TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING
SIKESTON CITY HALL
105 E. Center St.

Monday, October 31, 2016
10:45 A.M.

I. CALL TO ORDER

II. EXECUTIVE SESSION
   Litigation (RSMo 610.021(1))
   Property (RSMo 610.021(2))

III. ADJOURNMENT

Dated this 26th day of October 2016

______________________________
Carroll Couch, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Linda Lowes at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council’s Meeting.
TENTATIVE AGENDA

SPECIAL CITY COUNCIL MEETING
SIKESTON CITY HALL

Monday, October 31, 2016
11:30 A.M.

I. CALL TO ORDER

II. RECORD OF ATTENDANCE

III. OPENING PRAYER

IV. ITEMS OF BUSINESS
   A. 1st Reading, Bill #6035, Adopting and Enacting a New Title VII-Chapter 716: Wastewater Pretreatment
   B. Consideration of Resolution 16-10-02, Authorizing Submission of Transportation Alternative Program Grant Application for Rail Trail Project
   C. Authorization to Participate in Missouri One Call System (Dig-Rite) for Location/Protection of City's Underground Stormwater Infrastructure
   D. Authorization to Purchase Salt Spreader Stands
   E. Award Used Equipment Purchase – Code Enforcement
   F. Consideration of Resolution 16-10-01, Authorization to Surplus Vehicle
   G. Award Bid #17-5 – Infield Renovations
   H. Other Items As May Be Determined During the Course of the Meeting

V. ADJOURNMENT

Dated this 26th day of October 2016

[Signature]
Carroll Couch, City Clerk

The City of Sikeston complies with ADA guidelines. Notify Linda Lowes at 471-2512 (TDD Available) to notify the City of any reasonable accommodation needed to participate in the City Council's Meeting.
Council Letter

Date of Meeting: 16-10-31

Originating Department: Board of Municipal Utilities

To the Mayor and City Council:

Subject: 1st Reading of Bill 6035, Adopting and Enacting Title VII, Chapter 716: Discharge of Water and Wastes

Attachment:
1. Bill #6035

Action Options:
1. Conduct first reading of Bill 6035
2. Other action Council may deem appropriate

Background:

In 2012 Missouri adopted the 2007 US EPA rule changes. Bill 6035 will amend City Code to bring the city back into compliance.

Council will be asked to conduct the second reading and take action on this bill during the November 7 regular meeting.
THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6035 ESTABLISHING AND ENACTING TITLE VII, CHAPTER 716 WASTEWATER PRETREATMENT, SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF PUBLICLY OWNED TREATMENT WORKS OF THE SIKESTON BOARD OF MUNICIPAL UTILITIES AND ENABLING THE BOARD OF MUNICIPAL UTILITIES TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND GENERAL PRETREATMENT REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in Title VII Utilities, Chapter 716, Wastewater Pretreatment Requirements of City Code.

SECTION II: Sikeston Municipal Code, Title VII, Chapter 716 is created to read as follows:

See Exhibit A

SECTION III: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IV: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

A. Bill Number 6035 was introduced and read the first time this 31st day of October, 2016.

B. Bill Number 6035 was read the second time and discussed this 7th day of November, 2016, and voted as follows:

   White-Ross, __________. Evans, __________. Depro, ____________.
   Meredith, ____________. Settles, _____________. Gilmore, ____________.
   Burch, ________________, thereby being
   ____________________________

   becoming ordinance 6035.

C. Ordinance 6035 shall be in full force and effect from and after December 7th, 2016.

   ____________________________
   Steven Burch, Mayor

   Approved as to form __________________
   Charles Leible, City Counselor

   Seal / Attest: ______________________
   Carroll Couch, City Clerk
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ORDINANCE NO. [ ]

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Sikeston Board of Municipal Utilities and enables the BMU to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

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

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

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the BMU 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 ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance 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.
1.2 Administration

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized [City] employee.

