

NOTICE OF OPEN MEETING

POSTED 5:00 P.M., FEBRUARY 3, 2023

Notice is hereby given that the Neosho City Council will meet in regular session on TUESDAY, FEBRUARY 7, 2023, at 7:00 p.m., in the Council Chambers at City Hall 203 East Main Street, Neosho, Missouri.

AGENDA REGULAR SESSION NEOSHO CITY COUNCIL

The agenda of this meeting includes:

OPENING PRAYER & PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CONSENT AGENDA

1. January 17, 2023 Open Session Council Minutes
2. January 17, 2023 Closed Session Council Minutes

VISITOR'S BUSINESS

BIDS

1. Lampo Center HVAC

NEW BUSINESS

1. Bill No 2023-107 Gross Receipts Tax- Spire Missouri, Inc dba Spire
2. Bill No. 2023-108: Lampo Building HVAC Contract Satterlee
3. Bill No. 2023-109: SUO Streamlining Rule Revisions
4. Bill No. 2023-110: Airport Taxiway Construction Contract
5. Bill No. 2023-111: Retention of Records
6. Fuel Wood Sale Agreement
7. Region M Grant Authorization
8. Region M Grant Application
9. T-37 Jet Static Display Confirmation
10. CDBG Mitigation Gant Authorized Signatures Form
11. CDBG Vendor Input/ACH-EFT Application

APPOINTMENTS AND VACANCIES

1. Neosho Historic Preservation Commission
Letter of Reappointment for Jeff Jones

February 7, 2023 City Council Meeting

REPORT OF CITY OFFICERS

ADJOURN

MINUTES
NEOSHO CITY COUNCIL
January 17, 2023 - 7:00 PM
Neosho Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Tye Zola opened the meeting with prayer and Mayor DeWitt led the pledge of allegiance.

CALL TO ORDER

Mayor DeWitt called the meeting to order at 7 p.m.

ROLL CALL

COUNCIL PRESENT:

Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

COUNCIL ABSENT:

None were absent.

CITY OFFICERS PRESENT:

David Kennedy, City Manager; Jordan Paul, City Attorney; and Cheyenne Wright, City Clerk, minutes taken by clerk.

APPROVAL OF AGENDA

Councilman Collinsworth made a motion to Approve the Agenda; Councilwoman Robinson seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

CONSENT AGENDA

Councilman Cobb made a motion to Consent the Agenda to include the items below

January 3, 2023 Open Session Minutes

Bill No. 2023-102: The Canopy Agreement for Alley Specifications

Bill No. 2023-104: Amending Section 405.010 Definitions

Bill No. 2023-105: Amending Section 405.110 District C-1 Retail Business District - Recreational Marijuana

Bill No. 2023-106: Amending Section 405.130 C-3 Commercial Business District - Recreational Marijuana

Councilwoman Humphrey seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

VISITOR'S BUSINESS

Chuck Lackner was present to speak on Channel 12, Direct TV and Dish Network's dispute and not working together. He would request the city to send in a letter to all entities requesting them to finalize this dispute. He also brought to the Council's attention Suddenlink/Optimum's payment issues. He had gotten his bill down and then was charged over double a couple months later. He does not want this to happen to anyone else.

NEW BUSINESS

DOR Form 4379

Finance Director Forest addressed the Council stated that this form allows only those listed to view the tax information provided by the State of Missouri. Staff requests David Kennedy and Leslie Forest to be approved.

Councilman Collinsworth made a motion to Approve the DOR Form 4379 to include David Kennedy and Leslie Forest; Councilman Cobb seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

Amendment to Electric Service Agreement with Liberty Utilities

Public Works Director Siler addressed the Council stating that staff is requesting the following amendments to the Liberty Utilities contract:

1013 Shartel St. monthly decrease of \$1.79

820 S Wood St. monthly increase of \$0.79

Valley and Harmony St. monthly increase of \$0.79

Councilman Cobb made a motion to Approve the Amendments to the Liberty Utility Contract as presented by Staff; Councilwoman Thomas seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None
Abstain: None
Passed.

Celebrate Neosho Fireworks Contract Assignment

Attorney Paul addressed the Council stating that the Council had previously accepted the bid of Riverside Fireworks to provide the fireworks display for Celebrate Neosho. Riverside was bought out by Encore Pyrotechnics. Encore has contacted the city to ensure acceptance of the existing agreement. The owner of Encore is a previous employee of Riverside and has managed the Celebrate Neosho fireworks in the past.

Councilwoman Robinson made a motion to Approve the contract reassignment as presented by staff for the Celebrate Neosho Fireworks; Councilman Collinsworth seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None
Abstain: None
Passed.

Celebrate Neosho Event Format

Development Services Director Leavens addressed the Council stating that he would like to seek the Council's direction on how to proceed with the Celebrate Neosho Celebration. Last year the event went over budget, was not as populated as it was thought it was going to be and staff would like to look into having a later evening event when it is cooler. The staff believe that having food vendors, family games and fireworks during the evening down at Morse Park will still draw in a crowd. This would also reduce the need for police on the square all night long. The staff would like to see the event start around 4-5 p.m. in the evening, on the west side of the square.

