

**Chapter 117-General Pretreatment Program Regulating Use of Sewers**

**PART 100-General Provisions**

**Section 117.100 Enactment**-Pursuant to the requirements of Title III of the Clean Water Act Amendments (33 USC 1311 et seq.) and regulations promulgated thereunder, the Code of State Regulations 10 CSR 20-6.100 General Pretreatment Regulation), the following ordinance is hereby enacted by the Board of Aldermen of the City of Moscow Mills. (The City of Moscow Mills is hereafter referred to as “The Publicly Owned Treatment Works” or as “the POTW”).

**Section 117.105 Purpose and policy**-This ordinance regulates the use of sewers, private wastewater disposal, and the discharge of wastewater into the POTW wastewater system. The ordinance sets forth uniform requirements for discharges into the wastewater collection and treatment system for the POTW.

The objectives of this ordinance are:

- a) To regulate private wastewater disposal systems;
- b) To prevent the introduction of pollutants into the POTW wastewater system that will interfere with the operation of the POTW wastewater system, including Interference with its use of disposal of municipal sludge;
- c) To prevent the introduction of pollutants into the POTW wastewater system which will Pass Through the treatment works or otherwise be incompatible with such works; and
- d) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

**Section 117.110 Jurisdiction**-This ordinance shall apply to the POTW and to persons outside the POTW who are, by contract or agreement with the POTW, users of the POTW.

**Section 117.115 Effective date**-The effective date of this Ordinance shall be November 13, 2006.

**Section 117.120 Right of revision**-The POTW reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.

**Section 117.125 Severability**-If any provision, paragraph, work, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**Section 117.130 Conflict**-All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Section 117.135 Administration**-Except as otherwise provided herein, the Superintendent of the POTW shall administer, implement, and enforce the provisions of this ordinance.

**PART 200-Abbreviations and Definitions**

**Section 117.200 Abbreviations**-The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
FOG	Fats, Oils and Grease
mg/l	Milligrams per Liter
MODNR	Missouri Department of Natural Resources
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 USC 6901 <u>et seq.</u> )
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

**Section 117.210 Definitions**

“A” as in “Cyanide-A” means amenable to alkaline chlorination.

“Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. (33 U.S.C. 1251, et seq.)

“Authorized Representative of Industrial User” is (i) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (ii) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (iii) a duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to the POTW by a person described above.

“Baseline Report” means that report required by 40 CFR Section 403.12(b)(1-7).

“Biochemical Oxygen Demand (BOD)” means the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in Standard Methods.

“Chemical Oxygen Demand (COD)” means the quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures as described in Standard Methods.

“Combined Waste Stream Formula” means the formula as found in 40 CFR Section 403.6(e).

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

“Compatible Pollutant” means biochemical oxygen demand, chemical oxygen demand, FOG, suspended solids, pH and fecal coliform bacteria.

“Consistent POTW Treatment Works Removal, Pollutant Removal or Removal” means reduction in the amount of a pollutant or alteration of the nature or concentration of a pollutant in the influent of the POTW to a less incompatible or concentrated state in the effluent. Consistent POTW removal efficiency shall be the difference between the average concentration of the pollutant in the influent of the treatment plant and the average concentration of the pollutant in the effluent of the treatment plant divided by the average concentration of the pollutant in the influent.

“Director” means the Director of MODNR.

“Existing Source” means any building, structure, facility or installation from which there is or may be a discharge, which is not a New Source.

“Fecal Coliform” means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

“Fats, Oil, or Grease (FOG)” means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by trichlorotrifluoroethane solvent.

“Flow” means volume of wastewater per unit of time.

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

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

“Incompatible Pollutant” means all pollutants other than compatible pollutants as defined in this Section.

“Indirect Discharge or Discharge” means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

“Industrial User” means a source of Indirect Discharge, including but not limited to, a manufacturing, commercial or process facility, or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders service to the public.

“Interference” means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirements of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations 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, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

“National Categorical Pretreatment Standard” means any pretreatment standard specifying quantities or concentrations of pollutants which may be discharged to a POTW by Industrial Users in specific industrial subcategories as established in regulations promulgated from time to time by the USEPA in 40 CFR Chapter I, Subchapter N.

“National Pollutant Discharge Elimination system Permit (NPDES)” means a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to the Act.

“New Source” means any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

If National Categorical Pretreatment Standards are not applicable, “New Source” shall mean any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the remodeling (if that Industrial Classification code) or the construction of which commences after the effective date of this Ordinance.

“Pass Through” means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Permitted Wastewater Hauler Vehicle” means a vehicle used for hauling wastewater, which has been granted a permit under the requirements of this Ordinance.

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

“pH” means the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural waste discharged into water.

“POTW Treatment Plant” means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

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

“Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.

“Pretreatment Standards” means for any specified pollutant, prohibitive discharge standards as set forth in Section 117.305, specific limitations on discharge as set forth in Section 117.310, the State of Missouri pretreatment standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

“Publicly Owned Treatment Works (POTW)” means a treatment works as defined by Section 212 of the Act, owned by the City of Moscow Mills. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW treatment plant regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the POTW treatment plant. The term also means the City of Moscow Mills, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

“Sanitary Sewer” means a sewer which is designed to carry sanitary and Industrial wastewater, and to which storm, surface and ground water are not intentionally admitted.

