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Chapter 14 - WATER AND SEWERS
ARTICLE III. - SEWERS

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Sec. 14-46. Penalties.

Any person violating any of the provisions of this article, or any lawful rules or regulations promulgated pursuant hereto, shall be punished as provided in [section 1-7](#).

(Ord. No. 3209, § 1, 3-14-83)

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Sec. 14-47. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter or part per million by weight.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal. Grinder pumps, and tanks which store wastewater which is then pumped to the sanitary sewer system, that are on the piping from a building to the public sewer system are considered to be part of the building sewer. The building sewer is the responsibility of the property owner for all maintenance and repair.

City shall mean the City of Mexico, Missouri.

City manager shall mean the city manager of the City of Mexico, or the authorized representative thereof.

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

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

Normal domestic sewage shall mean sewage which, when analyzed, shows by weight a daily average of not more than three hundred (300) parts per million of suspended solids and/or not more than three hundred (300) parts per million BOD.

Person shall mean any individual, firm, company, association, society, corporation, group, partnership, copartnership, joint stock company, trust, estate, governmental entity or any other generally recognized 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.

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

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

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage or wastewater shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present, whether treated or untreated, which is discharged into or permitted to enter the city's sewage treatment system.

Sewage system shall mean all facilities for collecting, pumping, treatment, and disposing of sewage.

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

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive.

Standard methods shall mean the laboratory procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm drain shall mean a sewer which carries storm and surface waters and other drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

User shall mean any person discharging into the sewers of the city.

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

Wye shall mean the point on the public sewer line where the building sewer is connected. A manufactured inline wye shall be the responsibility of the city to maintain and repair. Saddles, tees, or other types of connections of the building sewer to the public sewer shall be the responsibility of the property owner for maintenance and repair.

(Ord. No. 3455, § 2, 6-25-90; Ord. No. 4110, § 1, 6-8-09; Ord. No. 4250, § 1, 1-14-13)

Sec. 14-48. Consideration of private sewer plans by certain city officers and state board; city council's approval or disapproval; when work may be started.

The city manager, director of sewer utility and the city engineer shall consider any private sewer project which has been proposed, and proposed location of the sewer, the effect that such sewer, if connected with the public sewer system, likely would have on the latter, and the general desirability or undesirability of such private sewer and its addition to the public sewer system. The department of health shall be requested to pass upon such a project. The director of sewer utility and the city engineer shall each report to the city manager in writing their respective approval or disapproval of the construction of such proposed private sewer and its addition to the public sewer system. Thereupon, if the city engineer has approved the submitted plans and specifications, the city manager shall submit the project to the city council with his recommendation that the council approve it or disapprove it. The city council may signify by resolution, which shall be entered in the minutes of the council proceedings, whether it approves or disapproves of such a project. No person shall commence or continue the work of constructing any such private sewer with the expectation that such sewer will be permitted to be connected with the public sewer system unless the city council shall have so approved such project.

(Ord. No. 3021, § 1(33-18), 11-20-78)

Sec. 14-49. Certain requirements relating to public sewers and to private sewers intended to be connected to public sewer system.

The provisions of this section shall apply to the construction of every private sewer that is intended to become a part of the public sewer system and to the making of any addition to, or any extension, repair or any part thereof.

- (1) No building (house) sewer shall be connected with a manhole or lamphole except at the bottom of such manhole or lamphole, and when any such connection is made the proper invert shall be

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constructed. When it shall be necessary the drop invert method shall be used and shall be constructed according to good engineering practice.

- (2) When any new manhole or lamphole is constructed the cast-iron cover shall be made to extend one (1) inch above the surrounding ground or roadbed, unless such cover is set in a concrete roadbed, when the top of the cover shall be flush with the top of the roadbed.
- (3) When improving any street or alleyway, and when changing any grade line, whoever shall be doing such work shall, when necessary, build up or lower the cover of any manhole or lamphole in the area that is being worked to comply with subsection (2) of this section.
- (4) Whoever shall be constructing or repairing any sewer, or making any connection with any sewer, shall not permit any dirt, mud, rubbish or other substance to enter any such sewer.

(Ord. No. 3021, § 1(33-19), 11-20-78)

Sec. 14-50. Building sewer for each building.

A separate and independent building sewer shall be provided for every building that is to be served by a building sewer, with the exception, only, of the following situations:

- (1) Where a building stands in the rear of another building by way of such lot alone or by way of such lot and an adjoining lot (or lots), tract, court, street, alley or driveway to a neighborhood receiving sewer. In such a case a building sewer for such rear building may be connected with the building sewer of the front building; or, if the front building has no building sewer, a building sewer for the rear building may be joined to a building sewer that is being constructed at the same time for the front building, but such joint sewer shall be constructed of pipe of six-inch diameter from the point where the rear building sewer connects with the front building sewer to the neighborhood receiving sewer.
- (2) Where it shall have been agreed upon and requested by the owners of two (2) one-family dwellings on adjoining lots that are not owned by a contractor or a real estate agent or promoter and such dwellings are not being built for early resale, such owners shall be permitted to join their building sewers (if they are four-inch sewers) in one (1) sewer line and if they construct such joint line entirely of six-inch pipe from the junction of the two (2) building sewers to the neighborhood receiving sewer. In such case a six-inch clean-out riser shall be installed where the four-inch sewers unite. In no case shall more than two (2) building sewers be so united.

(Ord. No. 3021, § 1(33-23), 11-20-78; Ord. No. 3455, § 1(c), 6-25-90)

Cross reference— Plumbing, § 4-115 et seq.

Sec. 14-51. Lifting device; water ejectors.

When any building drain is too low to permit gravity flow of sewage to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer. In no such case shall water ejectors be used.

(Ord. No. 3021, § 1(33-24), 11-20-78; Ord. No. 3455, § 1(d), 6-25-90)

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Sec. 14-52. Excavations—Safeguards; restoration of surfaces.

Every excavation for a building sewer installation shall be adequately guarded with barricades and lights to protect members of the public from injury to their persons or property. Every street, sidewalk, parkway, and other public property that shall be disturbed in the work of constructing and installing building sewers shall be restored in a manner satisfactory to the community maintenance director.

(Ord. No. 3021, § 1(33-25), 11-20-78; Ord. No. 3455, § 1(e), 6-25-90)

State law reference— Manual and specifications for traffic-control devices, RSMo 300.135.

Sec. 14-53. Same—How street cuts to be repaired.

The repairing of street cuts made by plumbers shall be done in accordance with all applicable provisions of this Code and other ordinances and administrative regulations dealing with the subject of such cuts.

(Ord. No. 3021, § 1(33-26), 11-20-78; Ord. No. 3455, § 1(f), 6-25-90)

Cross reference— Excavations, § 13-131 et seq.

State law reference— Municipal regulations of plumbing contractors and plumbers, RSMo 94.110.

Sec. 14-54. Connection of building sewer to public sewer.

- (1) Use of a wye. The connection of the building sewer to the public sewer shall be made with a manufactured in line wye when one is available at a suitable location on the public sewer.
- (2) Old building sewers may be used in part or in whole with new buildings if a closed circuit tv (cctv) inspection has been made and submitted to the building inspector or wastewater superintendent. Building sewers must be free of breaks, disconnections, cracks, holes, or other defects that allow for the inflow or infiltration of ground water, or the exfiltration of sewage. The determination of suitability for use is the city. The cctv inspection is the responsibility of the party desiring to use the building sewer.
- (3) The connection of foundation drains, window wells, sump pumps, gutter downspouts, or other sources of groundwater or storm water to the building sewer is expressly prohibited.
- (4) When an in line wye is not available on the public sewer, either a wye, or saddle connection may be used. Saddle type connections must have a stop to prevent intrusion of the building sewer into the public sewer. They must attach at approximately a forty-five-degree angle to the public sewer, have a neoprene or equivalent seal, and stainless steel bands to hold them in place. The hole in the public sewer for a saddle connection must be made by drilling using an appropriate jig for the angle. Tapping, nibbling, drilling multiple holes and knocking out the hole, are not allowable methods for making the connection hole.
- (5) When a failed saddle, tee, or other connection, not an in line wye, is found by the city in conjunction with other repairs, the cost of repair may be assessed to the property owner being served.