1.3 Abbreviations

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

- **BOD** – Biochemical Oxygen Demand
- **BMP** – Best Management Practice
- **BMR** – Baseline Monitoring Report
- **CFR** – *Code of Federal Regulations*
- **CIU** – Categorical Industrial User
- **COD** – Chemical Oxygen Demand
- **EPA** – U.S. Environmental Protection Agency
- **gpd** – gallons per day
- **IU** – Industrial User
- **mg/l** – milligrams per liter
- **NPDES** – National Pollutant Discharge Elimination System
- **NSCIU** – Non-Significant Categorical Industrial User
- **POTW** – Publicly Owned Treatment Works
- **RCRA** – Resource Conservation and Recovery Act
- **SIU** – Significant Industrial User
- **SNC** – Significant Noncompliance
- **TSS** – Total Suspended Solids

1.4 Definitions

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

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

B. Approval Authority. Missouri Department of Natural Resources

C. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

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

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

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

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

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

E. 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 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. BMU. The Sikeston Board of Municipal Utilities.
I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The BMU

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

N. Existing Source. Any source of discharge that is not a “New Source.”

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

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

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

R. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the BMU’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.
S. Local Limit. Specific discharge limits developed and enforced by the BMU upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

U. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

V. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

W. New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

2. 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 Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

   a. Begun, or caused to begin, as part of a continuous onsite construction program
(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or
removal of existing buildings, structures, or facilities which is necessary for
the placement, assembly, or installation of new source facilities or equipment;
or
(b) Entered into a binding contractual obligation for the purchase of facilities or
equipment which are intended to be used in its operation within a reasonable time.
Options to purchase or contracts which can be terminated or modified without
substantial loss, and contracts for feasibility, engineering, and design studies do
not constitute a contractual obligation under this paragraph.

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

Y. Pass Through. A discharge which exits the POTW into waters of the United States in
quantities or concentrations which, alone or in conjunction with a discharge or discharges
from other sources, is a cause of a violation of any requirement of [the City’s] NPDES
permit, including an increase in the magnitude or duration of a violation.

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

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

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

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

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

EE. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited
discharge standards, categorical Pretreatment Standards, and Local Limits.
FF. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

GG. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the BMU. 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.

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

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

JJ. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Muon the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.

(3) The BMU may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to [City’s] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
(b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the BMU may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

KK. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Permit conditions.

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

MM. Director. The person designated by the BMU to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Director.

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

OO. User or Industrial User. A source of indirect discharge.

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

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

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to
categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;

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

(5) Wastewater having a temperature greater than 104 degrees F (40 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 Director in accordance with Section 3.4 of this ordinance;

(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 BMU’s NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail toxicity test;

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

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

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

2.2 National Categorical Pretreatment Standards

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

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.

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

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

D. the Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

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

G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director 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.

2.3 State Pretreatment Standards

Users must comply with Missouri Pretreatment Standards codified at [insert appropriate cite to State statute or law].

2.4 Local Limits

A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following daily maximums.

**North Plant Limits**

- 25 mg/l ammonia
- 300 mg/l BOD$_5$
- 100 mg/l oil and/or grease
- 350 mg/l total suspended solids

**South Plant Limits**

- 25 mg/l ammonia
- 0.097 mg/l arsenic
- 300 mg/l BOD$_5$
- 0.004 mg/l cadmium
- 2.391 mg/l chromium
The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.

C. The Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1.

2.5 BMU’s Right of Revision

The BMU 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 ordinance.

2.6 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 Director 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.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Director, 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 Director for review, and shall be acceptable to the Director 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 BMU under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User’s compliance with the requirements of this ordinance.

B. The Director 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 Director, 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 Director, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense. This shall be in accordance with Sikeston Municipal Code 715.210, Grease, Oil and Sand Traps.

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

3.3 Accidental Discharge/Slug Discharge Control Plans

The Director shall evaluate whether each SIU needs an accidental discharge/Slug discharge control plan or other action to control Slug Discharges. The Director 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 Director may develop such a plan for any User. An accidental discharge/Slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the BMU. The Director may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The Director may require haulers of industrial waste to obtain individual wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

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

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

Note for items C and D above. The City does not take industrial waste at this time. Industrial waste will only be accepted at the discretion of the Director and only on a case by case basis for a specific time frame.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.
4.2 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 Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. The Director may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. 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.