“Shall” is mandatory. “May” is permissive.

“Significant Industrial User” shall mean any Industrial User of the POTW’s wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a discharge flow greater than 0.2 percent of the flow in the POTW’s wastewater treatment system, or (iii) has in its wastewater incompatible pollutants as defined pursuant to Section 307 of the Act, or by State Statutes, or by applicable federal or state rules and regulations, or (iv) is found by the POTW, MODNR or USEPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system, or (v) is subject to any National Categorical Pretreatment Standard.

“Significant Violation” means a violation of this ordinance which remains uncorrected 45 days after notification of such noncompliance; which is part of a pattern or noncompliance over a twelve month period; which involves failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Sections 117.515, 117.520, or 117.530.

“Sludge” means the settleable solids separated from the liquids during the wastewater treatment processes.

“Slug” means any discharge of water or wastewater which in concentration of any given pollutant, as measured by a grab sample, exceeds more than five (5) times the allowable concentrations as set forth in Part 300 of this ordinance or any pollutant, including oxygen demanding pollutants (BOD, etc.) Released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

“Superintendent” means the chief administrator of the POTW Treatment Works.

“T as in Cyanide-T” means total.

“Total Solids” means the sum of suspended and dissolved solids.

“Total Suspended Solids (TSS)” means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater and other liquids and is removable by laboratory filtration using a Reeve Angel type 934A or 984H glass fiber filter disc as prescribed in Standard Methods.

“Total Toxic Organics” means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

“Unpolluted Water” means water of quality equal to or better than the effluent criteria set forth in all applicable state and federal pretreatment laws or water that would not cause violation of receiving water quality standards set forth in all applicable state and federal pretreatment laws and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error. Improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“User” means any person who contributes, causes or permits the contribution of wastewater into the POTW treatment plant.

“Wastewater” means the combination of the liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water.

- A. Sanitary Wastewater means the combination of liquid and water carried wastewater discharged from toilet and other sanitary plumbing facilities.
- B. Industrial Wastewater means a combination of liquid and water carried waste, discharged from any Industrial User including the wastewater from pretreatment facilities and polluted cooling water.

“Wastewater Discharge Permit” means the document or documents allowing discharge to the POTW issued to a user by the POTW in accordance with the terms of this Ordinance.

“Wastewater Hauler” means any person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.

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

**PART 300-Wastewater Treatment and Pretreatment Regulations****Section 117.300 Use of wastewater facilities**

- a) It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any POTW Treatment Plant, any solid, liquid or gaseous waste unless through a connection approved by the POTW.
- b) It shall be unlawful to discharge wastewater, without an NPDES permit, to any natural outlet within the POTW or in any area under its jurisdiction.

**Section 117.305 Prohibitive discharge standards**

- a) No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water to any sanitary sewer.
- b) No user shall contribute or cause to be contributed, directly or indirectly any pollutant or wastewater which will Interfere with the operation or performance of the POTW or will Pass Through the POTW.
- c) The following general prohibitions shall apply to all Uses of the POTW whether or not a User is subject to National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or Requirements. A User shall not contribute the following substances to the POTW:
  - 1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on a meter capable of reading L.E.L. (Lower explosive limit) at a point at the nearest accessible point to the POTW in a sanitary sewer, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%). Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents, and sulfides.
  - 2) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference with the operation of the wastewater treatment facilities, including, but not limited to: grease, garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and de-burring stones.

- 3) Any wastewater which will cause corrosive structural damage to the POTW, but in no case wastewater having a pH less than 5.0, unless more strictly limited elsewhere in this ordinance.
- 4) Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the POTW, exceed the limitation set forth in the National Categorical Pretreatment Standard (when effective) or in Section 117.310 of this Part 300 or create a public nuisance.
- 5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.
- 6) In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines, or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or all State regulations applicable to the sludge management method being used.
- 7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- 8) Any wastewater having a temperature at the point of discharge to the POTW which will inhibit biological activity in the POTW treatment plant resulting in interference; in no case shall wastewater be introduced to the POTW which exceeds 40°C (104°F) at the POTW treatment plant.
- 9) Any pollutants, including compatible pollutants released at a flow or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW or will pass through the POTW.
- 10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations.
- 11) Any wastewater which may contain more than 100 mg/l concentration of fat, oil, grease (FOG) or trichlorotrifluoroethane extractable material.
- 12) Any wastewater containing BOD, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; provided, however, that a user may be permitted by specific, written agreement with the POTW, which agreement to discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment.

A surcharge shall be assessed to users who contribute wastes with pollutant levels above the following:

- BOD – 300 milligrams per liter
- Suspended Solids – 350 milligrams per liter

The method for determining the surcharge shall be:

$$C = (8.34V) \times (0.19(B-300) + 0.170(S-350))$$

Where

C = surcharge cost to a particular user in dollars

V= volume of wastewater discharged by user during billing period (million gallons)

B = BOD concentration of wastewater by user determined by testing during billing period (milligrams per liter)

S = suspended solids concentration of wastewater determined by testing during billing period (milligrams per liter)

However, the City of Moscow Mills specifically reserves the right to decline to enter into such an agreement and refuse waste from any system.