(Ord. No. 302 1, § 1(33-27), 11-20-78; Ord. No. 3455, § 1(g), 6-25-90; Ord. No. 4250, § 2, 1-14-13)

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Sec. 14-55. City engineer to inform plumber of existence of riser.

When a building sewer is to be installed and the city's blueprints and records indicate that a certain riser exists, the city engineer, by measurement, will inform the plumber where the riser may be found.

(Ord. No. 3021, § 1(33-28),11-20-78; Ord. No. 3455, § 1(h), 6-25-90)

Sec. 14-56. Unlawful discharge.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred fifty (150) feet of the property line.

(Ord. No. 3455, § 2, 6-25-90)

Sec. 14-57. Permits.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city manager.
- (b) There shall be two (2) classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city manager. A permit and inspection fee for a residential, commercial or industrial building sewer permit shall be as set forth in [chapter 4](#), article III, Plumbing. A significant industry shall be assessed an additional permit and inspection fee to accommodate the additional regulatory program requirements for significant industries when and as established by the city council.

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

(Ord. No. 3455, § 2, 6-25-90)

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Sec. 14-58. Grease, oil and grit interceptors.

- (a) Suitable interceptors shall be installed in accordance with city codes. All interceptors shall be of a type, construction and capacity approved by the city codes and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (b) When required, such interceptors shall be installed and maintained continuously in efficient operation by the owner at his expense.
- (c) Intercepted material shall be returned to the industrial process or disposed of in an approved manner.

(Ord. No. 3455, § 2, 6-25-90)

Sec. 14-59. Prohibited wastes.

The following materials, substances, and wastes shall not be discharged into the sewers:

- (1) Reserved.
- (2) Reserved.
- (3) Garbage that has not been properly shredded or ground.
- (4) Reserved.
- (5) Any solid, liquid or gas which by reason of its nature and/or quantity could cause fire or explosion.
- (6) Any solid or viscous material which could cause an obstruction to flow in the sewers or in any way interfere with the treatment process. Examples of such materials include, but are not limited to, ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, and food processing bulk solids.
- (7) Reserved.
- (8) Reserved.
- (9) Wastes containing sulfides over ten (10) ppm expressed as hydrogen sulfide.
- (10) Chlorinated solvents.
- (11) Septic tank sludge, except that such sludge may be discharged at locations designated for this purpose by the city manager.
- (12) Any corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the sewerage works or creating a public nuisance or hazard, or prevent entry into the sewer for maintenance and repair.
- (13) Concentrated dye wastes or other wastes which are either highly colored or could become highly colored by reacting with other wastes.
- (14) Reserved.
- (15) Reserved.
- (16) Reserved.

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- (17) Any material or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings and animals, toxic or noxious, or which by interaction with other wastes could produce undesirable effects, including deleterious action on the sewerage works, adversely affect any treatment process, constitute a hazard to humans or animals, or have an adverse effect upon the receiving stream.
- (18) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in [section 14-60\(d\)](#) and which in the judgment of the city manager, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city manager may:
- a. Reject the wastes,
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
 - c. Require control over the quantities and rates of discharge.

(Ord. No. 3455, § 2, 6-25-90; Ord. No. 3825, § 1A—F, 3-22-99; Ord. No. 4110, § 1, 6-8-09)

Sec. 14-60. Reserved.

Editor's note—

Ord. No. 4110, § 1, adopted June 8, 2009, deleted [§ 14-60](#), which pertained to unusual wastes and derived from Ord. No. 3455, § 2, adopted June 25, 1990; and Ord. No. 3825, § 2, adopted March 22, 1999.

Sec. 14-61. Reserved.

Editor's note—

Ord. No. 4110, § 1, adopted June 8, 2009, deleted [§ 14-61](#), which pertained to monitoring facilities and derived from Ord. No. 3455, § 2, adopted June 25, 1990.

Sec. 14-62. Reserved.

Editor's note—

Ord. No. 4110, § 1, adopted June 8, 2009, deleted [§ 14-62](#), which pertained to waste haulers and derived from Ord. No. 3455, § 2, adopted June 25, 1990; and Ord. No. 3724, § 1, adopted Nov. 25, 1996.

Sec. 14-63. Violations.

- (a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any

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person, violating this provision shall be subject to immediate arrest for commission of a misdemeanor.

- (b) No unauthorized person shall cover, or cause to be covered, or obstruct the access to any manhole, lamphole, curb cock housing, water or gas distribution valve housing, fire hydrant, meter vault or vault of any communication cable owned by the city or any utility.

(Ord. No. 3455, § 2, 6-25-90)

Sec. 14-64. Right of entry.

- (a) The city manager and other authorized representatives of the city bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purposes of inspection, observation, measurement, sampling, testing and the performance of their duties, including inspection and copying of all records maintained, in accordance with the provisions of this article. The city manager or the authorized representatives shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. However, the city manager or the authorized representative shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. When such a user has security measures in force which would require proper identification and clearance before entry onto the property the user shall make necessary arrangements so that, upon presentation of suitable identification, the city manager or the authorized representative will be permitted to enter without delay for the purpose of performing their specific responsibilities.
- (b) While performing the necessary work on private properties referred to in subsection (a) above, the city manager or other authorized representatives of the city shall observe all safety rules applicable to the premises established by the owner or occupant thereof. Such person shall be held harmless for injury or death to the city employees and the city shall indemnify the person against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions.
- (c) The city manager and other authorized representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (d) Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article and/or pretreatment programs; provided that, such portions of a report shall be available for use by the city or any city agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the city manager as confidential shall not be

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transmitted to any governmental agency or any person seeking such information by means of judicial process until and unless a ten-day notification is given to the person furnishing the information for the purpose of giving such person the opportunity to contest the transmittal.

(Ord. No. 3455, § 2, 6-25-90)

Sec. 14-65. Reserved.

Editor's note—

Ord. No. 4110, § 1, adopted June 8, 2009, deleted [§ 14-65](#), which pertained to permit conditions and derived from Ord. No. 3455, § 2, adopted June 25, 1990.

Sec. 14-66. Reserved.

Editor's note—

Ord. No. 4110, § 1, adopted June 8, 2009, deleted [§ 14-66](#), which pertained to spills and derived from Ord. No. 3455, § 2, adopted June 25, 1990.

Sec. 14-67. Enforcement.

- (a) Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) The city manager may revoke any permit, or terminate or cause to be terminated sewage system service to any property, if a violation of any provision of this article is found to exist or if a discharge of sewage causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this article. This provision is in addition to any other provisions set forth for violations of this article.
- (c) It shall be unlawful for any person to knowingly make a false statement or representation in any record, report, plan, or other document filed with the city manager, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this article. Conviction of any violation thereunder shall be punished as provided.
- (d) The city shall have the option in addition to any penalties set forth in this article to disconnect the sanitary sewer from the city's collection system for any violation of this article in the use of the sanitary sewer.
- (e) The city may pursue all available remedies to collect from persons violating the provisions of this article any expense, enforcement cost, loss, or damage occasioned the city by reason of such violation.
- (f) Reserved.
- (g) Either as an alternative to any procedure established in this article or as an enforcement action thereunder, the city manager may seek injunctive relief to restrain the violation of, or attempted violation of, any provision of this article.

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(Ord. No. 3455, § 2, 6-25-90; Ord. No. 4110, § 1, 6-8-09)

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Sec. 14-76. Condemnation or purchase of private property for sewer purposes.

The city council shall have the right by special ordinance to provide for the condemnation of private property for sewer purposes, and the procedure shall be the same as provided for the condemnation of private property for other public purposes, provided that the city council may purchase the right to lay any sewer through private property if the cost thereof does not exceed the cost that would be assessed against the city in a prosecution to condemn such property.

(Code 1969, § 38-7)

State law reference— City may condemn property for sewers, RSMo 88.844; right of entry, RSMo 250.232.

Sec. 14-77. Sewer work may be done under contract or by city personnel; requirements of contractors.