The council would like to see more sponsors, such as the Neosho Chamber of Commerce, Freeman Hospital, LaZBoy etc, to get the fireworks and music paid for. The council would still like to see family events and music be a part of Celebrate Neosho.

Support Letter for City of Joplin Bike Trail

Development Services Director Leavens addressed the Council stating that this letter of support is to show the cities support of the USBR51 bicycle route from New Orleans to Des Moines, Iowa.

Councilman Collinsworth made a motion to Approve the letter of support for the USBR51; Councilwoman Humphrey seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt
No: None

Abstain: None
Passed.

Assistance to Firefighters Grant

Fire Chief Houk addressed the Council stating that the purpose of this agenda item is to seek Council's approval of an Assistance to Firefighters Grant for an air cleaning system for Station 1 and Station 2. This is a source catch system that will be hooked to our truck to collect any exhaust that the truck produces while running in the stations. Staff also asks for the City Manager to be named as the Grant Administrator to oversee the spending of the grant. This is a 5% match grant.

Councilman Collinsworth made a motion to Approve the Assistance to Firefighters Grant; Councilwoman Robinson seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

REPORT OF CITY OFFICERS

Richard Davidson stated that he has noticed new failures on Kodiak Road close to Dusty Lane. He stated that he believes that this is not in city limits. However, this is another issue with the TDD shutting down early. Jordan has been in contact with the TDD's council and they are aware of some of the failures and know that the obligation will need to be addressed.

CLOSED SESSION

Mayor DeWitt asked for a motion to go into closed session under sections 610.021 (1) and 610.021 (2):

Councilman Cobb made a motion to Go into Closed Session under Section 610.021 (1) and 610.021 (2); Councilwoman Humphrey seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

Mayor DeWitt closed the open session at 7:31 p.m.

The Council came back into open session at 7:58 p.m. and stated that two votes were taken.

ADJOURN

January 17, 2023 Council Meeting

There being no further business to come before Council, Mayor DeWitt asked for a motion to adjourn.

Mayor Pro Tempore Davidson made a motion to Adjourn; Councilman Collinsworth seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

Mayor DeWitt closed the January 17, 2023 Council Meeting at 7:59 p.m.

APPROVED

ATTEST

NEOSHO CITY COUNCIL

Mayor

City Clerk

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Lampo Center HVAC

ORIGINATING DEPARTMENT: City Manager

ATTACHMENT:

1. Lampo Building HVAC Bid

PURPOSE:

Approve the bid for Satterlee Plumbing & HVAC in the amount of \$ 60,995.00.

BACKGROUND:

The Lampo facility needed more tonnage for HVAC due to the size of the facility. The City of Neosho went out for bids to add additional units to ensure the facility has adequate heat and air.

The city sent out 5 bids to area HVAC vendors and received 2 back, one from Satterlee Plumbing and HVAC, the second from ACCI. The lowest competitive bid that met specifications required was Satterlee.

RECOMMENDATION:

Approve the bid from Satterlee Plumbing & HVAC in the amount of \$ 60,995.00.



City of Neosho

203 E. Main St.
Neosho, MO 64850
(417) 451-8050 phone
(417) 451-8065 fax
www.neoshomo.org

January 10, 2023

RE: INVITATION TO BID

To Whom It May Concern:

Enclosed you will find an invitation to bid on services or equipment for the City of Neosho. The invitation to bid is self-explanatory.

The bid packet is for the purchase and installation of:

RE: Lampo Center HVAC

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

Equipment Scope:

Lennox VRF

2 17V03 VPB120H4M-3Y VRF Heat Pump (208/230V)

6 17V47 V33B048H4-3P HE 3'x3' Cassette

1 12A48 V8IDBP04 VRF INDOOR BRANCH PIPE

1 17U35 P3 HP Outdoor Branch pipe - 2 module

2 19S81 VRF Hail Guards for 12-16 VPB/VRB

2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE

1 17V96 V0STAT51P-3 VRF Programmable Controller

6 17V48 4 way Cassette Panel

2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

Anyone working within the City of Neosho, shall be licensed with the City of Neosho.

If you have any questions, feel free to contact Richard Leavens at the City Hall. There will be mandatory pre-bid meeting held at the Lampo Center , 500 East Spring Street on January 19, 2023 @ 1:00 p.m. for project familiarization.

Thank you,

David Kennedy
City Manager

INSTRUCTIONS TO BIDDERS

The City of Neosho, Missouri will accept sealed bids until **Tuesday, January 31, 2023 at 10:00 a.m.** at the Receptionist Desk of City Hall, 203 East Main Street, Neosho, MO 64850. The bid will be for the following item(s):

Lampo Center HVAC Bid Specs

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

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2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE

1 17V96 V0STAT51P-3 VRF Programmable Controller

6 17V48 4 way Cassette Panel

2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

All bids shall be F.O.B., Neosho, MO. All bids shall be exclusive of federal, state, and city taxes. Bids on this (these) unit(s) shall be made on forms furnished with these specifications. Additional information, specifications, deviations, and manufacturer's literature should be attached to bid forms. All bids should include the turn around time in getting started on this project.

Specifications and bid forms are available at the office of the Development Services Director.

