



**City of Mexico, Missouri  
City Council Meeting Agenda  
City Hall • 3<sup>rd</sup> Floor Council Chambers**

**300 N. Coal Street  
Mexico, Missouri 65265**

**October 25, 2021  
6:00 p.m.**

**REGULAR SESSION**

**1. Call to Order**

**2. Roll Call**

**3. Approval of Minutes**

A. October 11, 2021 – Regular Session

**4. Ordinances (Two Readings By Title Only and Passage)**

A. Bill No. 2021 – 68. An Ordinance Calling for and Establishing the Filing Dates for the Municipal General Election to be held in 2022 to Fill One Three-Year Term on the Mexico, Missouri City Council. Two Readings By Title Only and Passage.

B. Bill No. 2021 – 69. An Ordinance Amending Chapter 40. Utilities, Article III. – Sewers, Division 5. – Pretreatment of the Mexico City Code. Two Readings By Title Only and Passage.

**5. Resolutions (Reading By Title Only and Passage)**

A. Bill No. 2021 – 70. A Resolution Authorizing the City Manager to Enter Into An Agreement with the Mexico Senior Nutrition Center to Assist in Providing Services for Senior Citizens. Reading By Title Only and Passage.

B. Bill No. 2021 – 71. A Resolution Creating a Housing Incentive Program to Encourage Construction of New Single-Family Affordable Work Force Housing in the City of Mexico, Missouri. Reading By Title Only and Passage.

C. Bill No. 2021 – 72. A Resolution Authorizing the City Manager to Execute Agreements with Various Organizations for Requested Funding from the Mexico Tourism Tax. Reading By Title Only and Passage.

**6. Other Business**

A. Staff Report – 2022 Health Insurance Proposals

B. Claims

**7. Comments**

A. Council

B. Public (*Please state name and address for the record and keep comments to a maximum of three minutes*).

**8. Adjournment**

**CITY OF MEXICO, MISSOURI  
CITY COUNCIL REGULAR MEETINGS MINUTES  
OCTOBER 11, 2021**

The Council of the City of Mexico, Missouri met in regular session on October 11, 2021 at 6:00 p.m., in the Council Chambers of City Hall, with the following members present: Mayor Chris Miller; Chairman Pro Tem Vicki Briggs; Council Member Chris Williams; Council Member Steve Haag. Also present were Bruce Slagle, City Manager; Russell Runge, Assistant City Manager/Economic Development; Rita Jackson, Community Development Director; Kensey Russell, Public Works Director; Chad Shoemaker, Parks & Recreation Director; Major Brice Mesko, Department of Public Safety; Drew Williford, City Engineer; Louis J. Leonatti, City Attorney; Patrick Shaw, IT Specialist; Marcy LeCount, City Clerk; as well members of the media and interested citizens. Absent, Council Member Dr. Ayanna Shivers; Deputy City Manager Roger Haynes.

The Council Meeting was also live streamed on the City's Facebook account, City of Mexico – City Hall.

**APPROVAL OF MINUTES – SEPTEMBER 27, 2021 –REGULAR SESSION MEETING**

Chairman Pro Tem Briggs moved for approval of the September 27, 2021 Regular Session minutes as presented. Council Member Haag seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. The Minutes were approved as presented.

**NEW BUSINESS – RESOLUTIONS**

***Bill No. 2021 – 65. A Resolution Authorizing the City Manager to Sign A Contract with Kim Hoskins Environmental Consulting, LLC, d/b/a KimHEC for Industrial Pretreatment Program Services***

City Manager Slagle called upon Director Russell to present the report.

Kim Hoskins Environmental Consulting, LLC, d/b/a KimHEC has been providing technical expertise and assistance in administering the City's industrial pretreatment program services for the past year. Kim previously provided the same type of service to the City through Horner & Shifrin, Inc. Due to the increasing technical requirements of the regulations and our need for manpower to address collection system needs, Staff recommends KimHEC to continue to provide assistance with this program and its regulations. Ultimately, it will free up Staff in order to more aggressively address collection system needs. The proposed contract from KimHEC is a not to exceed amount of \$23,100. Funding is available in the 2021 – 2022 annual budget, wastewater fund for Industrial Pretreatment of \$40,000. Director Russell recommended Council proceed with reading by title only and passage of Bill No. 2021 – 65.

Chairman Pro Tem Briggs moved for reading by title only of Bill No. 2021 – 65. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Reading By Title Only was given to Bill No. 2021 – 65 by Chairman Pro Tem Briggs.

Chairman Pro Tem Briggs moved for passage of Bill No. 2021 – 65. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Bill No. 2021 – 65 was passed as Resolution No. 4039.

***Bill No. 2021 – 66. A Resolution Authorizing the Mayor to Sign a Water Line Easement to Missouri American Water.***

City Manager Slagle called upon Director Russell to present the report.

Missouri American Water has requested the City of Mexico to grant a permanent water line easement on the A.P. Green (Abacus/Shamrock) property. The easement is 25' in width and runs generally adjacent to and parallel with the railroad, on the north side of the property and Green Boulevard on the west side of the property. A new main, on this easement, will replace parts of an older main that previously had multiple breaks. The easement will also provide for looping and redundant connectivity, strengthening the water system. Director Russell recommended Council proceed with reading by title only and passage of Bill No. 2021 – 66.

Council Member Haag moved for reading by title only of Bill No. 2021 – 66. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Reading By Title Only was given to Bill No. 2021 – 66 by Council Member Haag.

Council Member Haag moved for passage of Bill No. 2021 – 66. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Bill No. 2021 – 66 was passed as Resolution No. 4040.

***Bill No. 2021 – 67. A Resolution Authorizing the City Manager to Enter Into An Agreement with The Help Center to Offset Operational Costs Related to Providing Services to Citizens.***

Mayor Miller called upon City Manager Slagle to present the report.

Bill No. 2021 – 67 authorizes the City Manager to enter into an agreement with The Help Center to assist in the offset of operational costs related to providing services to citizens. The 2021 – 2022 budget allows for the City of Mexico to contribute to The Help Center the sum of Five Thousand and No/100 Dollars (\$5,000) for the use in the offset of operational costs related to providing programs, activities and services to citizens. The City provided assistance to The Help Center in 2004, 2009, 2010 and 2011 in the amount of \$5,000. In 2012, Council approved to increase the level of support to The Help Center to \$10,000 based on the need for additional assistance. Council approved the level of funding to return to \$5,000 in 2017. City Manager Slagle recommended Council proceed with reading by title only and passage of Bill No. 2021 – 67.