The city council may contract for sewer work to be done and may receive bids for the construction, repair, extending, changing or cleaning of the public sewers, or for material to be used in connection therewith. The city council may reject all bids for material or work and shall require all contractors whose bids have been accepted to give bond in double the contract price of such work and materials, conditioned upon the faithful performance of the contract and the payment for all work and material used

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in performing such contract. Each contractor shall, within ten (10) days after his bid is accepted, enter into a written contract for the doing of such work and file his bond as provided in this section, and such bond shall be approved by the city manager, provided that the city council shall have power to provide for the purchase of material and doing of the work in constructing any public sewer by the city, through persons employed by the city, and provided further that in all cases such work shall be done under the direction and supervision of the city engineer.

(Code 1969, § 38-8)

Sec. 14-78. Joint district sewers and apportionment of costs thereof.

Joint district sewers may be constructed by the city whenever the city council may deem it necessary that a sewer should be constructed in any part of the city containing two (2) or more sewer districts. In such case the city council may by special ordinance unite such sewer districts into a joint sewer district and cause a sewer to be constructed therein in like manner and in all respects as provided by law, this Code and other ordinances of the city relative to the construction of district sewers, except in cases of joint district sewers, the city may, if deemed proper, provide in the ordinance creating such joint district sewer that the city shall pay a certain sum, to be specified in such ordinance toward the cost of such joint district sewer. The cost of constructing such joint sewer district sewer, except the sum, if any, specified in the ordinance to be paid by the city, shall be assessed and paid in special tax bills against the property included in the joint sewer district the same as provided in the case of district sewers, and the action of the city council creating the joint sewer district shall be conclusive as to the necessity therefor and no special tax bills shall be held invalid or be affected on account of the included drainage area thereof, or the size, character or purpose of such sewer, provided that such district shall not include any land or lot not contained in its natural drainage area or watercourse.

(Code 1969, § 38-9)

State law reference— District sewers, RSMo 88.834 et seq.; joint district sewers, costs, how paid, RSMo 88.838.

Sec. 14-79. Additional district sewers; petitions by property owners.

Additional district sewers shall be established within the limits of the districts that may be prescribed by special ordinance, and they shall connect with public sewers or with other district sewers or joint district sewers, and more than one (1) district sewer may be laid in a sewer district, if deemed necessary by the city council for sanitary or other purposes. The city council shall cause sewers to be constructed in each district whenever a majority of the resident property holders therein shall petition therefor, or whenever the city council shall deem such sewers necessary for sanitary or other purposes.

(Code 1969, § 38-10)

Sec. 14-80. Estimate of costs.

After any sewer district has been established, the limits thereof fixed and the construction of a sewer or sewers therein ordered by special ordinance, and before any contract is let for the construction of such sewer or sewers therein, an estimate of the cost thereof shall be made by the city engineer and submitted to the city council. No contract shall be let or entered into for a price to exceed such estimate.

(Code 1969, § 38-11)

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Sec. 14-81. Specifications, appurtenances, etc., of district sewers.

District sewers shall have all necessary laterals, inlets, manholes, and other appurtenances, and shall be of the dimensions and materials and shall be completed in such time as may be prescribed by the special ordinance providing for the construction thereof.

(Code 1969, § 38-12)

Sec. 14-82. Letting of construction contracts; terms of contracts; contractors' bonds.

The city council, by special ordinance, shall provide for proper notice to contractors of the date of receipt of bids for the construction of any district sewer by ordinance ordered to be built, and each bid for such work shall be by the bidder sealed and deposited with the city clerk, addressed to the city council, and shall have attached thereto a certified check payable to the City of Mexico in the sum of five (5) percent of the amount bid. Such check shall be retained by the city, if the bidder is awarded the contract, until he shall enter into a written contract for the construction of such sewer, and file his bond as in this article provided. Should such contractor fail to enter into a contract and bond as therein provided the amount so deposited shall be forfeited to the city. The contract for the construction of any sewer advertised to be let shall be let to the lowest and best bidder within the estimate of cost furnished by the city engineer as provided in this article. Within ten (10) days after any contract for construction of a district sewer is let, the successful bidder shall enter into a written contract with the city for the construction thereof according to the plans and specifications therefor as provided by the ordinance providing for the construction thereof, and shall enter into a bond to the city, with good and sufficient surety, conditioned for the faithful performance of such contract and for the payment of all labor and material used in the construction of such sewer.

(Code 1969, § 38-13)

Sec. 14-83. Supervisory duties of, and apportionment of construction costs by city engineer.

The city engineer shall superintend the construction of all district sewers by ordinance ordered built. After the city has entered into a contract for construction of any district sewer, the city engineer shall apportion the cost thereof against each lot, tract or parcel of ground in the sewer district in proportion that it bears in area to the total area of all property in the sewer district exclusive of the public highways therein, and he shall report the construction of such sewer with his apportionment to the city council.

(Code 1969, § 38-14)

State law reference— Apportionment of cost of sewer construction, RSMo 88.812, 88.836.

Sec. 14-84. Special tax to be levied; city clerk to prepare certified special tax bill.

Whenever the whole cost of a district sewer shall have been reported to the city council by the city engineer together with the apportionment thereof, the city council shall by special ordinance, levy and assess a special tax against each lot or piece of ground within the district in the name of the owner or owners thereof as apportioned by the city engineer. Thereupon the city clerk shall make out a certified special tax bill under the seal of the city of such assessment against each lot, tract or parcel of ground within the district in the name of the owner or owners thereof.

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(Code 1969, § 38-15)

Cross reference— Finance and taxation, § 2-326 et seq.

State law reference— Levy of tax, RSMo 88.836.

Sec. 14-85. Authentication, recording and collection of special tax bills; liens created on properties affected.

Each certified special tax bill shall be signed by the city manager and attested and recorded by the city clerk. Upon the completion of the project, the tax bill shall be delivered to the contractor in payment for the work, who shall proceed to collect it by the ordinary process of law in the name of the city to his own use. In the case of absent owners he may sue by attachment or by any other process known to the law. Such special tax bills shall become due and payable thirty (30) days after the date of issue thereof, unless the owner of the property described therein shall have filed a written request with the city clerk, prior to the acceptance of the work by the city, that his tax bill or bills shall be made payable in installments, in which event such special tax bills shall be payable in annual installments as follows: One-tenth in one (1) year, one-tenth in two (2) years, one-tenth in three (3) years, one-tenth in four (4) years, one-tenth in five (5) years, one-tenth in six (6) years, one-tenth in seven (7) years, one-tenth in eight (8) years, one-tenth in (9) years, and one-tenth in ten (10) years after the date of their issue. The whole of any such special tax bill made payable in installments may be paid at the date of any installment payment, provided that if any installment is not paid when it becomes due the remaining installments unpaid shall, at the option of the holder of the tax bill, become immediately due and payable. Every such special tax bill, whether made payable in installments or not, shall bear interest at the rate on ten-year United States treasury notes as established at the most recent auction, from sixty (60) days after the date of issue until paid, and shall be a special lien against the property described therein for a period of five (5) years from its date, except when made payable in installments, when the special lien shall extend for a period of one (1) year after the date of the last installment payment shall become due. Every such special tax bill shall on action brought to recover the amount thereof be prima facie evidence of the validity of the charges against the property therein described and of the liability of the person or persons named as the owner or owners of such property.

(Code 1969, § 38-16)

State law reference— Tax bills, RSMo 88.836; issuance of assessment notes for improvements, contents, how paid and secured; sales procedure, RSMo 88.815; installment payment of tax bills, interest, RSMo 88.816.

Sec. 14-86. Assignment of and actions on special tax bills; contractor to designate local agent for collection.

All special tax bills, issued for special assessments for the construction of district sewers, shall be assignable and collectible in any action brought in the name of the city to the use of the holder thereof, but the city shall not in any event be liable for any cost that may accrue in such action. Upon the assignment of any special tax bill under the provisions of this article, notice thereof shall be given to the city clerk, who shall enter such assignment in the record of special assessments and endorse the assignment on the back of such tax bill. Any contractor to whom such tax bill is issued, or his assignee,

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shall designate in writing to the city clerk some person, firm or banker in the city, where the payment may be made, or offered to be made on such tax bills.