Please label the envelope: **Lampo Center HVAC Bid Opening January 31, 2023 @10:00 a.m.**

In section 605.040 of the City of Neosho code, it states that if a contractor performs work for the City a performance bond is required.

Section 605.040 Certain Insurance Policies, Etc., Required Before Issuance of Licenses for Plumbers, Electricians, Contractors, and Subcontractors is amended to read as follows:

"A. In addition to payment of the license fees required of plumbers, electricians and general and special contractors and subcontractors in Section 605.010, before a plumber's, electrician's or general or special subcontractor's license may be issued to any applicant, each applicant shall produce for the inspection and approval of the City Collector the following policies of insurance together with receipts showing the premiums fully paid for the period for which the license is sought:

1. Bodily injury insurance liability coverage of twenty-five thousand dollars (\$25,000.00) per incident.
2. Property damage, twenty-five thousand dollars (\$25,000.00).
3. Bonding requirements.
 - a. If a contractor performs work within the City limits of Neosho, a license and permit bond, ten thousand dollars (\$10,000.00).
 - b. Unless otherwise provided, if a contractor performs work for the City of Neosho, the cost of which is estimated to exceed fifty thousand dollars (\$50,000.00), a performance bond running to the City, to the contract amount.

B. In addition to the requirements set forth above by this Section and the license fees required to be paid, each applicant for a plumber's license shall comply with all provisions of the Plumbing Code of the City."

Questions concerning the specifications and bid procedure should be directed to Richard Leavens, Developmental Services Director, at the follow address/phone: 417-451-8050, 203 E. Main St. Neosho, MO 64850.

Missouri Prevailing Wage Rate if over \$75,000.00

A copy of the Missouri Prevailing Wage Rate is attached

Payment Bond Required for projects over \$50,000.00

*City of Neosho Business License required

*W-9 Required

* Proof of Workers Compensation Coverage Provided w/ Bid

The City reserves the right to reject any or all bids and to accept the lowest or best bid. The City reserves the right to split bids, if in the best interest of the City.

Thank you,

David Kennedy
City Manager

Bid Specifications:

The bid packet is for the purchase of:

Lampo Center HVAC Bid Specs

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

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- 2 17V03 VPB120H4M-3Y VRF Heat Pump (208/230V)
- 6 17V47 V33B048H4-3P HE 3'x3' Cassette
- 1 12A48 V8IDBP04 VRF INDOOR BRANCH PIPE
- 1 17U35 P3 HP Outdoor Branch pipe - 2 module
- 2 19S81 VRF Hail Guards for 12-16 VPB/VRB
- 2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE
- 1 17V96 V0STAT51P-3 VRF Programmable Controller
- 6 17V48 4 way Cassette Panel
- 2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

Equipment Schedule:

Note:

This bid should include the start date for this project.

BID FORM

Description: (To be completed by bidding party)

Provide and install Daikin approved VRF System
with 6 (six) 4-ton air handlers and 2 (two) 10-ton
VRF heat pumps.

Price(s) for unit(s) meeting enclosed specifications: \$96,300.00

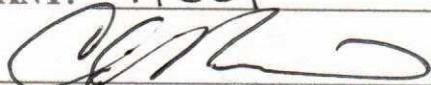
F.O.B. Neosho, MO

Projected Shipping Date: Indoor equip + electrical 2-4 weeks
outdoor heat pumps 4-6 months

After delivery - payment made on third Tuesday of month delivered

I certify that this bid on stated piece(s) of equipment meets or exceeds the bid specifications (unless otherwise noted).

COMPANY: ACCI

BY: 

BID FORM

Description: (To be completed by bidding party)

INSTALL 20 TON VRF SYSTEM PER BID SCOPE.
INCLUDES ELECTRICAL BY LAYNE ELECTRIC

Price(s) for unit(s) meeting enclosed specifications:

\$ 60,995.00

F.O.B. Neosho, MO

Projected Shipping Date:

2 WEEK from ORDER DATE

After delivery - payment made on third Tuesday of month delivered

I certify that this bid on stated piece(s) of equipment meets or exceeds the bid specifications (unless otherwise noted).

COMPANY:

SATTERLEE PLUMBING, HEATING & AIR

BY:

By [Signature]

Pre bid Lampo 1-19-2023

Company ~~PRINT NAME~~ & date
NAME

SIGNATURE

ACCI

Dalton Technical Services

SPOTERLEE

Ch. Mani

Max Delt

Py J

LVSS-B Report

1. Project Information

Date	2022-11-7
Project name	
Project address	
Country	U.S.
State	Missouri
City	Joplin Rgnl
Client name	
Client address	
Reference	
Revision	5.1
Altitude(ft)	984
Indoor DB temperature in cooling(°F)	80
Indoor WB temperature in cooling(°F)	67
Outdoor DB temperature in cooling(°F)	95
Outdoor WB temperature in cooling(°F)	76
Indoor DB temperature in heating(°F)	70
Indoor WB temperature in heating(°F)	54
Outdoor DB temperature in heating(°F)	9
Outdoor WB temperature in heating(°F)	0

