in the state to certify to the director the cost of the sanitary sewer and that all such costs were necessary and were incurred in the construction of the sewer. The director may, in his discretion, determine that certain costs should not be allowed in computing the connection fee.
- (2) If the director determines that such costs were not necessary or that they were not incurred, then such costs shall not be included in the connection fee to be charged to persons who have not paid the connection fee. Any person who has paid the developer a sum of money which is not less than that person's proportionate share of the cost of the sewer prior to commencement of construction of the sewer shall be deemed to have paid the connection fee required by this section. All persons owning land in the sewer district who have not paid their proportionate share of the cost prior to the commencement of the construction of the sewers shall pay a connection fee to the city at the time such person connects to the city sewer and a penalty of six percent per annum for each year that such person has not connected to the sewer, which penalty shall not be subject to being apportioned for any part of a year.
- (3) At the time a person pays the connection fee, the director shall determine what land is owned by the person in the sewer district for which the fee is being paid and upon payment of the required fee no further connection fee shall be required by this section, it being intended that the person paying the fee shall have paid the fee for their successors in title. The developer shall have a professional engineer licensed to practice in the state to certify to the director the names of all persons who have paid the connection fee prior to the commencement of construction, the description of the land such person owns, and the total number of square feet of land such person owns in the district. Connection fees required to be paid to the city shall be paid to the director in accordance with procedures established by the director. It shall be unlawful for any person required to pay a connection fee by this section to connect to the sanitary sewer of the city without paying such a fee and any person connecting to the sanitary sewer without paying such a fee shall be disconnected from the sanitary sewer of the city after notice and hearing by the director.

## ARTICLE VIII – ACCOUNTING

### **Sec. 710.550 – Review of rate schedule.**

- (a) At the end of each fiscal year, the balances in the sewer funds shall be reviewed to insure adequate and equitable rate schedules for the following year.
- (b) The rate schedule adopted for any fiscal year shall be adequate to insure adequate operation and maintenance funds, to maintain a sufficient replacement fund to cover costs of anticipated major equipment replacements and to insure that all customers pay their proportionate share of the costs of operating and maintaining the sewer system.

## ARTICLE IX – ENFORCEMENT

### **Sec. 710.560 – Administrative Warrants**

If an official who has a duty to perform under this Code and who has presented appropriate credentials has been refused access to private or public property, or any building, structure or land or any part thereof, and if such official has probable cause to believe that there may be a violation of this chapter or that this Code authorizes the official to conduct an inspection and/or collect one or more samples in order to verify compliance with this chapter or any permit or order issued under this chapter, or to protect the overall public health, safety and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a suitably restricted administrative warrant authorizing an official of the City to search the specific location subject to the warrant and to collect samples as may be necessary to determine compliance with this code. Any such warrant shall only be served at reasonable hours and only by the director or his authorized representative in the company of a uniformed police officer of the city.

### **Sec. 710.570 – Administrative enforcement remedies.**

- (a) *Notification of violation.* Whenever the director finds that any user has violated or is violating this chapter, a wastewater contribution permit or order issued under this chapter, or any other pretreatment standard or requirement, the director or his authorized representative may serve upon the user a written notice of violation. Within the time specified in the notice, the user shall submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, to the director. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (b) *Consent orders.* The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an

agreement with any user responsible for noncompliance. Any such orders will include specific action to be taken by the user to correct noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (d) or (e) of this section.

- (c) *Show cause hearing.* The director may order any user which causes or contributes to a violation of this chapter, a violation of a wastewater contribution permit, or a violation of an order issued under this section, or a violation of any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting may be served personally or by registered or certified mail, return receipt requested. Such notice may be served on an authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing. A show cause hearing shall not be a prerequisite for taking any other action against the user.
- (d) *Compliance orders.* When the director finds that a user has violated or continues to violate this chapter, wastewater contribution permits or orders issued under this article, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a time as specified by the director. If the user does not come into compliance within the time specified by the director, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated.

Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

- (e) *Cease and desist orders.* When the director finds that a user is violating this chapter, the user's wastewater contribution permit, any order issued under this section, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violation and directing the user to:
  - (1) Immediately comply with all requirements.