Council Member Williams moved for reading by title only of Bill No. 2021 – 67. Council Member Haag seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Reading By Title Only was given to Bill No. 2021 – 67 by Council Member Williams.

Council Member Williams moved for passage of Bill No. 2021 – 67. Council Member Haag seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. Bill No. 2021 – 67 was passed as Resolution No. 4041.

**OTHER BUSINESS**

**Staff Report – Purchase of a Wide Area Rotary Mower for the Parks Maintenance Department**  
City Manager Slagle called upon Director Shoemaker to present the report.

The 2021 – 2022 annual budget allows \$62,000 for the purchase of a wide area rotary mower for the Parks Maintenance Department. The Parks Department will trade-in a 2012 Toro 4000d wide area mower.

Request for bids were sent to fourteen (14) vendors and advertisements were placed in the *Mexico Ledger* and posted on the City’s website. Bids were received from two vendors with TurfWerks of Hazelwood Missouri submitting the best bid.

<b>VENDOR</b>	<b>EQUIPMENT</b>	<b>BID PRICE</b>	<b>TRADE-IN</b>	<b>NET COST</b>
Farm Power Lawn & Leisure, Inc. Columbia, Missouri		No Bid		
McKeown Farm & Lawn Moberly, Missouri	Do Not Carry Wide Area Mowers	No Bid		
MTI Distributing, Inc. Berkeley, Missouri	Toro Groundmaster 4000-D	\$72,983.52	(\$9,000.00)	\$63,983.52
<b><i>TurfWerks Hazelwood, Missouri</i></b>	<b><i>Jacobson HR600</i></b>	<b><i>\$71,370.00</i></b>	<b><i>(\$8,000.00)</i></b>	<b><i>\$63,370.00</i></b>

Director Shoemaker recommended Council approve the purchase of the Jacobson HR600 wide area mower from TurfWerks of Hazelwood, Missouri for the bid price of \$63,370, subject to the bidder’s ability to deliver the mower in an acceptable length of time.

Council Member Haag moved to Council approve the purchase of the Jacobson HR600 wide area mower from TurfWerks of Hazelwood, Missouri for the bid price of \$63,370. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers.

**Claims**

The list of claims was presented for approval.

Council Member Haag moved for approval of the list of claims as presented. Council Member Williams seconded the motion. On a call by the Chair for ayes and nays, the motion carried, with the vote on passage as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers.

The list of claims was approved.

**COUNCIL COMMENTS**

Council Member Williams commented on the mowing of the Teal Lake.

Chairman Pro Tem Briggs commented on the recent theatre productions being held at the Presser Performing Arts Center.

City Manager Slagle called upon Director Russell to present to Council Members the City of Mexico’s recent Missouri Municipal League People’s Choice Innovation Award. The City of Mexico’s Street Division was recognized with the award for developing a low-cost hot mix hole patch using 100% recycled asphalt chunks and use of an agricultural product produced by Poet.

**PUBLIC COMMENTS**

Rose Barnes, 1120 East Lafayette, commented on allowing low speed vehicles on roadways.

John Qualls, 1345 Saturn, commented on allowing low speed vehicles on roadways.

**ADJOURNMENT**

Mayor Miller moved to adjourn the meeting. The motion was seconded by Council Member Williams. The Chair called for a vote and motion carried with the vote as follows: Ayes, Haag, Briggs, Williams, Miller. Nays, none. Absent, Shivers. The City Council Regular Session Meeting was adjourned.

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MAYOR

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CITY CLERK

APPROVED BY COUNCIL OCTOBER 25, 2021

CITY OF MEXICO, MISSOURI  
OFFICE OF CITY MANAGER

Agenda: October 25, 2021

Members of City Council  
City of Mexico, Missouri

RE: An Ordinance Calling for and Establishing the Filing Dates for the Municipal General Election to be held in 2022 to Fill One Three-Year Term on the Mexico, Missouri City Council

Dear City Council Members:

This Ordinance sets forth the dates of the 2022 Municipal General Election and establishes the time period for candidate filing. Statements of Candidacy will be received by the City Clerk from Tuesday, December 7, 2021 through Tuesday, December 28, 2021. The Municipal General Election date will then be held Tuesday, April 5, 2022.

In order to proceed with the mechanics of accepting Statements of Candidacy and establishing the election dates, Staff recommends Council proceed with two readings by title only and passage of the attached Ordinance. The Ordinance has been posted the required length of time.

Respectfully submitted,

Bruce R. Slagle  
City Manager

Attachment

**AN ORDINANCE CALLING FOR AND ESTABLISHING THE FILING DATES  
FOR THE MUNICIPAL GENERAL ELECTION TO BE HELD IN 2022  
TO FILL ONE THREE-YEAR TERM ON THE MEXICO, MISSOURI CITY COUNCIL**

WHEREAS, the term of Christopher P. Williams will expire in April 2022 as City Council Member; and

WHEREAS, the Election Authority, in accordance with Section 115.121 and Section 115.123 RSMo 1990, has determined that the Municipal General Election Day shall be the first Tuesday after the first Monday in April in the year 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEXICO, MISSOURI, AS FOLLOWS:

- Section 1. The City Clerk shall accept Statements of Candidacy from qualified candidates for the office of City Council from 8:00 a.m. on Tuesday, December 7, 2021 through 5:00 p.m. on Tuesday, December 28, 2021.
- Section 2. The candidates filing Statements of Candidacy shall specify on the statement their desire to be nominated to the office of Council to fill one three-year term.
- Section 3. The Municipal General Election Day to elect one Council Member to serve a three-year term shall be held on Tuesday, April 5, 2022.
- Section 4. The City Clerk of the City of Mexico, Missouri is empowered to do each and every act necessary to comply with the Comprehensive Election Act of 1977 as amended, and to give notices as required by law.
- Section 5. This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED THIS 25<sup>TH</sup> DAY OF OCTOBER 2021

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MAYOR

ATTEST:

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CITY CLERK

## 2022 Missouri Election Calendar

Official Election Day	Style of Election	Last Day to Register to Vote	First Day for Candidate Filing	Last Day for Candidate Filing	Final Certification Date
February 8, 2022	Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.	January 12, 2022	October 12, 2021	November 2, 2021	November 30, 2021
March 8, 2022 (see local charter)	Charter cities and charter counties ONLY	February 9, 2022	November 9, 2021	November 30, 2021	December 28, 2021
April 5, 2022	General Municipal Election Day	March 9, 2022	December 7, 2021	December 28, 2021	January 25, 2022
August 2, 2022	Primary Election	July 6, 2022	February 22, 2022	March 29, 2022	May 24, 2022
November 8, 2022	General Election	October 12, 2022	July 12, 2022*	August 2, 2022*	August 30, 2022

The final date for new party and independent candidates to submit their petitions to the Secretary of State is 5:00 p.m., August 1, 2022. Independent candidates for county offices and those wishing to form a new party within a county must submit their petition to the local election authority (county clerk or election board) by 5:00 p.m., August 1, 2022. (115.329.1, RSMo).