4.3 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 ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Director.

4.4 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 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 4.6. the Director may require Users to submit all or some of the following information as part of a permit application:

   (1) Identifying Information.

   a. The name and address of the facility, including the name of the operator and owner.
b. Contact information, description of activities, facilities, and plant production processes on the premises;

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

(3) Description of Operations.

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) 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 wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

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

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, 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 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].

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

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 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 6.14 A.

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 Director prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration

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

5.2 Individual Wastewater Discharge Permit Contents
An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

(1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the BMU in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.

(6) 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.

(7) Requirements to control Slug Discharge, if determined by the Director to be necessary.

(8) Any grant of the monitoring waiver by the Director (Section 6.4 B) must be included as a condition in the User’s permit or other control mechanism.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
(2) Requirements for the installation of pretreatment technology, pollution
control, or construction of appropriate containment devices, designed to reduce,
eliminate, or prevent the introduction of pollutants into the treatment works;

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

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

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

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

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

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

5.3 Permit Issuance Process

A. Public Notification. The Director will send a draft permit to the permittee. The
permittee has 30 days from the date the permit was sent to comment.

B. Permit Appeals. The Director shall provide public notice of the issuance of an
individual wastewater discharge permit. Any person, including the User, may petition
the Director to reconsider the terms of an individual wastewater discharge permit within
thirty (30) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver
of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater
discharge permit provisions objected to, the reasons for this objection, and the
alternative condition, if any, it seeks to place in the individual wastewater
discharge permit.

(3) The effectiveness of the individual wastewater discharge permit shall not be
stayed pending the appeal.
(4) If the Director fails to act within thirty (30) 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 Scott County, Missouri.

5.4 Permit Modification

A. The Director 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 BMU’s POTW, BMU personnel, or the receiving waters;

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

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

7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

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 5.5.

B. The Director may modify a general 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) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit Transfer

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

A. States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

5.6 Individual Wastewater Discharge Permit Revocation

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

A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 6.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;
E. Tampering with monitoring equipment;

F. Refusing to allow the Director timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

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

5.7 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 4.5 of this ordinance, a minimum of Forty five (45) days prior to the expiration of the User’s existing individual wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

At this time the Board does not receive or wish to receive waste from other jurisdictions.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources
that become Categorical Industrial Users subsequent to the promulgation of an applicable
categorical Standard, shall submit to the Director a report which contains the information
listed in paragraph B, below. A New Source shall report the method of pretreatment it
intends to use to meet applicable categorical Standards. A New Source also shall give
estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section
4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5A (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 paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities
if such exist or immediately downstream from the regulated process if no
pretreatment exists. If other wastewaters are mixed with the regulated
wastewater prior to pretreatment the User should measure the flows and
concentrations necessary to allow use of the combined wastestream formula in
40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.

Where an alternate concentration or mass limit has been calculated in
accordance with 40 CFR 403.6(e) this adjusted limit along with supporting
data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.10;

e. The Director may allow the submission of a baseline report which utilizes
only historical data so long as the data provides information sufficient to
determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, date and place of sampling and
methods of analysis, and shall certify that such sampling and analysis is
representative of normal work cycles and expected pollutant Discharges to the
POTW.

(3) Compliance Certification. A statement, reviewed by the User’s Authorized
Representative as defined in Section 1.4 C and certified by a qualified
professional, indicating whether Pretreatment Standards are being met on a
consistent basis, and, if not, whether additional operation and maintenance
(O&M) and/or additional pretreatment is required to meet the Pretreatment
Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be
required to meet the Pretreatment Standards, the shortest schedule by which the
User will provide such additional pretreatment and/or O&M must be provided.
The completion date in this schedule shall not be later than the compliance date
established for the applicable Pretreatment Standard. A compliance schedule
pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

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

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 4.5A (6) and (7) and 6.1(B) (2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, 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 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.
6.4 Periodic Compliance Reports

A. Except as specified in Section 6.4.C, all [Significant Industrial] Users must, at a frequency determined by the Director submit no less than twice per year (June and December [or on dates specified]) 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 Director or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The BMU may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [See 40 CFR 403.12(e) (2)] This authorization is subject to the following conditions:

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

2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A (8).

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

4. The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a) (2) (ii)).

5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
(6) Any grant of the monitoring waiver by the Director must be included as a condition in the User’s permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User’s permit by the Director, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Director, and notify the Director.

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

C. The BMU may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User’s total categorical wastewater flow does not exceed any of the following:

1. five thousand (5,000) gallons per day, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches

2. 107.9 pounds BOD

3. Lbs/day of any of the following pollutants:

   a. Arsenic  0.0045
   b. Cadmium  0.0002
   c. Chromium  0.0985
   d. Copper  0.0184
   e. Cyanide  0.0134
   f. Lead  0.0074
   g. Mercury  0.0010
   h. Molybdenum  0.0040
   i. Nickel  0.0269
   j. Selenium  0.0054
   k. Silver  0.0143
   l. Zinc  0.0421
Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

E. 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.

F. 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 Director, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Director of any significant changes to the User’s operations or system which might alter the nature, quality, or volume of its wastewater at least Ninety (90) days before the change.

A. The Director 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 4.5 of this ordinance.

B. The Director may issue an individual wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
B. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

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

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

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

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

6.9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the 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 twelve (12) months. All notifications must take place no
later than one hundred and eighty (180) days after the discharge commences. Any
notification under this paragraph need be submitted only once for each hazardous waste
discharged. However, notifications of changed conditions must be submitted under
Section 6.5 of this ordinance. 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 6.1, 6.3, and 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a
calendar month in which they discharge no more than fifteen (15) kilograms of
hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR
261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute
hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as
specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
Subsequent months during which the User discharges more than such quantities of any
hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional
characteristics of hazardous waste or listing any additional substance as a hazardous
waste, the User must notify the Director, the EPA Regional Waste Management Waste
Division Director, and State hazardous waste authorities of the discharge of such
substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it
has a program in place to reduce the volume and toxicity of hazardous wastes generated
to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise
permitted to be discharged by this ordinance, a permit issued thereunder, or any
applicable Federal or State law.

6.10 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 Director or other
parties approved by EPA.

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

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the BMU, 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 BMU, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 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.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, 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 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the
person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the BMU, or where the User has been specifically notified of a longer retention period by the Director.

6.14 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 Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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

A. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 GG(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from __________, ________ to ________, ________ [months, days, year]:

(a) The facility described as ____________________ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never
discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

________________________________________________

________________________________________________

B. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.
SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.

C. The Director may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing the Director access to the User’s premises shall be a violation of this ordinance.
7.2 Search Warrants

If the Director 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 ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the BMU designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the Circuit Court of Scott County Missouri.

SECTION 8—CONFIDENTIAL INFORMATION

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

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by
Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director’s exercise of its emergency authority to halt or prevent such a discharge;

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

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

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

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within Forty Five (45) 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 Director. 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
10.2 Consent Orders

The Director 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 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director 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 Forty Five (45) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a 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.

10.5 Cease and Desist Orders

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, 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
Director may issue an order to the User directing it to cease and desist all such violations and
directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly
address a continuing or threatened violation, including halting operations and/or
terminating the discharge. Issuance of a cease and desist order shall not be a bar
against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

A. When the Director finds that a User has violated, or continues to violate, any
provision of this ordinance, an individual wastewater discharge permit, or order issued
hereunder, or any other Pretreatment Standard or Requirement, the Director may fine
such User in an amount not to exceed $500.00. 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 [______ (____)] calendar days, be
assessed an additional penalty of [______ percent (____%)] of the unpaid balance, and
interest shall accrue thereafter at a rate of [______ 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 Director to
reconsider the fine along with full payment of the fine amount within thirty (30) days of
being notified of the fine. Where a request has merit, the Director 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 Director 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.