- 13) Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.
- 14) Any discharge exceeding the standards established in Section 113.150 from time to time.
- 15) Any slug discharged to the POTW.

Compliance with the provisions of this Section 117.305 shall be required on the effective date of promulgation of this ordinance.

**Section 117.310 Specific limitations on discharge**

- a) Discharges from each separate discharge of a User, as measured under the provisions of this ordinance, shall not contain in excess of the following concentrations based upon a 24-hour composite sample. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance with the following limitations for a 24-hour composite sample.

<u>Pollutant</u>	<u>Maximum Concentration</u>
Arsenic	2.85 mg/l
Barium	5.00 mg/l
Cadmium	0.31 mg/l
Chromium (total)	2.77 mg/l
Copper	3.83 mg/l
Cyanide	5.75 mg/l
Iron (total)	100.00 mg/l
Lead	13.42 mg/l
Manganese	1.0 mg/l
Mercury	0.13 mg/l

	<b>Moscow Mills City Code</b>
Nickel	14.48 mg/l
Phenols	17.8 mg/l
Selenium	0.06 mg/l
Silver	0.43 mg/l
Zinc	7.19 mg/l

Compliance with the provisions of this Section 117.310 shall be required no later than 90 days or sooner as required by the City of Moscow Mills.

**Section 117.315 Incorporation of National Categorical Pretreatment Standards**

Upon the promulgation of the National Categorical Pretreatment Standard for a particular Industrial User, the said standard, when effective, shall be enforceable under this ordinance and said standards shall be complied with by all Industrial Users subject to each of said National Categorical Pretreatment Standards. The POTW shall notify all known affected Users of the applicable reporting requirements under 40 CFR Section 403.12. Failure of the POTW to notify the User shall not relieve the User of his duty, if any, to comply.

**Section 117.320 Final National Categorical Pretreatment Standards**

Listed below are the compliance dates relating to the pretreatment standards for existing sources (PSES) that have been promulgated for the regulated industrial categories. For all new sources the compliance date for the applicable pretreatment standard for new sources (PSNS) shall be the day the new source commences discharge.

- a) Job shop and independent printed circuit board manufacturers regulated by the electroplating point source category (40 CFR Part 413, as amended), have been given a compliance date of April 27, 1984. Integrated electroplating facilities regulated by the electroplating point source category, as amended, have been given a compliance date of June 30, 1984.
- b) Industrial users regulated by the metal finishing point source category (40 CFR Part 433, as amended) have been given a compliance date of February 15, 1986.
- c) Industrial users regulated by the copper forming point source category (40 CFR Part 468, as amended) have been given a compliance date of August 15, 1986.
- d) Industrial users regulated by the inorganic chemicals (Phase I) point source category (40 CFR Part 415, as amended) have been given a compliance date of August 12, 1985. Industrial Users regulated by the inorganic chemicals (Phase II) point source category (40 CFR 415, as amended) have been given a compliance date for Subpart A, B, L, AL, AR, BA and BC of July 20, 1980; for Subpart AJ, AU, BL, BM, BN, and BO of August 22, 1987; and for all subparts not listed of June 29, 1985.
- e) Industrial users regulated by the porcelain enameling point source category (40 CFR Part 466, as amended) have been given a compliance date of November 25, 1985.

- f) Industrial users regulated by the pulp, paper, and paperboard point source category (40 CFR Parts 430 and 431, as amended) have been given a compliance date of July 1, 1984.
- g) Industrial users regulated by the textile mills point source category (40 CFR Part 410, as amended) have not been given categorical pretreatment standards, therefore are subject to the general and specific prohibitions of the 40 CFR 403 General Pretreatment Regulations.
- h) Industrial users regulated by the timer products point source category (40 CFR Part 429, as amended) have been given compliance date of January 26, 1984.
- i) Industrial users regulated by the coil coating (Phase I) point source category (40 CFR Part 465, as amended) have been given a compliance date of December 1, 1985. Industrial Users regulated by the coil coating (Phase II) point source category (40 CFR Part 465, as amended) have been given a compliance date of November 17, 1986.
- j) Industrial users regulated by the leather tanning and finishing point source category (40 CFR Part 425, as amended) have been given a compliance date of November 25, 1985.
- k) Industrial Users regulated by the pharmaceutical manufacturing point source category (40 CFR Part 439, as amended) have been given a compliance date of October 27, 1986.
- l) Industrial Users regulated by the electrical and electronic components point source category (40 CFR Part 469, as amended) have been given a compliance date for Subpart A - semiconductors and Subpart B - electronic crystal manufacturing of July 1, 1984 for total toxic organics. Subpart B electronic crystal manufacturing have been given a compliance date of November 8, 1985 for arsenic. Subpart C - cathode ray tube have been given a compliance date of July 14, 1987 for control of specified toxic metals, fluoride and total toxic organics.
- m) Industrial Users regulated by the aluminum forming point source category (40 CFR Part 467, as amended) have been given a compliance date of October 24, 1986.
- n) Industrial Users regulated by the iron and steel manufacturing point source category (40 CFR Part 420, as amended) have been given a compliance date of July 10, 1985.
- o) Industrial Users regulated by the petroleum refining point source category (40 CFR Parts 419, as amended) have been given a compliance date of December 1, 1985.
- p) Industrial Users regulated by the steam electric power plants point source category (40 CFR Parts 125 and 423, as amended) have been given a compliance date of July 1, 1984.