2. Overall Material List

2.1 Equipment List

Model	Quantity	Description
VPB120H4M-3Y	2	Heat Pump (208/230V)
V33B048H4-3P	6	V33B-Four Way Cassette
V8IDBP04	1	Branch Joint
V8IDBP03	2	Branch Joint
V8IDBP02	2	Branch Joint
V8ODBP02HP-3	1	Branch
V8GARD12L-3P	2	VRF Hail Guards (Big Chassis)
V8V33B01CP-3	6	V33 indoor unit panel
V0STAT51P-3	1	Touchscreen Programmable Controller

2.2 Field Providing List

2.2.1 Refrigerant Piping Materials

Model	Quantity	Unit	Description
Φ3/8	80	ft	Copper pipe
Φ1/2	40	ft	Copper pipe
Φ5/8	50	ft	Copper pipe
Φ3/4	50	ft	Copper pipe
Φ7/8	30	ft	Copper pipe
Φ1-1/8	40	ft	Copper pipe
Φ1-3/8	50	ft	Copper pipe
Insulation casing for piping			All refrigerant piping and branch joints should be completely insulated.

Recommended insulation casing thickness:

Piping size	Thickness	
	Humidity<80%RH	Humidity≥80%RH
1/4~1-1/2 inch	≥3/5inch	≥4/5inch
1-1/2~1-5/8 inch	≥4/5inch	≥1inch

2.2.2 Refrigerant charge

System name	Model	Quantity	Unit	Description
System1	R410A	44.1	lbs	Extra Refrigerant Added

2.2.3 Electrical cables

Type	Size	Length
Power supply cable	Select based on MCA of each unit	According to the actual system design
Communication cable	18 G.a shielded cable	According to the actual system design

3. Overall Electrical Characteristics

Model	Quantity	Power supply	MCA(A)	MFA(A)	Power input in cooling(kW)	Power input in heating(kW)
VPB120H4M-3Y	2	208/230V-3Ph-60Hz	54.00	60	14.185	13.811
V33B048H4-3P	6	208/230V-1Ph-60Hz	2.40	15	0.168	0.168
V8GARD12L-3P	2					
V8V33B01CP-3	6					

Notes:

1. MCA: Minimum Circuit Amps. MCA is used to select wire size.

2. MFA: Maximum Fuse Amps. MFA is used to select overcurrent circuit breakers and residual-current circuit breakers.

3. Power in put in cooling and heating are based on below conditions:

Cooling: indoor air temperature 80°F DB/67°F WB; outdoor temperature 95°F DB;

Heating: indoor air temperature 70°F DB; outdoor temperature 47°F DB/43°F WB;

Equivalent refrigerant piping length 24.6ft with zero level difference.

4. Disclaimer

IMPORTANT ELECTRICAL & REFRIGERANT PIPING INSTALLATION INFORMATION

The piping diagram or diagrams included within this document have been prepared based on the information provided to the Lennox VRF applications department. If no information was available at the time of preparing this document, all identified lengths and quantity of fittings have been assumed by Lennox VRF applications to enable the completion of this document. When the indicated lengths (whether these were provided as an accurate assessment of the proposed installation or assumed by Lennox VRF applications department) change from the figures stated within this document, it is imperative that prior to the commencement of the refrigerant pipe work installation, Lennox VRF applications department are informed of these proposed changes. Upon receipt of this new information the Lennox VRF applications department will confirm any changes that may be applicable to this installation. If changes are required, a new piping diagram will be produced and will supersede all other previously provided documents. Failure to provide this information regarding changes to the original design may lead to insufficient capacity, equipment failure, warranty being made void and the refusal to commission the system. It is the responsibility of the VRF equipment purchaser to ensure that incoming power supplies to both outdoor and indoor equipment meets Lennox specifications – please refer to submittals. Failure to ensure stable or constant power may result in premature failure not covered under warranty. All costs associated with stabilizing the incoming power are the responsibility of the purchaser. Any components which fail due to higher than normal voltages or unstable power will not be replaced under the standard warranty program. Please refer to submittals for all incoming power requirements.

For any questions please contact us at:

(844) GET-VRF1

(844) 438-8731

vrftechsupport@lennoxind.com

PLEASE READ THIS DOCUMENT FULLY BEFORE COMMENCING WITH YOUR PIPE WORK INSTALLATION

5. System1

5.1 BOM List (System1)

Model	Quantity	Unit	Description
VPB120H4M-3Y	2		Heat Pump (208/230V)
V33B048H4-3P	6		V33B-Four Way Cassette
V8IDBP04	1		Branch Joint
V8IDBP03	2		Branch Joint
V8IDBP02	2		Branch Joint
V8ODBP02HP-3	1		Branch
V0STAT51P-3	1		Touchscreen Programmable Controller

V8GARD12L-3P	2		VRF Hail Guards (Big Chassis)
V8V33B01CP-3	6		V33 indoor unit panel
R410A	44.1	lbs	Extra Refrigerant Added
Φ3/8	80	ft	Copper pipe
Φ1/2	40	ft	Copper pipe
Φ5/8	50	ft	Copper pipe
Φ3/4	50	ft	Copper pipe
Φ7/8	30	ft	Copper pipe
Φ1-1/8	40	ft	Copper pipe
Φ1-3/8	50	ft	Copper pipe