10.7 Emergency Suspensions

the Director 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 Director may also immediately suspend a User’s discharge, after notice
and opportunity to respond, that threatens to interfere with the operation of the POTW, or which
presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate
its contribution. In the event of a User’s failure to immediately comply voluntarily with
the suspension order, the Director 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 Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge permit [or general permit] conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User’s premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.
SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the Circuit Court of Scott County Missouri through the BMU’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 ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the BMU for a maximum civil penalty of $1000.00 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 Director 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 BMU.

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.

11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 per violation, per day, or imprisonment for not more than one (1) years, or both.
B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1000.00, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1000.00 per violation, per day, or imprisonment for not more than one (1) year, years, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than $1000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Director 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 BMU’s enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue an individual wastewater discharge permit [or a general permit] to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit] or order issued hereunder.

12.2 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, [a general permit] or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User’s expense, only after the User has satisfactorily demonstrated its ability to comply.
SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees – [RESERVED]

15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16—EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.
**Council Letter**

**Date of Meeting:** 16-10-31

**Originating Department:** Public Works Department

To the Mayor and City Council:

**Subject:** Resolution 16-10-02 – Authorize Submission of Transportation Alternative Program Grant Application for Rail Trail Project

**Attachments:**
1. Resolution 16-10-02

**Action Options:**
1. Approve Resolution
2. Other action Council may deem appropriate

**Background:**

Staff is seeking Council approval of Resolution 16-10-02 authorizing the City to apply for MoDOT Transportation Alternative Program (TAP) funding to construct Phase I of the Railroad Trail Project.

The overall project estimate, including consultant fees, is $375,315. We propose the request 75% of those funds from the TAP Program, leaving a 25% ($93,828.75) local match utilizing FY18 Capital Improvement funds that the City will have to cover.
A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI, STATING ITS INTENT TO SEEK FUNDING FOR THE DEVELOPMENT OF PHASE ONE OF THE RAILROAD RAIL-TO-TRAIL PROJECT THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE SAID FUNDING.

WHEREAS, The Transportation Alternatives Program (TAP) was authorized under Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and is reauthorized under the FAST Act; and

WHEREAS, the federally funded TAP provides opportunities to communities to expand transportation choices and enhance the transportation experience through categories of activities related to the surface transportation system; and

WHEREAS, The Missouri Department of Transportation is designated to award Transportation Alternatives Program funding; and

WHEREAS, The City has an eligible project which may apply for and utilize TAP funding.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sikeston, Missouri, that it desires to participate with the Missouri Department of Transportation in the improvement of our community under the activities authorized pursuant to the Transportation Alternatives Program.

THEREFORE, BE IT FURTHER RESOLVED that the Mayor of the City of Sikeston, Missouri, is hereby authorized to prepare and submit documents which are necessary in applying for funding and establishing an administrative organization to implement activities pursuant to the aforementioned act.

THEREFORE, BE IT FURTHER RESOLVED, that the applicant will dedicate $ 94,000.00 of local cash funds to be used in the development of phase one of the rail to trail project.

Read this 31st day of October, 2016, discussed and voted upon as follows:

White-Ross, Evans, Meredith, Depro, Gilmore, Settles, Burch, thereby being

__________________________
Steven Burch, Mayor

Approved as to form
Charles Leible, City Counselor

Seal / Attest:

__________________________
Carroll Couch, City Clerk
To the Mayor and City Council:

Subject: Authorization to Participate in Missouri One Call System (Dig Rite) for location/protection of City’s underground storm water infrastructure

Attachments:

1. Missouri One Call System, Inc. General Membership Agreement

Action Options:

1. Authorization to participate in Missouri’s One Call System
2. Other action Council may deem appropriate

Background:

Recently, after a local contractor damaged a section of the City’s storm water pipe system, City staff contacted Missouri’s One Call System (Dig Rite) for information on becoming a member. City staff were informed that under Missouri law, any municipality with an underground facility must participate in the One Call System. Therefore, staff is requesting the authorization of the attached agreement to participate in the One Call System. The City will be billed $1.30 per locate notification. The City must also provide a detailed map to the One Call System of the City’s storm water system.
Missouri One Call System, Inc.
General Membership Agreement