(Code 1969, § 38-17)

State law reference— Assignment of and actions on special tax bills, RSMo 88.854 et seq.

Sec. 14-87. Duties of contractor and city clerk when special tax bill is paid.

Whenever any person against whom a special tax bill has been issued pays such bill the contractor shall endorse on the back thereof a receipt for the amount paid and deliver such special tax bill so endorsed to the party making such payment, together with a certificate addressed to the city clerk, stating that such tax bill is entitled to have satisfaction thereof entered on the register of special assessment for improvements, and the city clerk shall, upon receipt of such certificate, file it and enter satisfaction and shall also certify that such satisfaction has been entered on the back of such tax bill.

(Code 1969, § 38-18)

Sec. 14-88. Immunity of city from liability, except as to city owned property.

The city shall incur no liability for building any district sewer except as to city-owned property within the district, and in that case the city shall be liable for the cost of the sewer in the same manner as other property holders in the district.

(Code 1969, § 38-19)

Secs. 14-89—14-100. Reserved.

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DIVISION 3. PRIVATE SEWAGE DISPOSAL FACILITIES

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[Sec. 14-101. Buildings located on property more than one hundred fifty feet distant from sewer to have indoor toilets and approved sewage disposal systems.](#)

[Sec. 14-102. Permits authorized for temporary privies at construction sites, etc.](#)

[Secs. 14-103—14-120. Reserved.](#)

Sec. 14-101. Buildings located on property more than one hundred fifty feet distant from sewer to have indoor toilets and approved sewage disposal systems.

Where a house or other building is located on property in the city which is more than one hundred fifty (150) feet from a sanitary sewer or for which there is no city water supply, no privy, privy vault or outdoor toilet shall be constructed on such property and such house or building shall contain an indoor toilet connected to a sewage disposal system constructed in accordance with the requirements of the department of health. It shall be unlawful for any person owning any house or building within the city which is located more than one hundred fifty (150) feet from a sanitary sewer or for which no city water supply is available to maintain any privy, privy vault or outdoor toilet or fail to provide an indoor toilet and approved sewage disposal system, as provided in this section.

(Ord. No. 3455, § 3, 6-25-90)

Sec. 14-102. Permits authorized for temporary privies at construction sites, etc.

Nothing in this division shall be construed to prohibit the city manager or his authorized representative from granting a permit for the temporary installation and use of an approved type privy on a construction site, camp site or other location where crowds assemble for limited periods and where no adequate indoor facilities are available; provided, that before the issuance of any such permit the proposed privy is approved by the director of health.

(Ord. No. 3455, § 3, 6-25-90)

Secs. 14-103—14-120. Reserved.

FOOTNOTE(S):

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Editor's note— Section 3 of Ord. No. 3455, adopted June 25, 1990, repealed former Div. 4, §§ 14-101—14-105, and enacted new provisions in lieu thereof to read as set out in §§ 14-101 and 14-102. The

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repealed provisions pertained to similar subject matter and derived from Code 1969, §§ 38-20—38-24.
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State Law reference— On-site sewage disposal systems, RSMo 701.025 et seq. [\(Back\)](#)

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DIVISION 4. USER CHARGE SYSTEM

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[Sec. 14-121. Definitions.](#)

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Sec. 14-121. Definitions.

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

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, expressed in milligrams per liter or part per million by weight.

Capital charge means that portion of the total charges for sewage service which are levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

Sewage means the liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's sewage treatment system.

Sewage service charge means the total monthly charge for sewage service based upon the amount of sewage determined to be discharged into the sewage system of the city.

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

Sewage system user means the owner of the property having a sewer connection with the sewage system of the city.

Suspended solids (SS) means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter.

Toxic pollutants means any pollutants, gaseous, liquid or solid, which when discharged into the sewage system may tend to interfere with any waste treatment process or to constitute a hazard to human beings or animals, or to inhibit aquatic life or to create a hazard to recreation in the receiving water of the effluent from the sewage treatment plant.

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User charge means that portion of the total charges for sewage service which are levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the sewage system.

(Ord. No. 3090, § 1(38-25), 4-28-80; Ord. No. 3835, § 1, 9-15-99)

Sec. 14-122. Classification of users.

All users of the sewage system are classified in the following manner:

- (1) *Residential.* Residential shall mean any premises served upon which is located a structure housing one (1) or more families.
- (2) *Public authority.* Public authority shall mean any governmental, educational, municipal or institutional user of the system. Churches are considered to be institutional users.
- (3) *Commercial.* Commercial shall mean any business or service user of the system.
- (4) *Industrial.* Industrial shall mean any manufacturing or processing user of the system.

Revenue received from sewage service charges shall be accounted for according to the above customer classifications.

(Ord. No. 3090, § 1(38-26), 4-28-80; Ord. No. 3116, § 1, 1-12-81; Ord. No. 3937, § 1, 2-10-03)

Sec. 14-123. Sewage service charges.

There is hereby levied on each sewage system user having any sewer connection with the sewage system of the city or otherwise discharging sewage, industrial waste, or other liquids, either directly or indirectly into the city's sewage system, a sewage service charge. Subject to the exceptions provided in this article, such charge shall be based upon the quantity of water used in or on the premises as the same is measured by a water or sewer meter or meters approved by the city. Additional charges for extra strength sewage, toxic pollutants, and wastewater monitoring will be levied where applicable.

- (1) *Basic sewage service charge.* Each user of the sewage system of the city shall pay for the use of such system monthly sewage service charges based on the following rates:

	User Charge Portion	Capital Charge Portion	Total
Administrative Charge All Customers	---	---	\$7.42/month
Monthly Variable Portion	\$.75/Ccf	\$3.12/Ccf	\$3.87/Ccf
(Ccf = 100 cubic feet)			

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- a. The monthly charges for the residential classifications shall be based on the average monthly billing of water usage during the immediate preceding four-month period for the months of December to March.
 - b. New residents or residences without a water meter history shall be billed based on seven hundred (700) Ccf until the four-month period is available for averaging.
 - c. Commercial, public authority and industrial charges shall be based on one hundred (100) percent of the monthly metered water used, except as otherwise provided in [section 14-124](#)
 - d. Users of the utility system that are located outside the city's corporate limits shall be billed at a rate of one hundred twenty-five (125) percent of rates established for user types based on monthly metered water flow received from those flow contributors.
- (2) *Extra strength surcharge.* Wastewater discharged to the sewage system from commercial or industrial users shall be subject to an extra strength charge when the BOD or suspended solids concentration exceeds one thousand (1,000) milligrams per liter (mg/l) by weight. All analyses shall be performed on composite samples collected at no less than hourly intervals over a twenty-four-hour period.

Extra strength charges shall be calculated based on one hundred (100) percent of metered water use, except as otherwise provided in [section 14-124](#) in accordance with the following formula:

$$S = V_s \times 0.00624 \times [\$0.043 (\text{BOD} - 1,000) + \$0.036(\text{SS} - 1,000)]$$

Where:

S = Surcharge in dollars monthly.

V_s = Sewage volume in one hundred (100) cubic feet per month.

0.00624 = Conversion factor for hundred cubic feet to million pounds.

\$0.043 = Unit charge for BOD in dollars per pound; of which \$0.038 represents the user charge portion and \$0.005 represents capital charges.

BOD = BOD strength index in mg/l by weight.

1,000 = Allowed BOD and suspended solids (SS) strengths in mg/l by weight.

- (3) *Monitoring charge.* When regulations as set forth by federal, state and city require monitoring of the waste from a commercial or industrial user whether for strength calculations or for N.P.D.E.S. compliance, that user shall pay a monitoring charge.
- a. The monitoring charge shall consist of all costs for personnel, material and equipment used to collect and analyze samples from the user's sewage.
 - b. The exact charge shall be based on actual costs and shall be determined by the city.
- (4) *Toxic pollutant charge.* Any user which discharges any toxic pollutants which cause an increase in the cost of managing effluent or sludge from the city's treatment system shall pay for such increased costs.