\*Opening and closing of filing for jurisdictions authorized to elect directors in November, such as 911 & Emergency Services directors.

### Statutory References (RSMo)

<b>Official Election Day</b>	§§ 115.121, 115.123
<b>Style of Election</b>	§§ 115.121, 115.123
<b>Last Day to Register</b>	§ 115.135.1
<b>First Day to File</b>	§§ 115.127.5, 115.329.1, 115.349.2, 115.761
<b>Last Day to File</b>	§§ 115.127.5, 115.329.1, 115.349.1
<b>Final Certification Date</b>	§§ 115.125, 115.387, 115.401, 116.240



CITY OF MEXICO, MISSOURI  
OFFICE OF PUBLIC WORKS DIRECTOR/CITY ENGINEER

Agenda: October 25, 2021

Members of City Council  
City of Mexico, Missouri

RE: An Ordinance Amending Chapter 40. Utilities, Article III. – Sewers,  
Division 5. – Pretreatment of the Mexico City Code

Dear City Council Members:

Over the last year the City's pretreatment program has been revising the local limits used in the Industrial Pretreatment permits to meet Missouri Department of Natural Resources criteria. The new limits and other changes to the City's pretreatment program have been on Public Notice from September 17 – October 18, 2021. No public comments were received, so the changes to the City's ordinance may now be enacted.

The changes include removing maximum daily average concentration limits and establishing monthly average limits. The new Ordinance will also increase the total oil and grease prohibition from 100 mg/L to 175 mg/L. Additionally, the permitting process is clarified and the enforcement provisions updated to incorporate the EPA streamlining rule.

Staff recommends Council proceed with two readings by title only and passage of the attached Ordinance amending Chapter 40. Utilities, Article III. – Sewers Division 5. – Pretreatment in its entirety and enacting a new Chapter 40 Utilities Article III. – Sewers, Division 5. – Pretreatment. The Ordinance has been posted the required length of time.

Respectfully submitted,

J. Kensey Russell, P.E. LS.  
Public Works Director/City Engineer

JKR/LO

Reviewed by: Bruce R. Slagle, City Manager

**AN ORDINANCE AMENDING CHAPTER 40. UTILITIES, ARTICLE III. – SEWERS,  
DIVISION 5. – PRETREATMENT OF THE MEXICO CITY CODE**

WHEREAS, over the last year the City’s pretreatment program has been revising the local limits used in the Industrial Pretreatment permits to meet Missouri Department of Natural Resources criteria; and

WHEREAS, the new limits and other changes to the City’s pretreatment program have been on Public Notice from September 17 – October 18, 2021 with no public comments received; and

WHEREAS, there were no public comments received and the changes to the City’s Ordinance may now be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEXICO, MISSOURI, AS FOLLOWS:

- Section 1. Chapter 40. Utilities, Article III. – Sewers, Division 5. – Pretreatment has been placed on Public Notice in accord with Missouri Department of Natural Resources requirements with no public comments received.
- Section 2. Chapter 40. Utilities, Article III. – Sewers, Division 5. – Pretreatment is hereby deleted in its entirety and a new Chapter 40. Utilities, Article III. – Sewers, Division 5. – Pretreatment is hereby adopted.
- Section 3. The newly enacted Chapter 40. Utilities, Article III. – Sewers, Division 5. – Pretreatment is hereby attached and marked as Exhibit “A”.
- Section 4. This Ordinance shall be in full force and effect from and after the time of its passage.

PASSED THIS 25TH DAY OF OCTOBER 2021

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MAYOR

ATTEST:

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CITY CLERK

# Exhibit "A"

## Chapter 40 - UTILITIES

### ARTICLE III. - SEWERS

#### DIVISION 5. - PRETREATMENT

##### Subdivision I. - In General

###### Sec. 40-184. - 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 USC section 1251 et seq.) and the General Pretreatment Regulations (title 40 of the CFR part 403). The objectives of this division are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To 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.

(Code 1988, § 14-140; Ord. No. 4110, § 2(1.1), 6-8-2009)

###### Sec. 40-185. - 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.

(Code 1988, § 14-141; Ord. No. 4110, § 2(1.2), 6-8-2009)

###### Sec. 40-186. - 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
USC	United States Code

(Code 1988, § 14-142; Ord. No. 4110, § 2(1.3), 6-8-2009)

Sec. 40-187. - 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:

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

*Approval authority* means the state department of natural resources director or his representatives.

*Authorized or duly authorized representative of the user* means:

- (1) If the user is a corporation:
  - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or 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 ensure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit 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 (a) through (c) of this section, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*Best management practices* or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 40-215(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* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

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

*Categorical pretreatment standard* or *categorical standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405—471.

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

*City manager* means 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.

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

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

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

*Existing source* means any source of discharge that is not a "new source."

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

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

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

*Interference* means a discharge that, alone or in conjunction with 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* means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Missouri 10 CSR 20-6.100.

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

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

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

*New source* means:

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

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

*Pass through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with 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.

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

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

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, 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* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 40-215.

*Publicly owned treatment works or POTW* means a treatment works, as defined by section 212 of the Act (33 USC 1292), which is owned by the city. This definition includes 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* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

*Significant industrial user (SIU)* except as provided in subdivisions III and IV of this chapter, a significant industrial user means:

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

*Slug load or slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 40-215. A slug discharge is any discharge of a 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* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

*Total suspended solids* or *suspended solids* means 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* means a source of indirect discharge.

*Wastewater* means 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* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Code 1988, § 14-143; Ord. No. 4110, § 2(1.4), 6-8-2009)

Secs. 40-188—40-214. - Reserved.