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (f) *Issuance order.* Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.
- (g) *Issuance of administrative fine.* When the director finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed the maximum under state law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

Users desiring to dispute such fines must file a written request for the director to reconsider the fine, along with full payment of the fine amount, within fifteen (15) days of being notified of the fine. Where a request has merit, the director shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

**Sec. 710.580 – Revocation of permits, utilities and disconnection from POTW.**

- (a) In addition to the provisions in section 710.400, any user who violates any of the following conditions may be subject to disconnection from the POTW:
- (1) Violation of wastewater contribution permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
  - (5) Violation of the conditions for use of the POTW in Article III or this chapter; or
  - (6) Failure to comply with an order by the director to correct a violation within the time specified by such order.

(b) The director may disconnect the violator from the POTW, revoke any permits issued by the city under which the activity is conducted, including any permit issued under this chapter, and seek termination of city utilities, or other public or private utility services, to the building or structure wherein the activity is conducted.

Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

**Sec. 710.590 – Emergencies, abatements, and recovery of costs.**

(a) When the director finds that an emergency exists, he shall require the violator to immediately cause the violations to be abated or corrected. If the violator cannot be contacted within a reasonable time or fails or refuses to abate or correct the violation, the director may abate or correct the violation.

(b) When the director has abated or corrected any violation, he shall certify the costs thereof to the City Clerk, 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 abatement or correction. Violation may also result in denial or revocation or a permit to contribute to the POTW, under section 710.400. Costs shall include all costs attributable to such abatement or correction, including all wages and salaries of city employees for their time directly attributable to the abatement or correction.

**Sec. 710.600 – Prosecution of violation.**

If a person violates this chapter, a wastewater contribution permit or any order issued under this article, the director may cause a municipal court summons to be issued and he may also request the city attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation of the provisions of this Code.

**Sec. 710.610 – Penalties.**

(a) *Criminal penalties.* Any person violating any of the provisions of this chapter or failing to comply with any order, permit or certificate issued under the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$500.00, or by imprisonment in jail for a period not exceeding one (1) year, or by both such fine and imprisonment. Each violation per day after the posting of notice shall be deemed a separate offense. Notice, as set forth in section 710.570, shall not be required in order to prosecute a person for a violation of any provisions of this chapter, except such notice shall be required to prosecute a person for failure to comply with an order.

(b) *Civil penalties.* Failure to comply with an order which has been duly posted, which interferes with the POTW or significantly contributes to any violation or requirement of

the POTW's NPDES permit or any violation of any of the provisions of this chapter or the failure to comply with any order, permit, or certificate issued under the provisions of this chapter shall be subject to civil penalties not to exceed \$500.00 per day per violation.

Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

**Sec. 710.614 – Affirmative defenses to discharge violations.**

(a) *Upset.*

- (1) For the purpose of this section, the term “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection (a)(3) of this section are met.
- (3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred, and the industrial user can identify the cause of the upset.
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - c. The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:
    1. A description of the indirect discharge and cause of noncompliance.
    2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
  - (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
  - (5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
  - (6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (b) *Restricted discharges.* An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the restricted discharges in section 710.230 if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or
  - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) *Bypass.*
- (1) For the purpose of this section the terms:
    - a. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
    - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe

property damage does not mean economic loss caused by delays in production.

- (2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (c)(3) and (c)(4) of this section.
- (3) Notice of bypass.
  - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass if possible.
  - b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (4) Enforcement action exceptions.
  - a. Bypass is prohibited, and the director may take enforcement action against an industrial user for 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    3. The industrial user submitted notices as required under subsection (c)(3) of this section.

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

**Sec. 710.620 – Abatement of violation; injunctive relief.**

The imposition of the penalties prescribed in section 716.610 shall not prevent the city attorney from instituting appropriate action to prevent or to restrain, enjoin, correct or abate a violation or nuisance, or to prevent an illegal act or conduct, in or about any premises, in violation of this chapter.

**Sec. 710.630 – Responsibility; joint and several liability.**

Any person who shall occupy the user's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner.