



105 E. Center Street
Sikeston, MO 63801
573-471-2512
www.Sikeston.org

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

A handwritten signature in black ink, appearing to read "Carroll Couch", is written over a horizontal line.

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.



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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


Carroll Couch, City Clerk

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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.

BILL Number 6035

ORDINANCE Number 6035

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

EXHIBIT A

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Sikeston PRETREATMENT ORDINANCE

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.

126 1.2 Administration

127
128 Except as otherwise provided herein, the Director shall administer, implement, and enforce the
129 provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be
130 delegated by the Director to a duly authorized [City] employee.

131
132 1.3 Abbreviations

133
134 The following abbreviations, when used in this ordinance, shall have the designated meanings:

135
136 BOD – Biochemical Oxygen Demand
137 BMP – Best Management Practice
138 BMR – Baseline Monitoring Report
139 CFR – *Code of Federal Regulations*
140 CIU – Categorical Industrial User
141 COD – Chemical Oxygen Demand
142 EPA – U.S. Environmental Protection Agency
143 gpd – gallons per day
144 IU – Industrial User
145 mg/l – milligrams per liter
146 NPDES – National Pollutant Discharge Elimination System
147 NSCIU – Non-Significant Categorical Industrial User
148 POTW – Publicly Owned Treatment Works
149 RCRA – Resource Conservation and Recovery Act
150 SIU – Significant Industrial User
151 SNC – Significant Noncompliance
152 TSS – Total Suspended Solids
153 U.S.C. – United States Code

154
155 1.4 Definitions

156
157 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
158 ordinance, shall have the meanings hereinafter designated.

159
160 A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean
161 Water Act, as amended, 33 U.S.C. section 1251 et seq.

162
163 B. Approval Authority. Missouri Department of Natural Resources

164
165 C. Authorized or Duly Authorized Representative of the User.

166
167 (1) If the User is a corporation:

168
169 (a) The president, secretary, treasurer, or a vice-president of the corporation in
170 charge of a principal business function, or any other person who performs similar
171 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.

262 S. Local Limit. Specific discharge limits developed and enforced by the BMU upon
263 industrial or commercial facilities to implement the general and specific discharge
264 prohibitions listed in 40 CFR 403.5(a)(1) and (b).
265

266 T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products,
267 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes,
268 potentially contaminated laboratory wastes, and dialysis wastes.
269

270 U. Monthly Average. The sum of all “daily discharges” measured during a calendar
271 month divided by the number of “daily discharges” measured during that month.
272

273 V. Monthly Average Limit. The highest allowable average of “daily discharges” over a
274 calendar month, calculated as the sum of all “daily discharges” measured during a
275 calendar month divided by the number of “daily discharges” measured during that month.
276

277 W. New Source.
278

279 (1) Any building, structure, facility, or installation from which there is (or may
280 be) a discharge of pollutants, the construction of which commenced after the
281 publication of proposed Pretreatment Standards under section 307(c) of the Act
282 that will be applicable to such source if such Standards are thereafter promulgated
283 in accordance with that section, provided that:
284

285 (a) The building, structure, facility, or installation is constructed at a site at which
286 no other source is located; or

287 (b) The building, structure, facility, or installation totally replaces the process or
288 production equipment that causes the discharge of pollutants at an Existing
289 Source; or

290 (c) The production or wastewater generating processes of the building, structure,
291 facility, or installation are substantially independent of an Existing Source at the
292 same site. In determining whether these are substantially independent, factors
293 such as the extent to which the new facility is integrated with the existing plant,
294 and the extent to which the new facility is engaged in the same general type of
295 activity as the Existing Source, should be considered.
296

297 (2) Construction on a site at which an Existing Source is located results in a
298 modification rather than a New Source if the construction does not create a new
299 building, structure, facility, or installation meeting the criteria of Section (1) (b) or
300 (c) above but otherwise alters, replaces, or adds to existing process or production
301 equipment.
302

303 (3) Construction of a New Source as defined under this paragraph has commenced
304 if the owner or operator has:
305

306 (a) Begun, or caused to begin, as part of a continuous onsite construction program
307

(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

447 categorical Pretreatment Standards or any other National, State, or local Pretreatment
448 Standards or Requirements.