Subdivision II. - General Sewer Use Requirements

Sec. 40-215. - 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, waste-streams with a closed-cup flashpoint of less than 140 degrees F (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 11.0, 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 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 150 degrees F (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 104 degrees F (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 40-252;



- (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) Total Hexane Extractable Material (HEM) in concentrations greater than 175 mg/l based on monthly average monitoring results or at concentrations otherwise determined to interfere with the City's POTW

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.

- (c) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater containing the following pollutants to such a degree that the monthly average total mass loading from all SIU's exceed the quantity specified below as measured at the point where the wastewater is discharged to the POTW or otherwise specified by the city manager. The city manager shall distribute the permit limitations in pounds per day for all users that meet the definition of S.I.U. as defined by city ordinance. At the discretion of the superintendent, equivalent monthly average pollutant concentrations may be imposed or maximum daily concentrations to protect the City from slug loadings. All metallic pollutants are for total metals and shall be monitored for as specified in Section 40-349. The Table of Masses is as follows:

Total Mass Allowable (lbs) from S.I.U.'s (Monthly Average)

Pollutant of Concern	Mo. Average MAIL (lbs/day)
Vbyhu#	4 18#
DwhqIf#	3 15#
Fdgp kx #	3 B99#
F  dqIgh#	3 B3#
Fkurp kx #	6 16#
Frsshu#	4 17#
P hufxu #	3 B6#
P rd eghqxp #	3 16#
Q Ifnh#	3 13#
Ohdg#	3 16 : #

Vndngkp #	3 1 9 #
] hf#	: B #
ERG #	5 5 4 ; #
WVV#	5 9 4 3 #
Dp p rqlQ #	5 8 ; #

(d) When the city manager determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the city manager shall:

- (1) Advise the user of the impact of the contribution of the POTW; and
- (2) Develop effluent limitations for such user to correct the interference with the POTW.

(Code 1988, § 14-155; Ord. No. 4110, § 2(2.1), 6-8-2009)

Sec. 40-216. - National categorical pretreatment standards.

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

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city manager may impose equivalent concentration or mass limits in accordance with subsections (5) and (6) of this section.
- (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the 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.
- (3) 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 40 CFR 403.6(e).
- (4) 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.
- (5) Many categorical pretreatment standards specify one 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.
- (6) 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 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.

(Code 1988, § 14-156; Ord. No. 4110, § 2(2.2), 6-8-2009)

Sec. 40-217. - State pretreatment standards.

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

(Code 1988, § 14-157; Ord. No. 4110, § 2(2.3), 6-8-2009)

Sec. 40-218. - Local limits.

- (a) The city manager is authorized to establish local limits pursuant to Missouri 10 CSR 20-6.100.
- (b) Refer to Section 40-215(c) for Maximum Allowable Industrial Loadings established consistent with 40 CFR 403.5(c) in lieu of uniform local limits.
- (c) The city manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 24-215.

(Code 1988, § 14-158; Ord. No. 4110, § 2(2.4), 6-8-2009)

Sec. 40-219. - 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.

(Code 1988, § 14-159; Ord. No. 4110, § 2(2.5), 6-8-2009)

Sec. 40-220. - 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.

(Code 1988, § 14-160; Ord. No. 4110, § 2(2.6), 6-8-2009)

Secs. 40-221—40-248. - Reserved.

Subdivision III. - Pretreatment of Wastewater

Sec. 40-249. - 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 40-215 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.

(Code 1988, § 14-175; Ord. No. 4110, § 2(3.1), 6-8-2009)

Sec. 40-250. - 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 or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams, 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 40-66 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 40-66 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.

(Code 1988, § 14-176; Ord. No. 4110, § 2(3.2), 6-8-2009)

Sec. 40-251. - 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:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city manager of any accidental or slug discharge, as required by section 40-345; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or measures and equipment for emergency response.

(Code 1988, § 14-177; Ord. No. 4110, § 2(3.3), 6-8-2009)

Sec. 40-252. - 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 of this article 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.

(Code 1988, § 14-178; Ord. No. 4110, § 2(3.4), 6-8-2009)

Secs. 40-253—40-282. - Reserved.

#### Subdivision IV. - Individual Wastewater Discharge Permits

Sec. 40-283. - Wastewater analysis.

When requested by the city manager, a user must submit information on the nature and characteristics of its wastewater within 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.

(Code 1988, § 14-195; Ord. No. 4110, § 2(4.1), 6-8-2009)

Sec. 40-284. - 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 40-285 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 IX through XI of this chapter. 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.

(Code 1988, § 14-196; Ord. No. 4110, § 2(4.2), 6-8-2009)

Sec. 40-285. - 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 30 days after the date, apply to the city manager for an individual wastewater discharge permit in accordance with section 40-287. The user shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this division except in accordance with an individual wastewater discharge permit issued by the city manager.

(Code 1988, § 14-197; Ord. No. 4110, § 2(4.3), 6-8-2009)

Sec. 40-286. - 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 40-287, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(Code 1988, § 14-198; Ord. No. 4110, § 2(4.4), 6-8-2009)

Sec. 40-287. - 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 operations 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.
  - (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 waste-stream formula set out in section 40-216(3).
  - (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, 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 long-term 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 40-349. 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 40-350.
- (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.

(Code 1988, § 14-199; Ord. No. 4110, § 2(4.5), 6-8-2009)

Sec. 40-288. - 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 40-353.
- (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.

(Code 1988, § 14-200; Ord. No. 4110, § 2(4.6), 6-8-2009)

Sec. 40-289. - Individual wastewater discharge permit decisions.

The city manager will evaluate the data furnished by the user and may require additional information. Within 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.

(Code 1988, § 14-201; Ord. No. 4110, § 2(4.7), 6-8-2009)

Secs. 40-290—40-311. - Reserved.

Subdivision V. - Individual Wastewater Discharge Permit Issuance

Sec. 40-312. - Individual wastewater discharge permit duration.

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

(Code 1988, § 14-225; Ord. No. 4110, § 2(5.1), 6-8-2009)

Sec. 40-313. - 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.

- (1) Individual wastewater discharge permits must contain:
  - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
  - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with section 40-316, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - c. Effluent limits, including best management practices, based on applicable pretreatment standards;
  - d. Self monitoring, sampling, reporting, notification, and 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;
  - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
  - f. Requirements to control slug discharge, if determined by the city manager to be necessary.
- (2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
  - a. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
  - b. 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;
  - c. 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;
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - g. 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
  - h. Other conditions as deemed appropriate by the city manager to ensure compliance with this division, and state and federal laws, rules, and regulations.