- q) Industrial Users regulated by the battery manufacturing point source category (40 CFR Part 461, as amended) have been given a compliance date of March 9, 1987.
- r) Industrial Users regulated by the nonferrous metal manufacturing (Phase I) point source category (40 CFR 421, as amended) have been given a compliance date of March 9, 1987. Industrial users regulated by the nonferrous metal manufacturing (Phase II) point source category (40 CFR 421, as amended) have been given a compliance date of September 20, 1988.
- s) Industrial users regulated by the plastics molding and forming point source category (40 CFR 455, as amended) have been give a compliance date of January 30, 1988.
- t) Industrial users regulated by the pesticide chemicals point source category (40 CFR 468, as amended) have been give a compliance date of August 23, 1988.
- u) Industrial users regulated by the pesticide chemicals point source category (40 CFR 455, as amended) have been give a compliance date of November 18, 1988.
- v) Industrial users regulated by the metal molding and casting point source category (40 CFR 464, as amended) have been given a compliance date of October 31, 1988.
- w) Industrial users regulated by the organic chemicals manufacturing point source category (40 CFR 414, as amended) have been given a compliance date of November 5, 1990.

The USEPA will promulgate new categorical pretreatment standards from time to time. This ordinance shall be amended to include any new standards applicable to this POTW.

**Section 117.325 Pretreatment**-All Industrial Users shall provide necessary wastewater pretreatment as required to comply with this Ordinance and shall achieve compliance will all applicable Pretreatment Requirement and Standards within the time limitations as specified by appropriate statutes, regulations, and this ordinance. National Categorical Pretreatment Standards shall be added to this ordinance as amendments. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the User's expense. All Industrial Users shall obtain all necessary construction and operating permits from the MODNR. Such pretreatment facilities shall be under the control and direction of a MODNR certified Wastewater Treatment Operator. Any subsequent physical changes in the pretreatment facilities or significant change in the method of operation shall be submitted to an approved by the POTW prior to the Industrial User's initiation of the changes.

**Section 117.330 Prohimiton of improper dilution**-No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards (NCPS) when effective, or in any other pollutant-specific limitations developed by the POTW.

**Section 117.335    Spill containment**

- a) Each Industrial User having the ability to cause Interference with the POTW treatment plant or to violate the regulatory provision of this ordinance shall provide protection from accidental discharge to the POTW of prohibited material or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.
- b) All Industrial Users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause Interference with the POTW must have detailed plans on file at the POTW showing facilities and operating procedures to provide protection from accidental discharge. All Industrial Users shall complete construction of said facilities by such dates as the POTW shall determine, taking into consideration of the complexity and extent of construction required to comply with this ordinance and the potential harm which may be caused to the POTW. All Significant Industrial Users shall complete construction of said spill containment facilities within one year of the effective date of this ordinance or within one year of beginning discharge, whichever is later. However, if a different date for completing construction of said spill containment facilities is set in the Significant Industrial User's Wastewater Discharge Permit by the POTW, after taking into consideration the complexity and extent of construction required to comply with this ordinance and the potential harm which may be caused to the POTW, that date shall apply. No Industrial User who begins contributing to or could contribute such pollutants to the POTW after the effective date of this ordinance shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the POTW and installed by the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this ordinance.
- c) In the case of an accidental or deliberate discharge of compatible for incompatible pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this ordinance, it shall be the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration and volume.
- d) Within fifteen (15) days following such an accidental or deliberate discharge to the Industrial User shall submit to the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by the POTW as needed. Such report, or reports, 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, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by this ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the POTW, result in the revocation of the discharger's wastewater discharge permit.

- e) The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- f) A notice in English and the language of common use shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or illegal discharge. Employers shall insure that all employees who are in a position to cause, discover, or observe such discharge are advised of the emergency notification procedures.

### **PART 400-Discharge Permits**

**Section 117.400** **Prohibition of discharges without permit-**It shall be unlawful for any Significant Industrial User to discharge wastewater to the POTW without a permit, or contrary to the conditions of a permit, issued by the POTW in accordance with the provisions of this ordinance.

### **Section 117.405** **Permits**

#### a) Wastewater Discharge Permit

All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All Significant Industrial Users which are existing Sources connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this ordinance. All Industrial Users which become Significant Industrial Users after promulgation of this ordinance shall apply for a Wastewater Discharge Permit within 180 days after becoming a Significant Industrial User. (The latter includes, but is not limited to, Industrial Users regulated by the newly promulgated National Categorical Pretreatment Standard.)