5.2 Indoor Unit Details (System1)

5.2.1 Indoor Unit Details Table

IDU Name	Model	Electric heater	Weight(lbs)	Dimension(W*H*D)	Power supply	MCA(A)	MFA(A)
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15
IDU1	V33B048H4-3P		69	33-1/8*11-3/4*33-1/8	208/230V-1Ph-60Hz	2.4	15

IDU Name	Model	Tmp-C(°F)	RTC(Btu/h)	ATC(Btu/h)	RSC(Btu/h)	ASC(Btu/h)	PI-C(W)	Tmp-H(°F)	RHC(Btu/h)	AHC(Btu/h)	PI-H(W)
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,825	168	70		31,710	168
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,702	168	70		31,710	168
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,532	168	70		31,710	168
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,825	168	70		31,710	168
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,702	168	70		31,710	168
IDU1	V33B048H4-3P	80.0/67.0		43,125		32,532	168	70		31,710	168

IDU Name	Model	Airflow(CFM)	Sound-Pr(dB(A))	ESP(in.w.g.)	EST.Discharge Cooling DBT(°F)	EST.Discharge Cooling WBT(°F)	EST.Discharge Heating DBT(°F)
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.2523	49.01	110.209
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.3557	49.118	110.209
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.4995	49.244	110.209
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.2523	49.01	110.209
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.3557	49.118	110.209
IDU1	V33B048H4-3P	967[L]	51[L]	.12	52.4995	49.244	110.209

5.2.2 Table of Abbreviations

Abbreviation code	Description
Tmp-C	Indoor temperature in cooling (Dry bulb temp. / Wet bulb temp. / RH)
RTC	Required total cooling capacity
ATC	Available total cooling capacity
RSC	Required sensible cooling capacity
ASC	Available sensible cooling capacity
Tmp-H	Indoor temperature in heating (Dry bulb temp.)
RHC	Required heating capacity
AHC	Available heating capacity
Airflow	Indoor unit airflow (High/Medium/Low)
ESP	External static pressure
Sound-Pr	Sound pressure level (High/Medium/Low)
MCA	Minimum Circuit Amps
MFA	Maximum Fuse Amps
Power supply	Power supply
Dimension(WxHxD)	NetDimension+WxHxD+inch
Weight	Weight
PI-C	Power input in cooling
PI-H	Power input in heating

5.3 Outdoor Unit Details (System1)

5.3.1 Outdoor Unit Details Table

Model		VPB240H4M-3Y	
Module		VPB120H4M-3Y	VPB120H4M-3Y
Tmp-C	°F	95	
RTC	Btu/h		
ATC	Btu/h	258,752	
Tmp-H	°F/°F	9/0	
RHC	Btu/h		
AHC	Btu/h	190,258	
CR	%	120.0	
Airflow	CFM	9200	9200
Sound-Pr	dB(A)	69	69
Dimension(W*H*D)	inch	52-3/4*64-3/8*31-1/2	52-3/4*64-3/8*31-1/2
Weight	lbs	761	761
Bas-Refr	lbs	47.60	
Ex-Refr	lbs	44.10	
Power supply	V/Ph/Hz	208/230V-3Ph-60Hz	208/230V-3Ph-60Hz
MCA	A	54	54
MFA	A	60	60
EER(95F) (Ducted)		11.1	
IEER (Ducted)	VRF	20.3	
COP(47F) (Ducted)	VRF	3.44	
COP(17F) (Ducted)	VRF	2.34	
SCHE (Ducted)	VRF		
SEER (Ducted)	Mini VRF		
HSPF (Ducted)	Mini VRF		
AHRI Reference Number (Ducted)		202918876	
EER(95F) (Non-Ducted)		10.8	
IEER (Non-Ducted)	VRF	22.4	
COP(47F) (Non-Ducted)	VRF	3.47	
COP(17F) (Non-Ducted)	VRF	2.21	
SCHE (Non-Ducted)	VRF		
SEER (Non-Ducted)	Mini VRF		
HSPF (Non-Ducted)	Mini VRF		
AHRI Reference Number (Non-Ducted)		202918875	

5.3.2 Table of Abbreviations

Abbreviation code	Description
Tmp-C	Outdoor conditions in cooling (Dry bulb temp.)
RTC	Required cooling capacity
ATC	Available cooling capacity
Tmp-H	Outdoor conditions in heating (Dry bulb temp. / Wet bulb temp.)
RHC	Required heating capacity
AHC	Available heating capacity
CR	Combination ratio
Airflow	Outdoor unit airflow
Sound-Pr	Sound pressure level
Dimension(WxHxD)	Net Dimension WxHxD
Weight	Weight
Bas-Refr	Standard factory refrigerant charge
Ex-Refr	Extra refrigerant charge
Power supply	Power supply
MCA	Minimum Circuit Amps
MFA	Maximum Fuse Amps