(Ord. No. 3090, § 1(38-27), 4-28-80; Ord. No. 3116, §§ 2, 3, 1-12-81; Ord. No. 3363, § 1, 4-25-88; Ord. No. 3484, § 1, 4-22-91; Ord. No. 3751, § 1, 8-11-97; Ord. No. 3888, § 1, 6-11-01; Ord. No. 3937, § 2, 2-10-03; Ord. No. 3986, § 1, 8-23-04; Ord. No. 4180, § 1, 10-11-10; Ord. No. 4211, § 1, 10-10-11; Ord. No. 4245, § 1, 10-8-12)

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Sec. 14-124. Determination of amount of use.

The amount of sewage discharged to the sewerage system of the city shall be determined by the quantity of water metered to the user. In the case of a single user whose water usage is measured by several meters, the total water usage for all the meters shall be the basis on which sewer service charges are computed and not on the basis of each separate meter reading.

If a commercial, public authority or industrial user desires to establish eligibility for a sewage service volume base of less than one hundred (100) percent of monthly water usage, he may at his sole expense:

- (1) Install a sewage meter acceptable to the city to measure the volume of liquid actually discharged into the sewage system from his premises. Such meter shall be maintained and calibrated by the user and the readings from the meter shall be taken at least twice weekly and shall be provided to the city on a monthly basis. If a sewage meter is installed, the rate schedule as set forth in [section 14-123](#) shall be applied to:
 - a. The volume of sewage entering the sewage system as measured by the meter each month;
 - b. A calculated volume based on the percentage of metered water usage discharged to the sewer system as determined by the historical comparison of water usage and metered sewage.
- (2) In lieu of a sewage meter the user may install auxiliary water meter(s) to measure that portion of water used which is diverted from entering the sewage system. If an auxiliary water meter is installed the volume of water metered by such meter(s) shall be deducted from the total volume of water usage before the sewer service rate schedule is applied.

No refunds, allowances or reductions from the one hundred (100) percent water use base will be granted commercial, public authority or industrial users for any time period prior to approval of a sewage metering or diverted water metering system.

(Ord. No. 3090, § 1(38-28), 4-28-80; Ord. No. 3116, § 4, 1-12-81)

Sec. 14-125. Determination of extra strength.

- (a) The city will perform analysis at intervals no greater than twelve (12) months to determine the strength of sewage discharged by commercial and industrial users who discharge an annual average volume of twenty-five thousand (25,000) gallons or more of sewage per day and whose wastes are subject to extra strength charges. Industrial and commercial users who discharge an average of less than twenty-five thousand (25,000) gallons per day and whose wastes are subject to extra strength charges shall have their wastes analyzed as often as deemed necessary by the city to obtain representative samples.
- (b) If any industrial or commercial user chooses not to accept the analytical determination made by the city they may at their sole expense employ an independent laboratory, acceptable to the city, to conduct sampling and analysis of their sewage. The time period and location for the collection of the samples shall be designated by the city. The city and the independent laboratory shall both preside over the collection of the samples and shall equally divide the final composite so that duplicate analysis may be made.
- (c) If results of the analysis of the sewage sample made by both the city and the independent laboratory are not comparable, the city may appoint a second independent laboratory to analyze the sewage. The sampling procedures used will be the same as those outlined above. The results of these analyses, together with the previous results shall be used to determine the actual extra strength charges.
- (d) The fee for the second independent laboratory analysis shall be shared equally between the city and the user.
- (e) If any industrial or commercial user improves the quality of their discharged sewage, the city will reevaluate the strength of the sewage if requested to do so by the user. The user will pay an additional monitoring charge for the sampling and analysis.
- (f) The city shall have the right to enter into all premises served by the sewage system of the city, for the purpose of inspecting, reading or otherwise examining all meters and appurtenances involved in the recording of water received on the premises or sewage discharged therefrom, or to collect samples for analysis of sewage discharged therefrom.

Sec. 14-126. Review of user charge rate structure.

The user charge rate schedule shall be reviewed and adjusted at least biennially to:

- (1) Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among user classes;
- (2) Provide adequate revenues to cover OM&R and capital costs;
- (3) Apply any excess revenues collected from a class of users to the costs of OM&R attributable to that class to the following year(s) and adjust the sewer service rates accordingly.

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(Ord. No. 3090, § 1(38-30), 4-28-80)

Sec. 14-127. Billing; payment; delinquency.

- (a) The City of Mexico Finance Department shall be responsible for calculating the amount of the bill and sending the bill for sewage service. The city collector shall collect the bill for sewage service.
- (b) All accounts payable to the city for sewage service shall be due and payable within fifteen (15) days of mailing thereof and those accounts not paid in accordance therewith shall be deemed "past due." Those accounts not paid in full on the last day of the month, when they are due and payable, shall be declared delinquent. An amount of ten (10) percent of the bill for sewage service shall be added to all accounts not paid by the last day of the month.
- (c) That if such accounts are declared delinquent, the city clerk shall certify to the proper authority the legal description of the real property enjoying the use of the sewage system, together with the amount of the sewage charge plus penalty remaining unpaid, such amount to be placed on the tax roll 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.
- (d) If such an account declared delinquent has not been paid in full within four (4) months of the initial due date, the city shall, at its option, disconnect the sanitary sewer from the city's collection system. The location of the disconnection shall be at the discretion of the city. The sewer may be reconnected to the city's collection system by the affected property owner, who shall bear the entire expense of all costs for the reconnection, providing the delinquent account has been paid in full and that the city has been reimbursed in full for all costs borne by the city resulting from disconnecting the sewer.
- (e) If such an account declared delinquent has not been paid in full after thirty (30) days of the initial due date, the city may, at its option, request the water company, under provisions of an agreement between the Missouri Cities Water Company and the City of Mexico and authorized by RSMo 393.015, to terminate water service to the sewer customer until such time as the sewer charges and all related costs of disconnection and restoration of water service are paid.

(Ord. No. 3090 § 1(38-31), 4-28-80; Ord. No. 3583, § 1, 5-23-94; Ord. No. 3835, § 2, 9-15-99)

Sec. 14-128. Notification.

All users of the sewage system shall be notified at least annually as to:

- (1) The rate schedule in effect;
- (2) That part of the total charges attributable to user charges for sewage treatment service.

(Ord. No. 3090, § 1(38-32), 4-28-80)

Secs. 14-129—14-139. Reserved.

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DIVISION 5. PRETREATMENT

DIVISION 5. PRETREATMENT

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Subdivision I. General Provisions

Subdivision I. General Provisions

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[Sec. 14-142. Abbreviations.](#)

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Sec. 14-140. Purpose and policy.

This division sets forth uniform requirements for users of the publicly owned treatment works for the city and enables the city to comply with all applicable state and federal laws, including the state pretreatment requirements (Missouri 10 CSR 20-6.100), the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this division are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This division shall apply to all users of the publicly owned treatment works. The division authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. No. 4110, § 2(1.1), 6-8-09)

Sec. 14-141. Administration.

Except as otherwise provided herein, the city manager shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the city manager may be delegated by the city manager to a duly authorized city employee or representative.

(Ord. No. 4110, § 2(1.2), 6-8-09)

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Subdivision I. General Provisions

Sec. 14-142. Abbreviations.

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

BOD	—	Biochemical oxygen demand
BMP	—	Best management practice
BMR	—	Baseline monitoring report
CFR	—	Code of Federal Regulations
CIU	—	Categorical industrial user
COD	—	Chemical oxygen demand
EPA	—	U.S. Environmental Protection Agency
gpd	—	Gallons per day
IU	—	Industrial user
mg/l	—	milligrams per liter
NPDES	—	National Pollutant Discharge Elimination System
POTW	—	Publicly owned treatment works
RCRA	—	Resource Conservation and Recovery Act
SIU	—	Significant industrial user
SNC	—	Significant noncompliance
TSS	—	Total suspended solids
U.S.C.	—	United States Code

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(Ord. No. 4110, § 2(1.3), 6-8-09)

Sec. 14-143. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated.

Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Approval authority. The Missouri Department of Natural Resources director or his/her representative(s).

Authorized or duly authorized representative of the user.

(1) If the user is a corporation:

- a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure longterm environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Best management practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections [14-155\(a\)](#) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

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Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by the 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. An industrial user subject to a categorical pretreatment standard or categorical standard.