#### b) Wastewater Discharge Permit Application

- 1) Significant Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with POTW an application in a form to be prescribed and furnished by the POTW and accompanied by a fee of \$350.00.
- 2) Existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this ordinance. Proposed Significant Industrial Users which are New Sources shall apply at least 90 days prior to discharging to the POTW. In case of conflict between application deadlines for Significant Industrial Users in Section 117.405(a) and 117.405(b)(2), the stricter deadline shall apply.
- 3) In support of the application, the Significant Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- A) Name, address and location;
- B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C) Wastewater constituents and characteristics including, but not limited to, those set forth in Part 300 of this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with Standard Methods;
- D) Time and duration of discharge;
- E) Average and maximum wastewater flow rates, including monthly and seasonal variations, if any;
- F) Site plans showing all pipe size, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers;
- G) Total number of employees and hours of operation of a plant;
- H) Proposed or actual hours of operation of pretreatment system and the name of the MODNR certified pretreatment operator;
- I) Name of the authorized representative of the Significant Industrial User;
- J) Significant Industrial User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.
- K) If additional Significant Industrial User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the shortest schedule by which the Significant Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established under Part 300.
- L) Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

c) Review of Wastewater Discharge Permit Applications

The POTW will evaluate the data furnished by the Significant Industrial User and may require additional information. After evaluation of the data furnished, the POTW may issue a Wastewater Discharge Permit. No temporary permit will be issued by the POTW except as set forth in Section 117.405(g).

## d) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provision of this ordinance and all other applicable regulations, user charges, and fees established by the POTW. Wastewater Discharge Permits shall contain the following:

- 1) The Wastewater Discharge Permit shall include the limits on daily maximum and average pollutant concentrations from the applicable pretreatment standard (which includes federal, state, and local limits) whichever is more stringent.
- 2) Limits on maximum and average flow rate and time of discharge or requirements for flow regulation and equalization for each separate discharge of a User.
- 3) Requirements for installation and operation of inspection, sampling and monitoring facilities.
- 4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- 5) Compliance schedule, if necessary.
- 6) Requirements for submission of technical reports or discharge reports.
- 7) Requirements to retain for a minimum of three years any records of monitoring activities and results relating to wastewater discharge and for affording the POTW access to said records.
- 8) Requirements for advance notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to the terms of Section 117.405(e) of this Ordinance.
- 9) Requirements for notification of slug discharges as defined in this ordinance.
- 10) Requirements for reporting pretreatment sludge disposal practices.
- 11) Requirements that permittee allow the POTW or its representatives ready access upon presentation of credentials at reasonable times to all parts of its premises in which a discharge source or treatment system is located or in which records required by this ordinance are kept for the purposes of inspection, sampling, examination and photocopying of said records and for the performance of any of their duties.
- 12) Requirements that the permittee provide other information to the POTW from time to time as may reasonably be required.

- 13) Other conditions as deemed appropriate by the POTW to ensure compliance with this ordinance, and Pretreatment Requirements and Standards.

e) Change in Conditions

In the event the type, quality, or volume of wastewater from the property for which a Wastewater Discharge Permit was previously granted is expected to materially and substantially change as reasonably determined by the permittee or POTW, the permittee previously granted such permit shall give thirty (30) day notice in writing to the POTW and shall make a new application to the POTW prior to said change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by permittee. No permittee shall materially and substantially change the type, quality or volume of its wastewater beyond that allowed by its permit without prior approval of the POTW.

f) Duration

Wastewater Discharge Permits shall be used for a two (2) year period. The Permittee shall file an application for renewal of its permit at least 90 days prior to expiration of the User's Permit. The Industrial User shall apply, on a form provided by the POTW, for reissuance of the Permit.

g) Modification

The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements as identified in Part 300 are modified or other just cause exists. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)) or net/gross calculations (40 CFR Section 403.15) or Fundamentally Different Factor Variance for non-toxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the wastewater Discharge Permit and shall be adjusted consistent with the USEPA guidelines and regulations. The Significant Industrial User shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Where any changes are made in the Significant Industrial User's permit, a reasonable time shall be given to achieve compliance. Reasonable time requires that a Significant Industrial User act in good faith to achieve compliance by the shortest possible schedule.

h) Transfer

Wastewater Discharge Permits are issued to a specific Significant Industrial User for the process activity specified in the permit. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new owner or new user in different premises or to a new or changed operation in the same or different premises without the approval of the POTW. If the premises are sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, then the permit held by the seller shall be reissued by the POTW to the new owner as a temporary permit; provided that the new owner shall immediately apply for a new permit in accordance with this ordinance and further provided that the temporary permit shall only be effective for

ninety (90) days after the date of sale or transfer. The POTW shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

**Section 117.410 Denial of permit and appeal procedure**

- a) No Wastewater Discharge Permit shall be issued by the POTW to any person or Industrial User whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the POTW, is not in conformity with POTW ordinances and regulations or whose application is incomplete or does not comply with the requirements of Section 117.405(b). The POTW shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten (10) days after denial.
- b) If the POTW refuses to grant or grants with conditions a wastewater discharge permit under Part 400, the applicant may, within 35 days, petition for a hearing before the Board of Aldermen, to contest the decision of the POTW. The Board of Aldermen shall review the permit application, the written denial or permit conditions and such other evidence and matters as the applicant and POTW Superintendent shall present. The decision of the Board of Aldermen shall be final.