5.4 Piping Limitations (System1)

5.4.1 Piping Limitations

Item	Capability	Actual Value
Total piping length	3280.00(ft)	170.00(ft)
Longest actual length	574.00(ft)	100.00(ft)
Longest equivalent length	656.00(ft)	100.00(ft)
Longest equivalent length after first branch	295.00(ft)	50.00(ft)
Indoor unit to nearest branch length	132.00(ft)	15.00(ft)
Length difference between longest and shortest distance to indoor units	132.00(ft)	25.00(ft)
Height difference between indoor and outdoor unit(ODU up)	360.00(ft)	0.00(ft)
Height difference between indoor and outdoor unit(ODU down)	230.00(ft)	0.00(ft)
Height difference between indoor units	98.00(ft)	0.00(ft)
Combination ratio	50-130%	120.00%

IDU quantity	44	6
--------------	----	---

5.4.2 Correction Factors

Item	Correction factor
Altitude (indoor unit)	0.980
Altitude (outdoor unit)	0.990
Piping (cooling)	0.983
Piping (heating)	0.995
Defrost (heating)	0.980

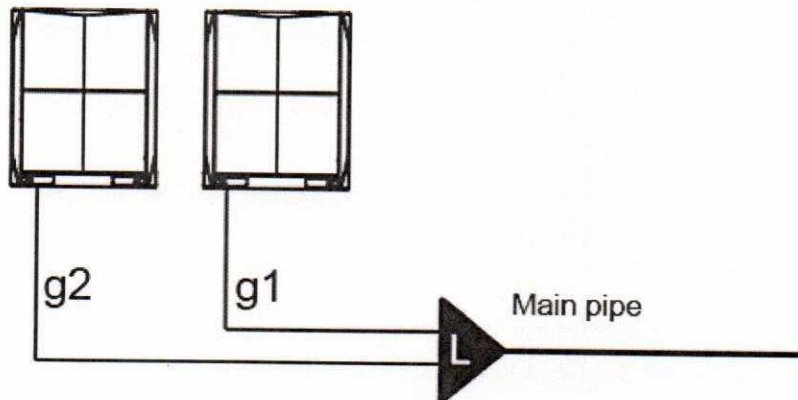
5.4.3 Piping Details Table

No.	Length(ft)	Piping diameter
(1)	50.00	Φ1-3/8, Φ3/4
(2)	20.00	Φ1-1/8, Φ1/2
(3)	20.00	Φ1-1/8, Φ1/2
(4)	5.00	Φ5/8, Φ3/8
(5)	15.00	Φ7/8, Φ3/8
(6)	5.00	Φ5/8, Φ3/8
(7)	15.00	Φ7/8, Φ3/8
(8)	5.00	Φ5/8, Φ3/8
(9)	15.00	Φ5/8, Φ3/8
(10)	5.00	Φ5/8, Φ3/8
(11)	15.00	Φ5/8, Φ3/8

5.4.4 Branch Joints Details Table

No.	Load(Btu/h)	Model
(1)	288,000	V8IDBP04
(2)	144,000	V8IDBP03
(3)	144,000	V8IDBP03
(4)	96,000	V8IDBP02
(5)	96,000	V8IDBP02

5.4.5 Combined Outdoor Units Details Information



Outdoor branch joint model

Outdoor branch	Model name
L+M	V8ODBP02HP-3

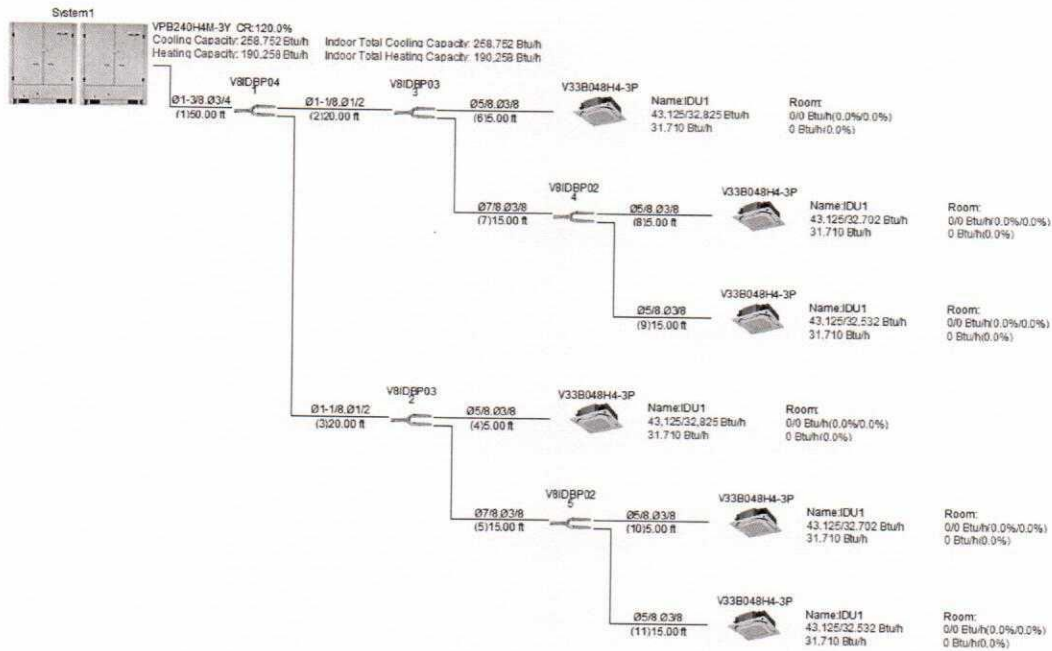
Outdoor unit-Branch/Branch-Branch

Piping	Piping diameter(inch)	Piping length(ft)
g1	Φ1-1/8,Φ5/8	0
g2	Φ1-1/8,Φ5/8	0
Balance Pipe	Φ3/4,Φ7/8,Φ1/4	0