449
450 B. Specific Prohibitions. No User shall introduce or cause to be introduced into the
451 POTW the following pollutants, substances, or wastewater:

452
453 (1) Pollutants which create a fire or explosive hazard in the POTW, including,
454 but not limited to, wastestreams with a closed-cup flashpoint of less than 140
455 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

456
457 (2) Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing
458 corrosive structural damage to the POTW or equipment;

459
460 (3) Solid or viscous substances in amounts which will cause obstruction of the
461 flow in the POTW resulting in Interference;

462
463 (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a
464 discharge at a flow rate and/or pollutant concentration which, either singly or by
465 interaction with other pollutants, will cause Interference with the POTW;

466
467 (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C),
468 or which will inhibit biological activity in the treatment plant resulting in
469 Interference, but in no case wastewater which causes the temperature at the
470 introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

471
472 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin,
473 in amounts that will cause Interference or Pass Through;

474
475 (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within
476 the POTW in a quantity that may cause acute worker health and safety problems;

477
478 (8) Trucked or hauled pollutants, except at discharge points designated by the
479 Director in accordance with Section 3.4 of this ordinance;

480
481 (9) Noxious or malodorous liquids, gases, solids, or other wastewater which,
482 either singly or by interaction with other wastes, are sufficient to create a public
483 nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or
484 repair;

485
486 (10) Wastewater which imparts color which cannot be removed by the treatment
487 process, such as, but not limited to, dye wastes and vegetable tanning solutions,
488 which consequently imparts color to the treatment plant's effluent, thereby
489 violating BMU's NPDES permit;

490
491 (11) Wastewater containing any radioactive wastes or isotopes except in
492 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

587 0.280 mg/l copper
588 0.316 mg/l cyanide
589 0.174 mg/l lead
590 0.025 mg/l mercury
591 0.090 mg/l molybdenum
592 0.638 mg/l nickel
593 100 mg/l oil and/or grease
594 0.127 mg/l selenium
595 0.207 mg/l silver
596 350 mg/l total suspended solids
597 0.729 mg/l zinc

598
599 The above limits apply at the point where the wastewater is discharged to the POTW. All
600 concentrations for metallic substances are for total metal unless indicated otherwise. The
601 Director may impose mass limitations in addition to the concentration-based limitations above.
602

603 C. The Director may develop Best Management Practices (BMPs), by ordinance or in
604 individual wastewater discharge permits, to implement Local Limits and the requirements
605 of Section 2.1.
606

607 2.5 BMU's Right of Revision

608
609 The BMU reserves the right to establish, by ordinance or in individual wastewater discharge
610 permits, more stringent Standards or Requirements on discharges to the POTW consistent with
611 the purpose of this ordinance.
612

613 2.6 Dilution

614
615 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge,
616 as a partial or complete substitute for adequate treatment to achieve compliance with a discharge
617 limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
618 the Director may impose mass limitations on Users who are using dilution to meet applicable
619 Pretreatment Standards or Requirements, or in other cases when the imposition of mass
620 limitations is appropriate.
621

622 SECTION 3—PRETREATMENT OF WASTEWATER

623 624 3.1 Pretreatment Facilities

625
626 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall
627 achieve compliance with all categorical Pretreatment Standards, Local Limits, and the
628 prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA,
629 the State, or the Director, whichever is more stringent. Any facilities necessary for compliance
630 shall be provided, operated, and maintained at the User's expense. Detailed plans describing
631 such facilities and operating procedures shall be submitted to the Director for review, and shall
632 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 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this 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

1364 later than one hundred and eighty (180) days after the discharge commences. Any
1365 notification under this paragraph need be submitted only once for each hazardous waste
1366 discharged. However, notifications of changed conditions must be submitted under
1367 Section 6.5 of this ordinance. The notification requirement in this Section does not apply
1368 to pollutants already reported by Users subject to categorical Pretreatment Standards
1369 under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

1370
1371 B. Dischargers are exempt from the requirements of paragraph A, above, during a
1372 calendar month in which they discharge no more than fifteen (15) kilograms of
1373 hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR
1374 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute
1375 hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as
1376 specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
1377 Subsequent months during which the User discharges more than such quantities of any
1378 hazardous waste do not require additional notification.

1379
1380 C. In the case of any new regulations under section 3001 of RCRA identifying additional
1381 characteristics of hazardous waste or listing any additional substance as a hazardous
1382 waste, the User must notify the Director, the EPA Regional Waste Management Waste
1383 Division Director, and State hazardous waste authorities of the discharge of such
1384 substance within ninety (90) days of the effective date of such regulations.

1385
1386 D. In the case of any notification made under this Section, the User shall certify that it
1387 has a program in place to reduce the volume and toxicity of hazardous wastes generated
1388 to the degree it has determined to be economically practical.

1389
1390 E. This provision does not create a right to discharge any substance not otherwise
1391 permitted to be discharged by this ordinance, a permit issued thereunder, or any
1392 applicable Federal or State law.

1393 1394 6.10 Analytical Requirements

1395
1396 All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater
1397 discharge permit application or report shall be performed in accordance with the techniques
1398 prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an
1399 applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or
1400 analytical techniques for the pollutant in question, or where the EPA determines that the Part 136
1401 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and
1402 analyses shall be performed by using validated analytical methods or any other applicable
1403 sampling and analytical procedures, including procedures suggested by the Director or other
1404 parties approved by EPA.