**Section 117.415 Reporting requirements for permittees**

- a) Baseline Report (for categorical discharges only)
  - 1) Industrial Users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to the POTW in a form prescribed and furnished by the POTW.
  - 2) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), which ever is later, Industrial Users which are Existing Sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Report.
  - 3) New Sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report no later than 180 days after discharging to the POTW.
  - 4) In support of the baseline Report, the Industrial User shall submit, in units and terms specified in the application, the following information:
    - A) Name and address of the facility including the name of the operator and owners.
    - B) List of any environmental control permits held by or for the facility.
    - C) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such

user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.

- D) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
- i. Regulated process streams, and
  - ii. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e).
- E) The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
- i. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.
  - ii. Where feasible, obtain samples through the flow-proportional composite sampling techniques specified in the applicable National Categorical Pretreatment Standard. Where composite sampling is not feasible, a grab sample is acceptable.
  - iii. Sample based on the flow of the sampled stream, as follows:  
  
(Composite samples are required where feasible)
    - a) Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the Industrial User shall take a minimum of one sample per month.
    - b) Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd) five samples within a two-week period.
  - iv. Take the samples immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, in order to evaluate compliance with the National Categorical Pretreatment Standards, the Industrial User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e). Where an alternate concentration has been calculated in accordance with 40 CFR Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.

- v. Submit, only with POTW authorization, a Baseline Report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - vi. Provide, for each report the time, date, and place, of sampling and methods of analysis and certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- F) The Industrial User shall provide a statement, reviewed by an authorized representative of the Industrial User and certified by a qualified professional indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the Industrial User to meet the National Categorical Pretreatment Standards.
- G) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional pretreat or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
- i. Where the Industrial User's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the Industrial User submits a Baseline Report the information required in Section 117.415(a)(4)(F) and (G) shall pertain to the modified limits.
  - ii. If the National Categorical Pretreatment Standard for the Industrial User is modified after the Baseline Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Section 117.415(a)(4)(F) and (G) and submit them to the POTW within 60 days after the modified limit is approved.
- H. The following conditions shall apply to any schedule submitted in response to Section 117.415(a)(4)(G):
- i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of applicable National Categorical Pretreatment Standards (e.g., hiring and engineer, completing preliminary plans, components, commencing construction, completing construction, etc.).
  - ii. No increment referred to in Section 117.415(a)(4)(H)(i) shall exceed six months.

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

I. Such other information as may be reasonably requested by the POTW.

b) Compliance Date Report

Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards, or in the case of a New Source, within such time as specified in its Wastewater Discharge Permit, but in any case no later than one year following commencement of the introduction by the New Source of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the POTW a report, on forms provided by the POTW, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional User operation and maintenance or pretreatment techniques or installations are necessary to bring the User into compliance with the applicable Pretreatment Standards and requirements. This statement shall be signed by an authorized representative of the Industrial User and certified to by an authorized representative of the Industrial User and certified to by a qualified professional.

c) Periodic Compliance Reports for Categorical Industrial Users

1) All Significant Industrial Users subject to an applicable National Categorical Pretreatment Standard, after the compliance date of such applicable National Categorical Pretreatment Standard or, in the case of a New Source, after discharge of wastewater to the POTW begins, shall submit to the POTW during the months of June and December for the preceding two calendar quarters unless required more frequently in the National Categorical Pretreatment Standard or by the POTW or MODNR, a certified report indicating the nature and concentration of pollutants in the effluent which are limited by such applicable National Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flow for the reporting period.

2) At the discretion of the POTW, the Wastewater Discharge Permittee shall sample, analyze and report to the POTW pollutants set forth in its Wastewater Discharge Permit.

- 3) At the discretion of the POTW and in consideration of such factors as a local high or low flow rate, holidays, budget cycles, the POTW may agree to alter the months during which the above reports are submitted.

**Section 117.420 Monitoring facilities**

- a) Significant Industrial Users shall provide and operate at the Significant Industrial User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems. The monitoring facility will normally be situated on the User's premises but the POTW may, when such a location would be impractical and cause undue hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the user.
- b) Where required by the POTW, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with Pretreatment Standards.
- c) Whenever required by a Wastewater Discharge Permit, any Significant Industrial User shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the POTW, installed and maintained at all times at the User's expense, which shall have ample room in each sampling chamber to permit the POTW to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the POTW at any time.
  - 1) Each sampling chamber shall contain a Palmer-Bowlus flume unless a weir or similar device is approved by the POTW with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the POTW the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the POTW that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the POTW is made in the metered water supply to determine the liquid waste quantity.
  - 2) When required, samples shall be taken every hour or half hour, as determined by the POTW and properly refrigerated and preserved in accordance with Standard Methods and shall be composited in proportion to the flow for a representative 24 hour sample. Such sampling shall be done as prescribed by the User's Wastewater Discharge Permit.
  - 3) The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the POTW.
- d) Whenever required by a Wastewater Discharge Permit, the permittee shall pay the costs of sampling of its discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the permittee or by the POTW.