g1,g2,g3,G1 – Gas/Liquid

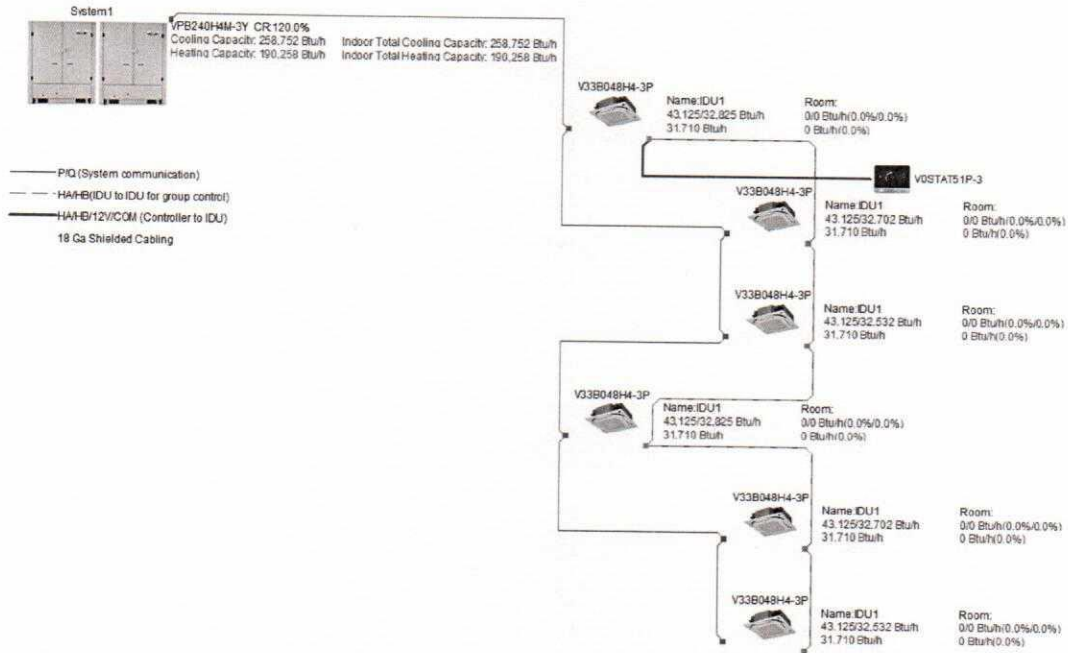
Balance Pipe –High pressure gas/Low pressure gas/Oil

5.5 Piping Diagrams (System1)



Note: Est. Cooling/Heating Discharge Temperature is only for reference and may be different from the actual discharge temperature.

5.6 Wiring Diagrams (System1)



Note: Est. Cooling/Heating Discharge Temperature is only for reference and may be different from the actual discharge temperature.

6. Centralized Control Solution

6.1 Centralized Controller List

SUBMITTAL DATA - OUTDOOR UNIT

VPB240H4M-3Y

VPB120H4M-3Y + VPB120H4M-3Y

VRF Heat Pump

Job: _____
 Location: _____
 Schedule No.: _____
 System Designation: _____

Engineer: _____
 Architect: _____
 Location: _____
 Date: _____

Heat Pump Outdoor Unit

For: ☐ Reference ☐ Approval ☐ Review ☐ Construction

FEATURES

- Split coil heat exchanger
- Dual hinged electrical boxes for ease of maintenance
- High-efficiency vapor injection inverter compressor - Each Module
- Intelligent Duty Cycle operation
- Night Silent operation
- Hinged service doors
- Built-in service console
- Built-in base pan heater
- Low Ambient Cooling

WARRANTY

- Compressor - 10-year limited warranty
 - All other components - 10-year limited warranty
- *See warranty for details

SPECIFICATIONS

PERFORMANCE

Cooling Capacity ¹ (Btu/h)	Nominal	240,000
	Rated ²	230000
EER	Ducted	11.1
	Non-Ducted	10.8
IEER	Ducted	20.3
	Non-Ducted	22.4
Heating Capacity ¹ (Btu/h)		258,000
COP47	Ducted	3.44
	Non-Ducted	3.47
COP17	Ducted	2.34
	Non-Ducted	2.21

ELECTRICAL DATA

Power Supply (Volts/Phase/Hertz)	208-230/3/60
Minimum Circuit Ampacity (A)	(2) 54
Maximum Overcurrent Protection (A)	(2) 60
Compressor RLA (A)	(2) 38.3
Number of Compressors	(2) 1
Outdoor Fan Power Input (W)	(2) 780/890
Outdoor Fan FLA (A)	(2) 2.9/3.2

GENERAL DATA

Connection Ratio	50% to 130%
Maximum Number of Indoor Units	44
Refrigerant Type	R-410A
Factory Refrigerant Charge (each unit)	23.8 lbs.