(Code 1988, § 14-226; Ord. No. 4110, § 2(5.2), 6-8-2009)

Sec. 40-314. - Permit issuance process, appeals.

Any person, including the user, may petition the city manager to reconsider the terms of an individual wastewater discharge permit within 30days 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 15 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, 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 the county within 30 days of the administrative decision.

(Code 1988, § 14-227; Ord. No. 4110, § 2(5.3), 6-8-2009)

Sec. 40-315. - 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 40 CFR 403.13;
- (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 40-316.

(Code 1988, § 14-228; Ord. No. 4110, § 2(5.4), 6-8-2009)

Sec. 40-316. - 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 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:

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

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

(Code 1988, § 14-229; Ord. No. 4110, § 2(5.5), 6-8-2009)

Sec. 40-317. - Individual wastewater discharge permit revocation.

- (a) The city manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - (1) Failure to notify the city manager of significant changes to the wastewater prior to the changed discharge;
  - (2) Failure to provide prior notification to the city manager of changed conditions pursuant to section 40-344;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports and certification statements;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the city manager timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
  - or
  - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance from which this subdivision is derived.
- (b) 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.

(Code 1988, § 14-230; Ord. No. 4110, § 2(5.6), 6-8-2009)

Sec. 40-318. - 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 40-227, a minimum of 90 days prior to the expiration of the user's existing individual wastewater discharge permit.

(Code 1988, § 14-231; Ord. No. 4110, § 2(5.7), 6-8-2009)

Secs. 40-319—40-339. - Reserved.

Subdivision VI. - Reporting Requirements

Sec. 40-340. - Baseline monitoring reports.

- (a) Within either 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) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the city manager a report which contains the information listed in subsection (b) of this section. 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 section 40-287(a)(1)a, (2), (3)a, and (6).
  - (2) *Measurement of pollutants.*
    - a. The user shall provide the information required in section 40-287(a)(7)a through d.
    - b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
    - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste-stream formula 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 40-349.
    - 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 and certified by the user's authorized representative as defined in section 40-187 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) or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (4) *Compliance schedule.* If additional pretreatment or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment 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 40-341.

- (5) *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 40-353 and signed by an authorized representative as defined in section 40-187.

(Code 1988, § 14-245; Ord. No. 4110, § 2(6.1), 6-8-2009)

Sec. 40-341. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 40-340(b)(4):

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

(Code 1988, § 14-246; Ord. No. 4110, § 2(6.2), 6-8-2009)

Sec. 40-342. - Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city manager a report containing the information described in sections 40-287(a)(6) and (7) and 40-340(b)(2). For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 40-216, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 40-353. All sampling will be done in conformance with section 40-350.

(Code 1988, § 14-247; Ord. No. 4110, § 2(6.3), 6-8-2009)

Sec. 40-343. - Periodic compliance reports.

- (a) All significant industrial users must, at a frequency determined by the city manager, submit 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 40-353.

- (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 40-350, 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.

(Code 1988, § 14-248; Ord. No. 4110(6.4), § 2, 6-8-2009)

Sec. 40-344. - 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 thirty days before the change.

- (1) 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 40-287.
- (2) The city manager may issue an individual wastewater discharge permit under section 40-318 or modify an existing wastewater discharge permit under section 40-315 in response to changed conditions or anticipated changed conditions.

(Code 1988, § 14-249; Ord. No. 4110, § 2(6.5), 6-8-2009)

Sec. 40-345. - 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 days following such discharge, the user shall, unless waived by the city manager, submit a detailed written report describing the causes 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) of this section. 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.

(Code 1988, § 14-250; Ord. No. 4110, § 2(6.6), 6-8-2009)

Sec. 40-346. - 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.

(Code 1988, § 14-251; Ord. No. 4110, § 2(6.7), 6-8-2009)

Sec. 40-347. - Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the city manager within 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 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.

(Code 1988, § 14-252; Ord. No. 4110, § 2(6.8), 6-8-2009)

Sec. 40-348. - 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 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 waste-stream discharged during that calendar month, and an estimation of the mass of constituents in the waste-stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 40-344. 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 40-340, 40-342 and 40-343.
- (b) Dischargers are exempt from the requirements of subsection (a) of this section, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under section 3001 of the Solid Waste Disposal Act, 42 USC 6901 et seq., 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 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This 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.

(Code 1988, § 14-253; Ord. No. 4110, § 2(6.9), 6-8-2009)

Sec. 40-349. - 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.

(Code 1988, § 14-254; Ord. No. 4110, § 2(6.10), 6-8-2009)

Sec. 40-350. - Sample collection.

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

- (1) Except as indicated in subsections (b) and (c) of this section, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the 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 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 40-340 and 40-342, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city manager may authorize a lower minimum. For the reports required by section 40-343, the industrial user is required to collect the number of grab samples necessary to assess and ensure compliance with applicable pretreatment standards and requirements.

(Code 1988, § 14-255; Ord. No. 4110, § 2(6.11), 6-8-2009)

Sec. 40-351. - 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.

(Code 1988, § 14-256; Ord. No. 4110, § 2(6.12), 6-8-2009)

Sec. 40-352. - 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 section 40-353. Records shall include the date, exact place, method, and time of sampling, and the name of the persons taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city manager.

(Code 1988, § 14-257; Ord. No. 4110, § 2(6.13), 6-8-2009)

Sec. 40-353. - 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 of this article; users submitting baseline monitoring reports under section 40-340(b)(2)c.; users submitting reports on compliance with the categorical pretreatment standard deadlines under section 40-342; users submitting periodic compliance reports required by section 40-343(a) through (c); and users submitting an initial request to forego sampling of a pollutant on the basis of section 40-340(b)(4). The following certification statement must be signed by an authorized representative as defined in section 40-187:

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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person 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.

(Code 1988, § 14-258; Ord. No. 4110, § 2(6.14), 6-8-2009)

Secs. 40-354—40-365. - Reserved.

Subdivision VII. - Compliance Monitoring

Sec. 40-366. - 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 including documentation with audio and/or visual media for the purposes identified herein.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his 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.