WHEREAS, Missouri One Call System, Inc., (hereinafter called “Corporation”), a Missouri non-profit corporation, has been formed in an effort to reduce damage to the underground facilities of its members through the establishment of a statewide notification system to facilitate the receipt and transmittal of information to and from persons, firms, corporations, municipalities, and other entities intending excavation activities, including but not limited to: backfilling, ditching, drilling, well drilling, auguring, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, demolition, or otherwise disturbing the subsurface of the earth, which activities might interfere with or damage the underground facilities of the members of Corporation who have facilities in the area of the proposed activities; and,

WHEREAS, the undersigned represents that it has underground facilities located within the state of Missouri and is otherwise eligible to be a general member of Corporation; and,

WHEREAS, the undersigned, in accordance with RSMo Chapter 319.015-319.050 makes application.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to be gained by membership in Corporation, the undersigned hereby applies for admission as a general member of Corporation, and in connection therewith covenants and agrees to be bound as follows:

1. The member agrees to abide by and accept the By-Laws of the Corporation and to be bound thereby in its participation as a member of Corporation.

2. The member agrees to adhere to the requirements of the Member Operating Specifications.

3. The member agrees to advertise, promote and educate its personnel and its contractors about the “One Call” program, as appropriate, through whatever means are available and practical to the member.

4. The member hereby agrees and promises to pay promptly and fully the fees prescribed by the Board of Directors of Corporation pursuant to the By-Laws of Corporation.
Company Name: ____________________________

Representative Name: ____________________________

Title: ____________________________

Signature: ____________________________

Address: ____________________________

City, State & Zip: ____________________________

Do not complete below this line.

ACCEPTANCE

The above Application for General membership in Missouri One Call System, Inc., is hereby accepted this _______ day of ____________, 20_____.

MISSOURI ONE CALL SYSTEM, INC.

________________________________________
Signature of Board Secretary

Please submit to:
Missouri One Call System, Inc.
824 Weathered Rock Road
Jefferson City, Missouri 65101
Council Letter

Date of Meeting: 16-10-31

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Authorization to Proceed with Purchase of Salt Spreader Stands

Attachments:

1. Quotation from Viking-Cives Midwest, Inc.

Action Options:

1. Authorization to proceed with purchase of salt spreader stands
2. Other action the City Council deems appropriate

Background:

Staff would like to purchase three (3) salt spreader stands for our snow plow trucks. Viking Cives Midwest, Inc. is the sole vendor for this item. The total cost of three (3) stands is $11,325.00. This purchase is included in the approved budget using Capital Improvement funds.

We seek Council’s approval to proceed with the purchase.
**Customer**

CITY OF SIKESTON  
105 E CENTER  
SIKESTON MO 63801

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**Ship To**

CITY OF SIKESTON  
105 E. CENTER  
SIKESTON MO 63801

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<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Ordered</th>
<th>UOM</th>
<th>Price Per</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>MO14OPT605</td>
<td>15' VCM galvanized spreader stand assembly</td>
<td>3.00</td>
<td>EA</td>
<td>3,050.00</td>
<td>9,150.00</td>
</tr>
<tr>
<td>ACCOUNT:5104-01</td>
<td>Install customer supplied spreader with stainless tailgate lockbar.</td>
<td>3.00</td>
<td>EA</td>
<td>725.00</td>
<td>2,175.00</td>
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</tbody>
</table>

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Customer must fill out the information below before the order can be processed.

Accepted by: ______________________ Date: _____________ P.O. #: ______________________

*Quoted price does not include any applicable taxes.*

*Terms are Due Upon Receipt unless prior credit.*

*Terms for established accounts. NET 30 days.*

*Please note if chassis is furnished, it is at a convenience and terms are Net Due on Receipt of Chassis.*

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Sub-Total 11,325.00
Shipping 0.00
Discount 0.00
Taxes 0.00
Total 11,325.00
To the Mayor and City Council:

Subject: Authorization to Proceed with Purchase of Used Equipment

Action Options:

1. Authorization to proceed with purchase of used equipment
2. Other action the City Council deems appropriate

Background:

Staff would like to purchase a used pickup truck for the Public Works Code Enforcement Division. The price for this pickup is $19,000 and is included in the approved budget using $15,000 in Capital Improvement funds. The additional $4,000 being used was the result of selling old dump trucks and spreaders.