City. The City of Mexico, Missouri.

Chemical oxygen demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Control authority. The city.

Daily maximum. The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

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

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

Existing source. Any source of discharge that is not a "new source."

Grab sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect discharge or discharge. The introduction of pollutants into the POTW from any nondomestic source.

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

Local limit. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Missouri 10 CSR 20-6.100.

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

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

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

New source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that 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, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

Pass through. 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 city's NPDES permit, including an increase in the magnitude or duration of a violation.

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Person. Any and all persons, including individuals, firms, partnerships, association, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

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

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

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

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in [section 14-155](#).

Publicly owned treatment works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

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

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

Significant industrial user (SIU). Except as provided in subdivisions III and IV, a significant industrial user is:

- (1) An industrial user subject to categorical pretreatment standards; or
- (2) An industrial user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Slug load or slug discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in [section 14-155](#). A slug discharge is any discharge of a

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nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

City manager. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this division. The term also means a duly authorized representative of the city manager.

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

User or industrial user. A source of indirect discharge.

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

Wastewater treatment plant or treatment plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. No. 4110, § 2(1.4), 6-8-09)

Secs. 14-144—14-154. Reserved.

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[Sec. 14-155. Prohibited discharge standards.](#)

[Sec. 14-156. National categorical pretreatment standards.](#)

[Sec. 14-157. State pretreatment standards.](#)

[Sec. 14-158. Local limits.](#)

[Sec. 14-159. City's right of revision.](#)

[Sec. 14-160. Dilution.](#)

[Secs. 14-161—14-174. Reserved.](#)

Sec. 14-155. Prohibited discharge standards.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees F (sixty (60) degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than one hundred fifty (150) degrees F (sixty-five (65) degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees F (forty (40) degrees C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the city manager in accordance with [section 14-178](#)

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- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the city manager in an individual wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be directly discharged to the POTW.

(Ord. No. 4110, § 2(2.1), 6-8-09)

Sec. 14-156. National categorical pretreatment standards.

Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405—471.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city manager may impose equivalent concentration or mass limits in accordance with subsections (e) and (f).
- (b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the city manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- (c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city manager shall impose an alternate limit in accordance with Missouri 10 CSR 20-6.100.
- (d) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

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- (e) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (f) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the city manager within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the city manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(Ord. No. 4110, § 2(2.2), 6-8-09)

Sec. 14-157. State pretreatment standards.

Users must comply with Missouri's pretreatment standards codified at 10 CSR 20-6.100.

(Ord. No. 4110, § 2(2.3), 6-8-09)

Sec. 14-158. Local limits.

- (a) The city manager is authorized to establish local limits pursuant to Missouri 10 CSR 20-6.100.
- (b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit without explicit written limit modifications within an individual industrial wastewater permit issued by the city. (Limits apply to average concentration of all samples collected during the averaging period.)

25 mg/l	Ammonia
0.02 mg/l	Arsenic
225 mg/l	BOD ₅
0.15 mg/l	Cadmium
3.50 mg/l	Chromium (as total chromium)
1.00 mg/l	Copper
2 mg/l	Cyanide
1.00 mg/l	Lead

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0.10 mg/l	Mercury
25.0 mg/l	Nitrogen (as ammonia)
2.00 mg/l	Nickel
100 mg/l	Total fat, oil and/or grease
0.05 mg/l	Selenium
0.02 mg/l	Silver
10 mg/l	Total phenols
300 mg/l	Total suspended solids
15.00 mg/l	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The city manager may impose mass limitations in addition to the concentration-based limitations above.

(Ord. No. 4110, § 2(2.4), 6-8-09)

Sec. 14-159. City's right of revision.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this division.

(Ord. No. 4110, § 2(2.5), 6-8-09)

Sec. 14-160. Dilution.

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

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(Ord. No. 4110, § 2(2.6), 6-8-09)

Secs. 14-161—14-174. Reserved.

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Subdivision III. Pretreatment of Wastewater

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[Sec. 14-175. Pretreatment facilities.](#)

[Sec. 14-176. Additional pretreatment measures.](#)

[Sec. 14-177. Accidental discharge/slug discharge control plans.](#)

[Sec. 14-178. Hauled wastewater.](#)

[Secs. 14-179—14-194. Reserved.](#)

Sec. 14-175. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in [section 14-155](#) within the time limitations specified by EPA, the state, or the city manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city manager for review, and shall be acceptable to the city manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this division.

(Ord. No. 4110, § 2(3.1), 6-8-09)

Sec. 14-176. Additional pretreatment measures.

- (a) Whenever deemed necessary, the city manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.
- (b) The city manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the city manager, shall comply with [section 14-58](#) of the City Code and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with [section 14-58](#) of the City Code by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 4110, § 2(3.2), 6-8-09)

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Sec. 14-177. Accidental discharge/slug discharge control plans.

The city manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city manager may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the city manager may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the city manager of any accidental or slug discharge, as required by [section 14-250](#); and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 4110, § 2(3.3), 6-8-09)

Sec. 14-178. Hauled wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the city manager, and at such times as are established by the city manager. Such waste shall not violate subdivision II or any other requirements established by the city. The city manager may require septic tank waste haulers to obtain individual wastewater discharge permits.
- (b) The city manager may require haulers of industrial waste to obtain individual wastewater discharge permits. The city manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The city manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
- (c) Industrial waste haulers may discharge loads only at locations designated by the city manager. No load may be discharged without prior consent of the city manager. The city manager may collect samples of each hauled load to ensure compliance with applicable standards. The city manager 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.

(Ord. No. 4110, § 2(3.4), 6-8-09)

Secs. 14-179—14-194. Reserved.

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[Sec. 14-200. Application signatories and certifications.](#)

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Sec. 14-195. Wastewater analysis.

When requested by the city manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The city manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. No. 4110, § 2(4.1), 6-8-09)

Sec. 14-196. Individual wastewater discharge permit requirement.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the city manager, except that a significant industrial user that has filed a timely application pursuant to [section 14-197](#) may continue to discharge for the time period specified therein.
- (b) The city manager may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this division.
- (c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in subdivisions X through XII. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Ord. No. 4110, § 2(4.2), 6-8-09)

Sec. 14-197. Individual wastewater discharge permitting: existing connections.

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this division [June 8, 2009] and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the city manager for an individual wastewater discharge permit in accordance with [section 14-199](#). The user shall

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not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this division except in accordance with an individual wastewater discharge permit issued by the city manager.

(Ord. No. 4110, § 2(4.3), 6-8-09)

Sec. 14-198. Individual wastewater discharge permitting: new connections.

Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with [section 14-199](#), must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(Ord. No. 4110, § 2(4.4), 6-8-09)

Sec. 14-199. Individual wastewater discharge permit application contents.

- (a) All users required to obtain an individual wastewater discharge permit must submit a permit application. The city manager may require users to submit all or some of the following information as part of a permit application:
- (1) *Identifying information.*
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - (3) *Description of operations.*
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - d. Type and amount of raw materials processed (average and maximum per day).
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - (4) *Time and duration of discharges.*
 - (5) *[Monitoring.]* The location for monitoring all wastes covered by the permit.

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- (6) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection [14-156\(c\)](#).
- (7) *Measurement of pollutants.*
- a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city manager, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and longterm average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in [section 14-254](#). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city manager or the applicable standards to determine compliance with the standard.
 - e. Sampling must be performed in accordance with procedures set out in [section 14-255](#)
- (8) *[Additional required information.]* Any other information as may be deemed necessary by the city manager to evaluate the permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. No. 4110, § 2(4.5), 6-8-09)

Sec. 14-200. Application signatories and certifications.

- (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in [section 14-258](#)
- (b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the city manager prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 4110, § 2(4.6), 6-8-09)

Sec. 14-201. Individual wastewater discharge permit decisions.

The city manager will evaluate the data furnished by the user and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the city manager will determine whether to issue an individual wastewater discharge permit. The city manager may deny any application for an individual wastewater discharge permit.

(Ord. No. 4110, § 2(4.7), 6-8-09)

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Secs. 14-202—14-224. Reserved.