- e) All measurements, tests, and analyses to which reference is made in this ordinance shall be determined and performed in accordance with the procedures established by the Administrator of the United States Environmental Protection Agency (hereafter "Administrator") pursuant to section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.
- f) Where required by the POTW, any Significant Industrial User shall install, at the Owner's expense, a flow recording device with a seven (7) day circular recorder, flow indicating and totalizing features, such as "Control Electronics Model P.D.S. 300" or equivalent, designed for open channel recording.
- g) Where required by the POTW, any Significant Industrial User shall install, at the owner's expense, a stationary refrigerated sampler capable of flow proportional sampling such as an Isco Model 2710 R or equivalent. This requirement shall apply where continued violations to the conditions of the Wastewater Discharge Permit occur. "Continued" is defined as more than two within a 12-month period.

**Section 117.425 Inspection, sampling and records keeping**

- a) The POTW, MODNR and USEPA may inspect the facilities of all Industrial Users to ascertain whether the purposes of this ordinance are being met and if all requirements of the ordinance are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which records are kept shall allow the POTW or its representative ready access upon presentation of credentials at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this ordinance, and in the performance of any of their duties. The POTW shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where an Industrial User has security measures in force which would require suitable identification necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the POTW shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by all Industrial Users with their security guards within 30 days of the passage of this ordinance.
- b) Industrial Users and the POTW shall maintain records of all information resulting from any monitoring activities required by this ordinance and shall include:
  - 1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples;
  - 2) The dates analyses were performed;

- 3) Who performed the analyses;
  - 4) The analytical techniques/methods use; and
  - 5) The results of such analyses.
- c) The POTW and Industrial Users shall maintain such records for a minimum of three (3) years and shall make such records available for inspection and copying by the MODNR and United States Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or operation of the POTW pretreatment program or when requested by the said Regional Administrator of the Director of MODNR.

**Section 117.430 Confidential information**

- a) Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public without restriction unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the POTW, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. Such information and data shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, and for the use by the state or any state agency in judicial review or enforcement proceedings involving the person or Industrial User furnishing the report.
- b) Information and data provided to the POTW which is effluent data shall be available to the Public without restriction.
- c) Information claimed by an Industrial User to be confidential and which is not effluent data shall not be transmitted to the general public by the POTW except in accordance with the Freedom of Information Act.
- d) The POTW shall implement measures to prevent the negligent release of confidential information; however, neither the POTW nor its employees shall be held legally responsible for release of information if they have acted in good faith.

**PART 500-Enforcement Procedures and Penalties**

**Section 117.500 Public notification of significant violations**-The POTW shall annually publish in the legal newspaper and a local newspaper both of general circulation in which the POTW is located, a list of Industrial Users who committed significant violations of any Pretreatment Requirement or Standard during the previous twelve months. The notification shall also summarize any enforcement actions taken against those Industrial Users during the same twelve months.

**Section 117.505 Compulsory compliance procedures**

- a) Notice of Violation and Compliance Meeting

Should a violation of this ordinance by an Industrial User occur, whether or not a Significant Industrial User, the POTW shall notify the offending User, in writing, through a "Notice of Violation" as to the particulars of such violation or violations and set a time and place for meeting (hereinafter called a "Compliance Meeting") to be attended by representatives of the POTW and the Industrial User. The purpose of such a meeting shall be to establish such procedures, investigations, studies and compliance measures as the POTW deems necessary and desirable to control and prevent violation of this ordinance. The Industrial User shall cooperate fully with the POTW in making such investigations and studies.

b) Order

- 1) Following the completion of any procedures, investigations or studies as described in Section 117.505(a) above, the POTW may issue an Order which may:
  - a) Require compliance with applicable Pretreatment Standards and Requirements;
  - b) Control the contribution to the POTW to ensure compliance with applicable pretreatment standards and requirements;
  - c) Require: (A) the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and (B) the submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required by 40 CFR Section 403.12.
- 2) If the POTW has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an Order directing and requiring the Industrial User to take such action, including pretreatment, without further investigation or study.
- 3) Failure to comply with the Order of the POTW shall be deemed a violation of the Ordinance and may be grounds for revocation of the Industrial User's Wastewater Discharge Permit and grounds for such other actions as may be authorized for violation of this Ordinance.

**Section 117.510 Revocation or suspension of permit**

a) Conditions for Revocation or Suspension

Any Significant Industrial user who violates this ordinance, an Order issued pursuant to Section 117.505(b) of this ordinance, the Rules of Missouri Department of Natural Resources or the Federal Act, or regulations promulgated under either act, or does any of the following, is subject to having its Wastewater Discharge Permit revoked or suspended in accordance with the procedures of this Section 117.510:

- 1) Fails to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by the Industrial User's or POTW's analysis;
  - 2) Fails to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;
  - 3) Refuses reasonable access to the Industrial User's premises by POTW representatives for the purpose of inspection or monitoring;
  - 4) Tampered with, disrupted, or destroys POTW equipment;
  - 5) Fails to report an accidental discharge of a pollutant;
  - 6) Fails to report an Upset of the Industrial User's treatment facilities; or
  - 7) Violates any condition of the Wastewater Discharge Permit.
- b) Procedures for Revocation or Suspension
- 1) The POTW may order any Industrial User who causes or allows any action which is subject to revocation or suspension under Section 117.510(a) above to show cause before the Board of Aldermen why its Wastewater Discharge Permit should not be revoked or suspended. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Board of Aldermen regarding the violation, the reasons why the action is to be taken, the proposed action, and directing the Industrial User to show cause before the Board of Aldermen why its Wastewater Discharge Permit should not be revoked or suspended. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
  - 2) The Board of Aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or its attorney to:
    - A) Issue in the name of the Board of Aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
    - B) Take the evidence;
    - C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Aldermen for action thereon.
  - 3) At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the

public or any party to the hearing upon payment of the usual copying charges therefore.