- (2) 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 or metering of the user's operations.
- (3) 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 his 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.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected 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.
- (5) Unreasonable delays in allowing the city manager access to the user's premises shall be a violation of this division.

(Code 1988, § 14-275; Ord. No. 4110, § 2(7.1), 6-8-2009)

Sec. 40-367. - 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 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 the county.

(Code 1988, § 14-276; Ord. No. 4110, § 2(7.2), 6-8-2009)

Secs. 40-368—40-379. - Reserved.

Subdivision VIII. - Confidential Information

Sec. 40-380. - Confidential information.

Information, data, audio and visual media 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, data, or audio and visual media. 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.

(Code 1988, § 14-290; Ord. No. 4110, § 2(8), 6-8-2009)

Secs. 40-381—40-392. - Reserved.

## Subdivision IX. - Publication of Users in Significant Noncompliance

### Sec. 40-393. - 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 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in division 5 of this article;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by division 5 of this article multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by division 5 of this article (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;
- (4) 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;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violations, 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.

(Code 1988, § 14-291; Ord. No. 4110, § 2(9), 6-8-2009)

Secs. 40-394—40-405. - Reserved.

## Subdivision X. - Administrative Enforcement Remedies

### Sec. 40-406. - 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 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.

(Code 1988, § 14-300; Ord. No. 4110, § 2(10.1), 6-8-2009)

Sec. 40-407. - 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 40-409 and 40-410 and shall be judicially enforceable.

(Code 1988, § 14-301; Ord. No. 4110, § 2(10.2), 6-8-2009)

Sec. 40-408. - 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 for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 40-187 and required by section 40-287(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Code 1988, § 14-302; Ord. No. 4110, § 2(10.3), 6-8-2009)

Sec. 40-409. - 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.

(Code 1988, § 14-303; Ord. No. 4110, § 2(10.4), 6-8-2009)

Sec. 40-410. - 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 him to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations 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.

(Code 1988, § 14-304; Ord. No. 4110, § 2(10.5), 6-8-2009)

Sec. 40-411. - 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 \$1,000.00 per violation per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of nine percent of the unpaid balance, and interest shall accrue thereafter at a rate of nine 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 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.

(Code 1988, § 14-305; Ord. No. 4110, § 2(10.6), 6-8-2009)

Sec. 40-412. - Emergency suspensions.

- (a) 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.
- (b) 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 40-413 are initiated against the user.
- (c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the

measures taken to prevent any future occurrence, to the city manager prior to the date of any show cause or termination hearing under sections 40-408 or 40-413.

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

(Code 1988, § 14-306; Ord. No. 4110, § 2(10.7), 6-8-2009)

Sec. 40-413. - Termination of discharge.

- (a) In addition to the provisions in section 40-317, any user who violates the following conditions is subject to discharge termination:
  - (1) Violation of individual wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - (5) Violation of the pretreatment standards in subdivision II of this article.
- (b) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 40-408 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.

(Code 1988, § 14-307; Ord. No. 4110, § 2(10.8), 6-8-2009)

Secs. 40-414—40-443. - Reserved.

Subdivision XI. - Judicial Enforcement Remedies

Sec. 40-444. - 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 the 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 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.

(Code 1988, § 14-325; Ord. No. 4110, § 2(11.1), 6-8-2009)

Sec. 40-445. - 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 \$1,000.00 per violation, per day. In the case of a

monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (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.

(Code 1988, § 14-326; Ord. No. 4110, § 2(11.2), 6-8-2009)

Sec. 40-446. - 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 enforcement action against any noncompliant user.

(Code 1988, § 14-327; Ord. No. 4110, § 2(11.3), 6-8-2009)

Secs. 40-447—40-475. - Reserved.

Subdivision XII. - Supplemental Enforcement Action

Sec. 40-476. - Penalties for late reports.

A penalty of up to \$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 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.

(Code 1988, § 14-340; Ord. No. 4110, § 2(12.1), 6-8-2009)

Sec. 40-477. - 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.

(Code 1988, § 14-341; Ord. No. 4110, § 2(12.2), 6-8-2009)

Sec. 40-478. - 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.

(Code 1988, § 14-342; Ord. No. 4110, § 2(12.3), 6-8-2009)

Sec. 40-479. - 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 his ability to comply.

(Code 1988, § 14-343; Ord. No. 4110, § 2(12.4), 6-8-2009)

Sec. 40-480. - Violations declared public nuisance.

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 declared a public nuisance and shall be corrected or abated as directed by the city manager. Any persons creating a public nuisance shall be subject to the provisions of chapter 10, article V of this Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying the nuisance.

(Code 1988, § 14-344; Ord. No. 4110, § 2(12.5), 6-8-2009)

Secs. 40-481—40-498. - Reserved.

Subdivision XIII. - Affirmative Defenses to Discharge Violations

Sec. 40-499. - 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) of this section, 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 causes 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 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five 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 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 his 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.

(Code 1988, § 14-360; Ord. No. 4110, § 2(13.1), 6-8-2009)

Sec. 40-500. - Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 40-215(a) or the specific prohibitions in section 40-215(b)(1) through (17) if it can prove that it did not know, or have reason to know, that his discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

(Code 1988, § 14-361; Ord. No. 4110, § 2(13.2), 6-8-2009)

Sec. 40-501. - Bypass.

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

*Bypass* means the intentional diversion of waste-streams from any portion of a user's treatment facility.

*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. The term "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 ensure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.
- (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 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 24-hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The city manager may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (d) *Bypass.*
- (1) Bypass is prohibited, and the city manager may take an enforcement action against a user for a bypass, unless:
    - 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) of this section.
  - (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 conditions listed in subsection (d)(1) of this section.

(Code 1988, § 14-362; Ord. No. 4110, § 2(13.3), 6-8-2009)

Sec. 40-502. - 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:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) 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;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Fees to recover administrative and legal costs (not included in subsection (2) of this section) associated with the enforcement activity taken by the city manager to address IU noncompliance; and
- (6) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by the ordinance from which this subdivision is derived and are separate from all other fees, fines, and penalties chargeable by the city.

(Code 1988, § 14-385; Ord. No. 4110, § 2(15.1), 6-8-2009)

CITY OF MEXICO, MISSOURI  
OFFICE OF DEPUTY CITY MANAGER

Agenda: October 25, 2021

Members of City Council  
City of Mexico, Missouri

RE: A Resolution Authorizing the City Manager to Enter Into An Agreement with the Mexico Senior Nutrition Center to Assist in Providing Services for Senior Citizens

Dear City Council Members:

The attached Resolution authorizes the City Manager to enter into an agreement with the Mexico Senior Nutrition Center to assist in providing services to senior citizens. Attached is a narrative of the nutrition program.