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[Sec. 14-225. Individual wastewater discharge permit duration.](#)

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[Sec. 14-227. Permit issuance process, appeals.](#)

[Sec. 14-228. Permit modification.](#)

[Sec. 14-229. Individual wastewater discharge permit transfer.](#)

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[Sec. 14-231. Individual wastewater discharge permit reissuance.](#)

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Sec. 14-225. Individual wastewater discharge permit duration.

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the city manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. No. 4110, § 2(5.1), 6-8-09)

Sec. 14-226. Individual wastewater discharge permit contents.

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with [section 14-229](#), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including best management practices, based on applicable pretreatment standards;
- (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

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extend the time for compliance beyond that required by applicable federal, state, or local law;

- (6) Requirements to control slug discharge, if determined by the city manager to be necessary.
- (b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (7) A statement that compliance with the individual wastewater discharge permit 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 individual wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the city manager to ensure compliance with this division, and state and federal laws, rules, and regulations.

(Ord. No. 4110, § 2(5.2), 6-8-09)

Sec. 14-227. Permit issuance process, appeals.

The city manager shall provide public notice of the issuance of an individual wastewater discharge permit on the city website. Any person, including the user, may petition the city manager to reconsider the terms of an individual wastewater discharge permit within fifteen (15) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
- (3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the city manager fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit,

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not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- (5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of Audrain County within thirty (30) days of the administrative decision.

(Ord. No. 4110, § 2(5.3), 6-8-09)

Sec. 14-228. Permit modification.

The city manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to Missouri 10 CSR 20-6.100;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with [section 14-229](#)

(Ord. No. 4110, § 2(5.4), 6-8-09)

Sec. 14-229. Individual wastewater discharge permit transfer.

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the city manager and the city manager approves the individual wastewater discharge permit transfer. The notice to the city manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

(Ord. No. 4110, § 2(5.5), 6-8-09)

Sec. 14-230. Individual wastewater discharge permit revocation.

The city manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the city manager of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the city manager of changed conditions pursuant to [section 14-249](#)
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the city manager timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

(Ord. No. 4110, § 2(5.6), 6-8-09)

Sec. 14-231. Individual wastewater discharge permit reissuance.

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with [section 14-199](#), a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit.

(Ord. No. 4110, § 2(5.7), 6-8-09)

Secs. 14-232—14-244. Reserved.

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[Secs. 14-259—14-274. Reserved.](#)

Sec. 14-245. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Missouri 10 CSR 20-6.100, whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the city manager a report which contains the information listed in subsection (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the city manager a report which contains the information listed in subsection (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
- (1) *[Required information.]* All information required in subsections [14-199\(a\)\(1\)a.](#), (2), (3)(a), and (6).
 - (2) *Measurement of pollutants.*
 - a. The user shall provide the information required in subsections [14-199\(a\)\(7\)a.](#) through d.
 - b. The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section.

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- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Missouri 10 CSR 20-6.100 this adjusted limit along with supporting data shall be submitted to the city.
 - d. Sampling and analysis shall be performed in accordance with [section 14-254](#)
 - e. The city manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in [section 14-143](#) 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.
- (4) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in [section 14-246](#)
- (5) *Signature and report certification.* All baseline monitoring reports must be certified in accordance with [section 14-258](#) and signed by an authorized representative as defined in [section 14-143](#)

(Ord. No. 4110, § 2(6.1), 6-8-09)

Sec. 14-246. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection [14-245\(b\)\(4\)](#):

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the city manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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- (d) In no event shall more than nine (9) months elapse between such progress reports to the city manager.

(Ord. No. 4110, § 2(6.2), 6-8-09)

Sec. 14-247. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city manager a report containing the information described in subsections [14-199\(a\)\(6\)](#) and [\(7\)](#) and [14-245\(b\)\(2\)](#). For users subject to equivalent mass or concentration limits established in accordance with the procedures in [section 14-156](#), this report shall contain a reasonable measure of the user's longterm production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with [section 14-258](#). All sampling will be done in conformance with [section 14-255](#).

(Ord. No. 4110, § 2(6.3), 6-8-09)

Sec. 14-248. Periodic compliance reports.

- (a) All significant industrial users must, at a frequency determined by the city manager, submit monthly reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city manager or the pretreatment standard necessary to determine the compliance status of the user.
- (b) All periodic compliance reports must be signed and certified in accordance with [section 14-258](#)
- (c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city manager, using the procedures prescribed in [section 14-255](#), the results of this monitoring shall be included in the report.
- (e) Electronic reports intended to satisfy the requirements of this section may be submitted to the pretreatment coordinator and the wastewater superintendent by email or other electronic means. They must be in jpeg or rich text file (rtf) formats.

(Ord. No. 4110(6.4), § 2, 6-8-09)

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Sec. 14-249. Reports of changed conditions.

Each user must notify the city manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) days before the change.

- (a) The city manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under [section 14-199](#)
- (b) The city manager may issue an individual wastewater discharge permit under [section 14-231](#) or modify an existing wastewater discharge permit under [section 14-228](#) in response to changed conditions or anticipated changed conditions.

(Ord. No. 4110, § 2(6.5), 6-8-09)

Sec. 14-250. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the city manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the city manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant industrial users are required to notify the city manager immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. No. 4110, § 2(6.6), 6-8-09)

Sec. 14-251. Reports from unpermitted users.

All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the city manager as the city manager may require.

(Ord. No. 4110, § 2(6.7), 6-8-09)

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Sec. 14-252. Notice of violation/repeat sampling and reporting.

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

(Ord. No. 4110, § 2(6.8), 6-8-09)

Sec. 14-253. 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 part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under [section 14-249](#). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections [14-245](#), [14-247](#) and [14-248](#)
- (b) Dischargers are exempt from the requirements of subsection (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the city manager, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (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.

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

(Ord. No. 4110, § 2(6.9), 6-8-09)

Sec. 14-254. Analytical requirements.

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

(Ord. No. 4110, § 2(6.10), 6-8-09)

Sec. 14-255. Sample collection.

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

- (a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city manager. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and ninety-day compliance reports required in sections [14-245](#) and [14-247](#), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city manager may authorize a lower minimum. For the reports required by [section 14-248](#), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(Ord. No. 4110, § 2(6.11), 6-8-09)

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Sec. 14-256. Date of receipt of reports.

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

(Ord. No. 4110, § 2(6.12), 6-8-09)

Sec. 14-257. Recordkeeping.

Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under subsection [14-258](#). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city manager.

(Ord. No. 4110, § 2(6.13), 6-8-09)

Sec. 14-258. Certification statements.

Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by: users submitting permit applications in accordance with subdivision IV; users submitting baseline monitoring reports under subsection [14-245\(b\)\(2\)c.](#); users submitting reports on compliance with the categorical pretreatment standard deadlines under [section 14-247](#); users submitting periodic compliance reports required by subsections [14-248\(a\)](#) through (c); and users submitting an initial request to forego sampling of a pollutant on the basis of subsection [14-245\(b\)\(4\)](#). The following certification statement must be signed by an authorized representative as defined in [section 14-143](#):

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

(Ord. No. 4110, § 2(6.14), 6-8-09)

Secs. 14-259—14-274. Reserved.

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Subdivision VII. Compliance Monitoring

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[Sec. 14-275. Right of entry; inspection and sampling.](#)

[Sec. 14-276. Search warrants.](#)

[Secs. 14-277—14-289. Reserved.](#)

Sec. 14-275. Right of entry; inspection and sampling.

The city manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this division and any individual wastewater discharge permit or order issued hereunder. Users shall allow the city manager 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 user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The city manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (c) The city manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy in accordance with the manufacturer's recommended schedule, but in any case not less than annually.
- (d) 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 city manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (e) Unreasonable delays in allowing the city manager access to the user's premises shall be a violation of this division.

(Ord. No. 4110, § 2(7.1), 6-8-09)

Sec. 14-276. Search warrants.

If the city manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the city manager may seek issuance of a search warrant from the Circuit Court of Audrain County.