Utilizing the City’s Purchase of Used Equipment policy, we seek Council’s approval to comparison shop and proceed with the purchase.
Date of Meeting: 16-10-31

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Resolution 16-10-01 – Declaration of Surplus Vehicle

Attachments:
1. Resolution 16-10-01

Action Options:
1. Approve
2. Other action Council may deem appropriate

Background:
The Public Works Department is requesting that Council surplus the Suburban formerly used by the DED Department. The Public Works Department would like to utilize the sale proceeds to purchase two (2) used replacement vehicles for Code Enforcement if funds allow.

Vehicles:
1. 2013 Chevrolet Suburban, VIN# 1GNSCJE08DR376906
RESOLUTION 16-10-01

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI DECLARING CERTAIN EQUIPMENT, VEHICLES AND ITEMS IN THE CITY’S INVENTORY TO BE SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL.

WHEREAS, Certain equipment, vehicles and items in the City’s inventory, due to its age or state of disrepair can no longer adequately perform the day-to-day operations of the City; and

WHEREAS, the City of Sikeston seeks to remove such items from its inventories to maximize operations, and while providing a safe and efficient environment for its employees.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

All of the items enumerated below are hereby declared surplus and the City Manager is directed to proceed with the removal of these items from City inventories by sale at public auction, sale by sealed bid, or when the item is no longer usable, by disposal.

Vehicles:

1. 2013 Chevrolet Suburban, VIN# 1GNSCJE08DR376906

Read this 31st day of October, 2016, discussed and voted as follows:

Depro, Evans, Gilmore, White-Ross, Meredith, Settles, and Burch,

thereby being ________.

__________________________________
Steven Burch, Mayor

__________________________
Approved as to Form:
Charles Leible, City Counselor

ATTEST:

________________________________
Carroll Couch, City Clerk
To the Mayor and City Council:

Subject: Award Bid 17-5 Infield Renovations at Recreation Complex

Attachments:
1. Bid Tabulation sheet for 17-5

Action Options:
1. Award Bid 17-5 to Tru Turf Solutions
2. Other action the City Council deems appropriate.

Background:

Staff opened bids from two vendors on Tuesday, October 19, 2016 for the renovation of two infields in the Recreation Complex. This included the Rookie Field (Field #3) on the Little League field, and the U10 Girls’ Softball Field (Field #5). The bid tabulation sheet is attached. The low bid was from Tru Turf Solutions from St. Louis, Missouri for $25,900.00 for both fields combined. The budget breakdown for the project is: $14,000 from Capital Improvements, $4,000 from a donation from the Sikeston Area Youth Baseball and Softball League, and $7,100 from Ground Maintenance.

Staff recommends awarding the bid to Tru Turf Solutions for $25,900 to renovate both the Rookie and the U10 Girls’ infields.
**CITY OF SIKESTON BID TABULATION SHEET**  
Bid #17-5 Infield Renovation  
October 19, 2016

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tru Turf Solutions</strong></td>
<td></td>
</tr>
<tr>
<td>Field #3: $12,950.00</td>
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<tr>
<td>Field #5: $12,950.00</td>
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</tr>
<tr>
<td>Total: $25,900.00</td>
<td></td>
</tr>
<tr>
<td><strong>Turf Renovations, LLC</strong></td>
<td></td>
</tr>
<tr>
<td>Field #3: $14,500.00</td>
<td></td>
</tr>
<tr>
<td>Field #5: $14,500.00</td>
<td></td>
</tr>
<tr>
<td>Total: $29,000.00</td>
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</tbody>
</table>

**CHAIRMAN**: Dustin Care  **RECORDER**: Angie Keller  **VERIFIER**: Chris Hart