1405 1406 6.11 Sample Collection

1407

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

1499 discharged more than 100 gallons of total categorical wastewater on any
1500 given day during this reporting period.

1501
1502 This compliance certification is based on the following information.

1503
1504 _____
1505
1506 _____
1507

1508 B. Certification of Pollutants Not Present

1509
1510 Users that have an approved monitoring waiver based on Section 6.4 B must certify on
1511 each report with the following statement that there has been no increase in the pollutant
1512 in its wastestream due to activities of the User.

1513
1514 Based on my inquiry of the person or persons directly responsible for managing
1515 compliance with the Pretreatment Standard for 40 CFR _____ [specify
1516 applicable National Pretreatment Standard part(s)], I certify that, to the best of my
1517 knowledge and belief, there has been no increase in the level of _____ [list
1518 pollutant(s)] in the wastewaters due to the activities at the facility since filing of
1519 the last periodic report under Section 6.4.A.

1522 SECTION 7—COMPLIANCE MONITORING

1523
1524 7.1 Right of Entry: Inspection and Sampling

1525
1526 The Director shall have the right to enter the premises of any User to determine whether the User
1527 is complying with all requirements of this ordinance and any individual wastewater discharge
1528 permit or order issued hereunder. Users shall allow the Director ready access to all parts of the
1529 premises for the purposes of inspection, sampling, records examination and copying, and the
1530 performance of any additional duties.

1531
1532 A. Where a User has security measures in force which require proper identification and
1533 clearance before entry into its premises, the User shall make necessary arrangements with
1534 its security guards so that, upon presentation of suitable identification, the Director shall
1535 be permitted to enter without delay for the purposes of performing specific
1536 responsibilities.

1537
1538 B. The Director shall have the right to set up on the User's property, or require
1539 installation of, such devices as are necessary to conduct sampling and/or metering of the
1540 User's operations.

1541
1542 C. The Director may require the User to install monitoring equipment as necessary. The
1543 facility's sampling and monitoring equipment shall be maintained at all times in a safe
1544 and proper operating condition by the User at its own expense. All devices used to
1545 measure wastewater flow and quality shall be calibrated [insert desired frequency] to
1546 ensure their accuracy.

1547
1548 D. Any temporary or permanent obstruction to safe and easy access to the facility to be
1549 inspected and/or sampled shall be promptly removed by the User at the written or verbal
1550 request of the Director and shall not be replaced. The costs of clearing such access shall
1551 be born by the User.

1552
1553 E. Unreasonable delays in allowing the Director access to the User's premises shall be a
1554 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.

1875 SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

1876
1877 SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

1878
1879 SECTION 15—MISCELLANEOUS PROVISIONS

1880
1881 15.1 Pretreatment Charges and Fees - [RESERVED]

1882
1883 15.2 Severability

1884
1885 If any provision of this ordinance is invalidated by any court of competent jurisdiction, the
1886 remaining provisions shall not be affected and shall continue in full force and effect.

1887
1888 SECTION 16—EFFECTIVE DATE

1889
1890 This ordinance shall be in full force and effect immediately following its passage, approval, and
1891 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.

RESOLUTION 16-10-02

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

Council Letter

Date of Meeting: 16-10-31

Originating Department: Public Works Department/ Street Department

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.



22956 Hwy 61
PO Box 295
Morley, MO 63767
Phone: 573-262-3545
Fax: 573-262-3369

Quote

Quote #	Date
162813	08/09/16

Customer		
CITY OF SIKESTON 105 E CENTER		
SIKESTON	MO	63801

Ship To		
CITY OF SIKESTON 105 E. CENTER		
SIKESTON	MO	63801

Customer PO	Terms	Sales Rep	Lead Time	Ship Via	FOB	VIN
Brian	Net 30	DARYL	08/09/16		MORLEY, MO	

Item	Description	Ordered	UOM	Price Per	Total Price
MO14OPT605	15' VCM galvanized spreader stand assembly	3.00	EA	3,050.00	9,150.00
ACCOUNT:5104-01 Direct Purchase	Install customer supplied spreader with stainless tailgate lockbar.	3.00	EA	725.00	2,175.00

Prepared By: dhay@vikingcivesmidwest.com

Memo:

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

Sub-Total	11,325.00
Shipping	0.000
Discount	0.00
Taxes	0.00
Total	11,325.00

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 as a convenience and terms are Net Due on Receipt of Chassis

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 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.

Council Letter

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

Council Letter

Date of Meeting 16-10-31

Originating Department: Public Works

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

VENDOR	COST
Tru Turf Solutions	Field #3: \$12,950.00 Field #5: \$12,950.00 Total: \$25,900.00
Turf Renovations, LLC	Field #3: \$14,500.00 Field #5: \$14,500.00 Total: \$29,000.00

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