The 2021 – 2022 budget allows for the City of Mexico to contribute to the Mexico Senior Nutrition Center the sum of Fourteen Thousand and No/100 Dollars (\$14,000.00) to assist in the offset of operational costs related to providing programs, activities and nutritional luncheon services. The City has provided \$14,000 annually in assistance to the Mexico Nutrition Center since fiscal year 2017 and provided prior assistance in the amount of \$10,000 annually dating back to 2000.

Staff recommends that the City of Mexico and the Mexico Senior Nutrition Center enter into an agreement and that Council proceed with reading by title only and passage of the attached Resolution.

Respectfully submitted,

Roger D. Haynes  
Deputy City Manager

RDH  
Attachment

Reviewed by: Bruce R. Slagle, City Manager

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MEXICO SENIOR NUTRITION CENTER TO ASSIST IN PROVIDING SERVICES FOR SENIOR CITIZENS**

WHEREAS, the City of Mexico recognizes the many benefits provided by the Mexico Senior Nutrition Center to its senior citizens; and

WHEREAS, the City of Mexico acknowledges the need for programs, activities and nutritional luncheon services provided to senior citizens; and

WHEREAS, the City of Mexico and the Mexico Senior Nutrition Center desire to enter into an agreement to continue to provide these services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEXICO, MISSOURI, AS FOLLOWS:

- Section 1. The City Manager is hereby authorized to execute an agreement with the Mexico Senior Nutrition Center to assist in providing services to senior citizens.
  
- Section 2. This Resolution shall be in full force and effect from and after the time of its passage.

PASSED THIS 25<sup>th</sup> DAY OF OCTOBER 2021

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF MEXICO, MISSOURI  
OFFICE OF ECONOMIC DEVELOPMENT

Agenda: November 9, 2020

Members of City Council  
City of Mexico, Missouri

RE: A Resolution Creating a Housing Incentive Program to Encourage Construction of New Single-Family Affordable Work Force Housing in the City of Mexico, Missouri

Dear City Council Members:

City Staff presented Council Members with a survey to rank community needs projects for use of the American Rescue Act Funding. Staff meet with the Audrain County Commissioners in October 2021 and established the Housing Incentive Program. This grant is designed to provide \$500,000 in American Rescue Act Funding to fund the Housing Incentive Program. The City of Mexico and County of Audrain will each commit \$250,000 of its American Rescue Act Funding. The Housing Incentive Program (HIP) is a grant that is intended to encourage the construction of new single-family affordable work force housing. The HIP would provide funding to housing developers by incentivizing private housing developments to encourage the creation of new market-based housing lots which will, in turn, retain citizens and attract workforce and thereby increase business and employment opportunities.

The HIP is designed to assist in financing housing lots for eligible housing developments to expand the supply of decent, safe and sanitary households within the City. The program is designed to assist housing developers with the installation of public utility improvements (water, sanitary sewer, and stormwater) into new and developing housing sub-divisions.

Through the process of developing single-family housing subdivisions, a developer may not have adequate funds for the installation and construction of public utilities and other up-front development costs.

The program guidelines and requirements are:

- Housing Subdivision must be located within the city limits of Mexico, Missouri.
- Subdivision must be for new owner-occupied single-family affordable work force housing and contain a minimum of eight (8) new buildable housing lots.
- HIP is a reimbursable grant program; therefore, requiring the developer to fund all up-front installation costs of the public utilities which includes the water, sanitary sewer and stormwater systems.

- Amount of assistance up to \$10,000, or cost of installation, whichever is less, per lot developed within housing subdivision.
- Houses to be built in subdivision must have a minimum of 600 square feet of living space and generally less than 2,000 square feet.
- Developer must be pre-approved for HIP Funding and have all plans approved by the City and County. HIP Funding approval will be based on available funds and meeting program objectives.
- HIP assistance is for the installation of the public utilities; therefore, all improvement must be built to City standards, approved, inspected and accepted by City for public use before reimbursement is made.
- The City/County will disburse committed HIP funds to the Developer after all the public utilities have been installed and a Certificate of Acceptance by the City has been provided.
- Developer must complete all public improvements and obtain a Certificate of Acceptance within 1 year of being pre-approved for program funding, but not later than December 31, 2024.
- Grants will be awarded on a first come first serve basis and when all HIP funds have been committed the program will conclude.
- Deviation from approved project design may disqualify the project from HIP funding.
- The City and County will review all requests for HIP funding and reserves the right to deny any request for funding that does not meet program objectives. All applicants will be notified in writing as to acceptance into the HIP.

Staff recommends Council proceed with reading by title only and passage of the attached Resolution creating a Housing Incentive Program in the City of Mexico, Missouri.

Respectfully submitted,

Russell Runge  
Assistant City Manager/Economic Development

Attachment

Reviewed by: Bruce Slagle, City Manager

**A RESOLUTION CREATING A HOUSING INCENTIVE PROGRAM TO ENCOURAGE CONSTRUCTION OF NEW SINGLE-FAMILY AFFORDABLE WORK FORCE HOUSING IN THE CITY OF MEXICO, MISSOURI**

WHEREAS, the Housing Incentive Program is a grant program that is intended to encourage the construction of new single-family affordable work force housing in the City of Mexico; and

WHEREAS, the Housing Incentive Program provides grant funding to housing developers by incentivizing private housing developments intended to encourage the creation of new market-based housing lots which will, in turn, retain citizens and attract workforce and thereby increase business and employment opportunities; and

WHEREAS, the City of Mexico and the County of Audrain will each commit funding for this project through the American Rescue Act Funding.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEXICO, MISSOURI, AS FOLLOWS:

- Section 1. The Housing Incentive Program is designed to help finance housing lots for eligible housing developments to expand the supply of decent, safe, and sanitary households within the City of Mexico.
- Section 2. The Housing Incentive Program is grant funding designed to assist housing developers with the installation of public utility improvements (water, sanitary sewer, & stormwater) into new and developing housing sub-divisions.
- Section 3. The City of Mexico and Audrain County, Missouri will each commit \$250,000 in American Rescue Act Funding, for a total of \$500,000 for the project.
- Section 4. This Resolution shall be in full force and effect from and after the date of its passage.