- 4) After the Board of Aldermen has reviewed the evidence, it may issue an order to the Industrial User responsible for the discharge directing either:
  - a) that the Wastewater Discharge Permit be revoked or suspended and the service be disconnected, or
  - b) that following a specified time the Wastewater Discharge Permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit, or
  - c) direct the user to cease the unauthorized discharge effective after a specified period of time, or
  - d) that such other action as deemed necessary by the Board of Aldermen to abate the discharge be done by the Industrial User. Further orders and directives as are necessary may be issued.
  
- 5) Following an order of revocation or suspension of its Wastewater Discharge Permit, the Industrial User shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

**Section 117.515 Order to show cause regarding disconnection**-The POTW may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to Interfere with the operation of the POTW, immediately issue an order to the responsible Industrial User to show cause before the Board of Aldermen why the POTW should not disconnect service, revoke or suspend the Industrial User's Wastewater Discharge Permit or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW. Procedures to be followed by the Board of Aldermen in said show cause hearing shall be in accordance with Part 500, Section 117.510(b) of this Ordinance. After said hearing, the POTW may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial User from making this discharge to the POTW.

**Section 117.520 Immediate disconnection of service**

a) Conditions for Immediate Disconnection of Service

Any Industrial User is subject to immediate disconnection of service under either of the following conditions:

- 1) Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the Superintendent to present an imminent endangerment to the health or welfare of persons; or
- 2) Whenever the Industrial User's Wastewater Discharge Permit is revoked.

b) Procedures for Immediate Disconnection

- 1) Notwithstanding Sections 117.505, 117.510 or 117.515 of this Ordinance, the Superintendent shall have the authority, after informal notice to the Industrial User, to immediately and effectively halt or prevent any

discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Superintendent determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the Industrial User stating the problem and requiring immediate cessation of the discharge. The Superintendent actions may include disconnection of wastewater collection service. The Superintendent shall obtain the concurrence of the POTW attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the Industrial User and POTW employees, telephone calls, letters, hand delivered messages or notices posted at the Industrial User's premises or point of discharge.

**Section 117.525 Elimination of discharge/reinstatement**-Any Industrial User notified of a disconnection of wastewater treatment service under Section 117.515 or 117.520 and/or revocation or suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the disconnection or revocation or suspension order, the POTW shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Superintendent exercises his authority under Section 117.520(a)(1), the Superintendent shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

**Section 117.530 Injunctive relief**

- a) The POTW may institute a civil action for an injunction to restrain violations of this ordinance.
- b) The POTW, may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the circuit court of Lincoln County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the POTW intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted, but shall not be condition precedent to POTW petitioning for the obtaining a temporary restraining order.

**Section 117.535 Additional remedies**

- a) In addition to remedies available to the POTW set forth elsewhere in this ordinance, if the POTW is fined by the State of Missouri or USEPA for violation of the POTW NPDES permit or violation of water quality standards as the result of discharge of pollutants, then the fine, including all the POTW legal, sampling analytical testing costs and any other related costs shall be charged to the responsible Industrial User. Such charge shall be in addition to, and not in lieu of, any other remedies the POTW may have under this Ordinance, statutes, regulations, at law or in equity.

- b) If the discharge from any Industrial User causes a deposit, obstruction or damage to any of the POTW wastewater facility, the POTW shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person or Industrial User causing such deposit, obstruction, or damage.
- c) The remedies provided in this ordinance shall not be exclusive and the POTW may seek whatever other remedies are authorized by statute, at law or in equity against any person or Industrial User violating the Provisions of this ordinance.
- d) In addition to any fine levied under Part 600, the POTW may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

### **PART 600-Penalties and Costs**

**Section 117.600 Penalties and costs**-Any Industrial User who is found to have violated an Order of the POTW or who has failed to comply with any provision of this ordinance and the orders, rules and regulations and Wastewater Discharge Permits issued hereunder, shall be fined in an amount not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day in which any such violation shall occur, shall be deemed separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in Part 300 of this ordinance found to exceed the limits established in this ordinance during any such day. In addition to the penalties provided herein, the POTW may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

**Section 117.605 Falsification**-Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be subject to the penalties and costs provided in Section 600.100 and shall in addition be guilty of a misdemeanor and upon conviction, by punished by a fine of not established to \$1,000.00.

*Adopted by: Ordinance #368, 11/20/06. Amended by: Ordinance #380, 3/12/07.  
Ordinance #745, 7/11/16.*