(Ord. No. 4110, § 2(7.2), 6-8-09)

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Subdivision VIII. Confidential Information

Subdivision VIII. Confidential Information

[Sec. 14-290. Confidential information.](#)

Sec. 14-290. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. No. 4110, § 2(8), 6-8-09)

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Subdivision IX. Publication of Users in Significant Noncompliance

Subdivision IX. Publication of Users in Significant Noncompliance

[Sec. 14-291. Publication of users in significant noncompliance.](#)

[Secs. 14-292—14-299. Reserved.](#)

Sec. 14-291. Publication of users in significant noncompliance.

The city manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates subsections (c), (d) or (h)) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in subdivision II;
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by subdivision II multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by subdivision II (daily maximum) that the city manager determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of best management practices, which the city manager determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 4110, § 2(9), 6-8-09)

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Subdivision X. Administrative Enforcement Remedies

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[Sec. 14-300. Notification of violation.](#)

[Sec. 14-301. Consent orders.](#)

[Sec. 14-302. Show cause hearing.](#)

[Sec. 14-303. Compliance orders.](#)

[Sec. 14-304. Cease and desist orders.](#)

[Sec. 14-305. Administrative fines.](#)

[Sec. 14-306. Emergency suspensions.](#)

[Sec. 14-307. Termination of discharge.](#)

[Secs. 14-308—14-324. Reserved.](#)

Sec. 14-300. Notification of violation.

When the city manager finds that a user has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may serve upon that user a written notice of violation. Within five (5) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city manager. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. No. 4110, § 2(10.1), 6-8-09)

Sec. 14-301. Consent orders.

The city manager may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections [14-303](#) and [14-304](#) and shall be judicially enforceable.

(Ord. No. 4110, § 2(10.2), 6-8-09)

Sec. 14-302. Show cause hearing.

The city manager may order a user which has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place

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for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in [section 14-143](#) and required by subsection [14-199\(a\)](#). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. No. 4110, § 2(10.3), 6-8-09)

Sec. 14-303. Compliance orders.

When the city manager finds that a user has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 4110, § 2(10.4), 6-8-09)

Sec. 14-304. Cease and desist orders.

When the city manager finds that a user has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the city manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 4110, § 2(10.5), 6-8-09)

Sec. 14-305. Administrative fines.

- (a) When the city manager finds that a user has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may fine such user in an amount not to exceed five thousand dollars (\$5,000.00) per violation per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation.

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- (b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of nine (9) percent of the unpaid balance, and interest shall accrue thereafter at a rate of nine (9) percent per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the city manager to reconsider the fine along with full payment of the fine amount within seven (7) days of being notified of the fine. Where a request has merit, the city manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 4110, § 2(10.6), 6-8-09)

Sec. 14-306. Emergency suspensions.

The city manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The city manager may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city manager that the period of endangerment has passed, unless the termination proceedings in [section 14-307](#) are initiated against the user.
- (b) 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 city manager prior to the date of any show cause or termination hearing under sections [14-302](#) or [14-307](#)

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

(Ord. No. 4110, § 2(10.7), 6-8-09)

Sec. 14-307. Termination of discharge.

In addition to the provisions in [section 14-230](#), any user who violates the following conditions is subject to discharge termination:

- (a) Violation of individual wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

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- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in subdivision II.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under [section 14-302](#) why the proposed action should not be taken. Exercise of this option by the city manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 4110, § 2(10.8), 6-8-09)

Secs. 14-308—14-324. Reserved.

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Subdivision XI. Judicial Enforcement Remedies

Subdivision XI. Judicial Enforcement Remedies

[Sec. 14-325. Injunctive relief.](#)

[Sec. 14-326. Civil penalties.](#)

[Sec. 14-327. Remedies non-exclusive.](#)

[Secs. 14-328—14-339. Reserved.](#)

Sec. 14-325. Injunctive relief.

When the city manager finds that a user has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may petition the Circuit Court of Audrain county through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The city manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 4110, § 2(11.1), 6-8-09)

Sec. 14-326. Civil penalties.

- (a) A user who has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of five thousand dollars (\$5,000.00) per violation, per day. In the case of a monthly or other longterm average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The city manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 4110, § 2(11.2), 6-8-09)

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Subdivision XI. Judicial Enforcement Remedies

Sec. 14-327. Remedies non-exclusive.

The remedies provided for in this division are not exclusive. The city manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city manager may take other action against any user when the circumstances warrant. Further, the city manager is empowered to take more than one (1) enforcement action against any noncompliant user.

(Ord. No. 4110, § 2(11.3), 6-8-09)

Secs. 14-328—14-339. Reserved.

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Subdivision XII. Supplemental Enforcement Action

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[Sec. 14-340. Penalties for late reports.](#)

[Sec. 14-341. Liability insurance.](#)

[Sec. 14-342. Payment of outstanding fees and penalties.](#)

[Sec. 14-343. Water supply severance.](#)

[Sec. 14-344. Public nuisances.](#)

[Secs. 14-345—14-359. Reserved.](#)

Sec. 14-340. Penalties for late reports.

A penalty of three hundred dollars (\$300.00) shall be assessed to any user for each day that a report required by this division, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due. Actions taken by the city manager to collect late reporting penalties shall not limit the city manager's authority to initiate other enforcement actions that may include penalties for late reporting violations.

(Ord. No. 4110, § 2(12.1), 6-8-09)

Sec. 14-341. Liability insurance.

The city manager may decline to issue or reissue an individual wastewater discharge [permit] to any user who has failed to comply with any provision of this division, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. No. 4110, § 2(12.2), 6-8-09)

Sec. 14-342. Payment of outstanding fees and penalties.

The city manager may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this division, a previous individual wastewater discharge permit, or order issued hereunder.

(Ord. No. 4110, § 2(12.3), 6-8-09)

Sec. 14-343. Water supply severance.

Whenever a user has violated or continues to violate any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

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Subdivision XII. Supplemental Enforcement Action

(Ord. No. 4110, § 2(12.4), 6-8-09)

Sec. 14-344. Public nuisances.

A violation of any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the city manager. Any person(s) creating a public nuisance shall be subject to the provisions of [chapter 10](#), article V of the City Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. No. 4110, § 2(12.5), 6-8-09)

Secs. 14-345—14-359. Reserved.

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Subdivision XIII. Affirmative Defenses to Discharge Violations

Subdivision XIII. Affirmative Defenses to Discharge Violations

[Sec. 14-360. Upset.](#)

[Sec. 14-361. Prohibited discharge standards.](#)

[Sec. 14-362. Bypass.](#)

[Secs. 14-363—14-374. Reserved.](#)

Sec. 14-360. Upset.

- (a) For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. 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.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c), below, are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the city manager within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. No. 4110, § 2(13.1), 6-8-09)

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Sec. 14-361. Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection [14-155\(a\)](#) or the specific prohibitions in subsections [14-155\(b\)\(1\)](#) through (17) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 4110, § 2(13.2), 6-8-09)

Sec. 14-362. Bypass.

(a) *[Definitions.]* For the purposes of this section:

- (1) *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *[Exceptions.]* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d).

(c) *Bypass notifications.*

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the city manager, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the city manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The city manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) *Bypass.*

- (1) Bypass is prohibited, and the city manager may take an enforcement action against a user for a bypass, unless:

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- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsection (c).
- (2) The city manager may approve an anticipated bypass, after considering its adverse effects, if the city manager determines that it will meet the three (3) conditions listed in subsection (d)(1).

(Ord. No. 4110, § 2(13.3), 6-8-09)

Secs. 14-363—14-374. Reserved.

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Subdivision XIV. Wastewater Treatment Rates (Reserved)

Subdivision XIV. Wastewater Treatment Rates
(Reserved)

[Secs. 14-375—14-384. Reserved.](#)

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Subdivision XV. Miscellaneous Provisions

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[Sec. 14-385. Pretreatment charges and fees.](#)

Sec. 14-385. Pretreatment charges and fees.

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 and certification statements submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals;
- (e) Fees to recover administrative and legal costs (not included in subsection (b)) associated with the enforcement activity taken by the city manager to address IU noncompliance; and
- (f) 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.

(Ord. No. 4110, § 2(15.1),, 6-8-09)