PASSED THIS 25<sup>TH</sup> DAY OF OCTOBER 2021

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CITY OF MEXICO, MISSOURI  
OFFICE OF DEPUTY CITY MANAGER

Agenda: October 25, 2021

Members of City Council  
City of Mexico, Missouri

RE: A Resolution Authorizing the City Manager to Execute Agreements with Various Organizations for Requested Funding from the Mexico Tourism Tax

Dear City Council Members:

The City of Mexico currently has a tourism tax that is collected by the hotels/motels within the city limits. The attached Resolution authorizes the City Manager to execute agreements with the Columbia Missourian, Presser Performing Arts Center and the Mexico Area Chamber of Commerce to receive tourism funding for their advertising campaigns.

The Mexico Tourism Commission reviewed applications for tourism funding and recommends to City Council the distribution of funds as follows:

<i>Organization</i>	<i>Festival</i>	<i>Purpose</i>	<i>Amount Requested</i>	<i>Amount Recommended</i>
Columbia Missourian	Winter & Holiday Tourism Guide	Advertising	\$375	\$375
Presser Performing Arts Center	Winter Production	Advertising	\$3,500	\$3,000
Mexico Area Chamber of Commerce	Holiday Activities	Advertising	\$1,500	\$1,500

Staff recommends that Council concur with the Mexico Tourism Commission's recommendation and proceed with reading by title only and passage of the attached Resolution.

Respectfully submitted,

Roger Haynes  
Deputy City Manager

RH  
Attachments

Reviewed By: Bruce R. Slagle, City Manager

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AGREEMENTS WITH VARIOUS ORGANIZATIONS FOR REQUESTED FUNDING  
FROM THE MEXICO TOURISM TAX**

WHEREAS, the Mexico Tourism Commission recommends to the Mexico City Council that the Columbia Missourian, Presser Performing Arts Center and the Mexico Area Chamber of Commerce be allowed to receive tourism funding for their tourism advertising campaigns.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEXICO, MISSOURI, AS FOLLOWS:

- Section 1. That the City Manager be authorized to enter into agreements on behalf of the City of Mexico with the Columbia Missourian, Presser Performing Arts Center and the Mexico Area Chamber of Commerce to receive tourism funding for tourism advertising campaign.
- Section 2. This Resolution shall be in full force and effect from and after the time of its passage.

PASSED THIS 25<sup>TH</sup> DAY OF OCTOBER 2021

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



CITY OF MEXICO, MISSOURI  
OFFICE OF DEPUTY CITY MANAGER / ADMINISTRATIVE SERVICES

Agenda: October 25, 2021

Members of City Council  
City of Mexico, Missouri

RE: Staff Report – 2022 Health Insurance Proposals

Dear City Council Members:

Administrative Services Staff has reviewed submitted group health insurance plans for the upcoming calendar year. Requests for group health plan proposals were sent to four insurance agencies, posted on the City’s website and advertised in the *Mexico Ledger*.

Based on health premium trends for small groups, the 2021-2022 Budget included a contingency for a ten percent increase in plan rates. All plans noted below are within budget for fiscal year 2022.

The City received fully insured proposals from two agencies, First State Insurance Agency and Gallaher Insurance Group, which submitted three providers with one being from our current provider United Healthcare and others from Anthem and Aetna. Each health insurance provider submitted several plan options for which City Staff narrowed down to three, keeping in mind acceptable pricing, area physician and hospital facility networks, plan deductibles, prescription tiers / co-pays and client account servicing.

The three qualifying quotes given consideration are as follows:

<u>Provider</u> <u>Plan Code</u>	<u>Employee</u> <u>Monthly \$\$</u>	<u>Employee/Spouse</u> <u>Monthly \$\$</u>	<u>Employee/Children</u> <u>Monthly \$\$</u>	<u>Employee/Family</u> <u>Monthly \$\$</u>
<b><i>UHC</i></b>				
<b><i>BVBJ (HSA)</i></b>	<b><i>\$ 666.42</i></b>	<b><i>\$ 1,297.86</i></b>	<b><i>\$ 1,140.30</i></b>	<b><i>\$ 1,771.76</i></b>
UHC				
BVBJ (HSA)	\$ 657.07	\$ 1,279.65	\$ 1,124.30	\$ 1,746.90
RX C26-HSA				
Anthem				
Blue Access	\$ 659.28	\$ 1,284.28	\$ 1,128.03	\$ 1,753.02
PPO HSA				

The above information only addresses the various plan premiums, an additional summary page that is attached to this report provides more detail on each plan considered, depicting not only premiums but also key plan features.

The first plan listed, a UHC plan identified as BVBJ (HSA), is a renewal of the City's current plan, with the only change being in premium at a level of ten-percent. The City has utilized this plan package since 2019 and has been very pleased with the plan overall. This plan provides a very good local healthcare network and includes one of the better nation-wide healthcare networks. This plan does provide city employees the best prescription plan of the three plans being considered.

The second plan listed, a UHC plan identified as BVBJ (HSA) RX C26-HSA, is similar to the City's current plan with exception of having a four-tier prescription plan with more of the prescription cost being passed on to the employee; noting price increases in tiers two and three, plus the addition of a fourth tier at \$250.00.

The third plan listed, Anthem plan identified as the Blue Access PPO HSA 6CLM, is also backed by a nation-wide network and has a mix of pluses and minuses on deductibles, with the pluses being on the in-network out-of-pocket cost and minuses on the out-of-network cost. The prescription plan is a four-tier plan, which overall is more expensive than the City's current plan, especially the potential cost-share on the fourth tier at a twenty-five percent co-pay. This plan was not medically underwritten, which in looking forward is a concern based on staff's past experience. Based on the relatively small difference in pricing as compared to the renewal price of the current UHC plan versus renewal risks, additional prescription plan co-pays and potential changes in in-network physicians, a move to this plan is not recommended.

Based on a comprehensive review of each plan's overall pricing, coverage and area physician/health facility network, Staff recommends renewing the current United Health Care Plan BVBJ (HSA) for a period of one year beginning January 1, 2022 with an option to renew for two additional one-year terms subject to acceptance by the City of Mexico.

Staff further recommends that Gallaher Insurance Group be named agency of record.

Respectfully submitted,

Roger D. Haynes  
Deputy City Manager

RDH

Reviewed by: Bruce Slagle, City Manager