NOTES

1. Cooling and Heating capacity data is rated at the following conditions:
 Cooling: 80°FDB / 67°FWB Indoor, 95°FDB Outdoor
 Heating: 70°FDB Indoor, 47°FDB / 43°FWB Outdoor
2. Complies with AHRI 1230-2014 testing standards
3. Operating Voltage Range 175V to 263V
4. To achieve cooling lower than 5°F a Low ambient hood must be installed. This is purchased as an accessory.
5. A local 115V power outlet is available as an accessory to provide local power for maintenance.



DIMENSIONS (Each Module)

Unit	Height	64-3/8
Dimensions (in)	Width	52-3/4
	Depth	31-1/2

Main System Piping (in)

Liquid Pipe Connection	5/8
Gas Pipe Connection	1-1/8

Balancing Pework between Modules (in)

L.P. Gas Balance Pipe Connection	1-1/8
H.P. Gas Balance Pipe Connection	3/4
Oil Balance Pipe Connection	1/4
Unit Net Weight (lb)	794



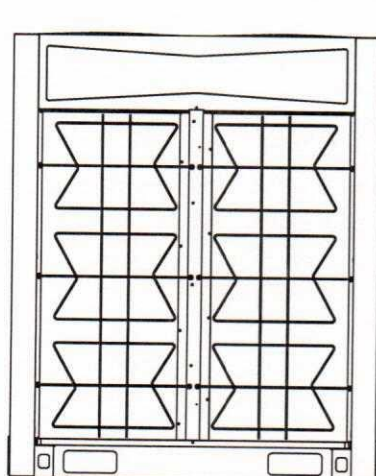
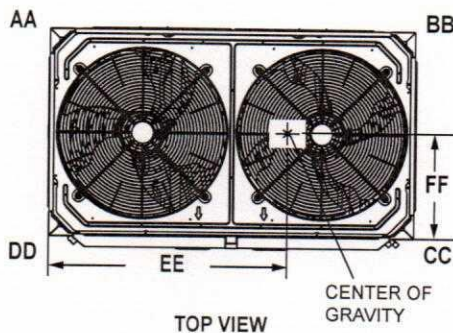
NOTE - Due to Lennox' ongoing commitment to quality, Specifications, Ratings and Dimensions subject to change without notice and without incurring liability. Improper installation, adjustment, alteration, service or maintenance can cause property damage or personal injury. Installation and service must be performed by a qualified installer and servicing agency.

SUBMITTAL DATA - OUTDOOR UNIT
VPB240H4M-3Y
VPB120H4M-3Y + VPB120H4M-3Y
VRF Heat Pump

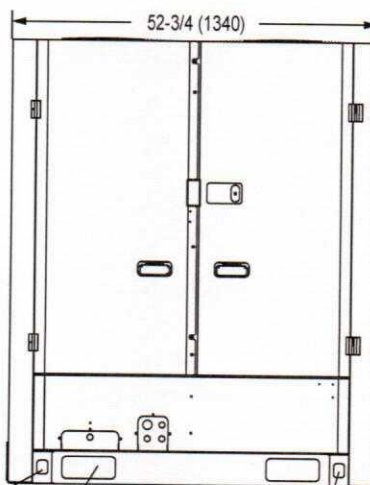
DIMENSIONAL DRAWINGS - INCHES (MM)

Each Module

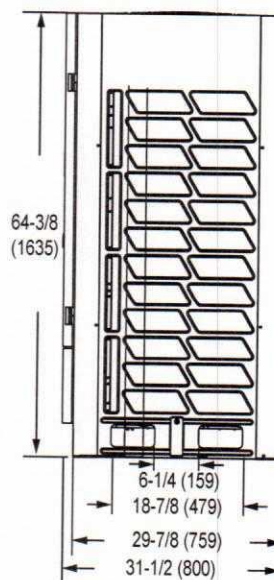
CORNER WEIGHTS								CENTER OF GRAVITY			
AA		BB		CC		DD		EE		FF	
lbs.	kg	lbs.	kg	lbs.	kg	lbs.	kg	in.	mm	in.	mm
121	55	203	92	211	96	251	114	27-3/4	705	12-1/4	311



BACK VIEW



FRONT VIEW

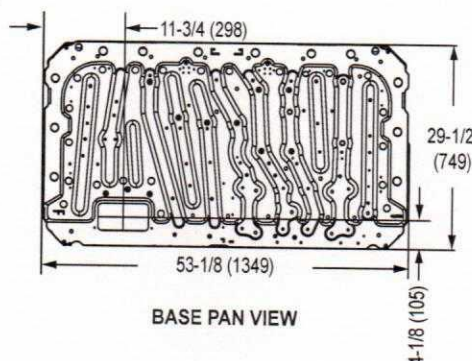


SIDE VIEW

LAG BOLT DESIGNATION
(BOTH SIDES)
(TO ACCESS LAG BOLT)

FORKLIFT SLOT
(BOTH SIDES)

LIFTING HOLES
(BOTH SIDES)
(FOR RIGGING)



BASE PAN VIEW

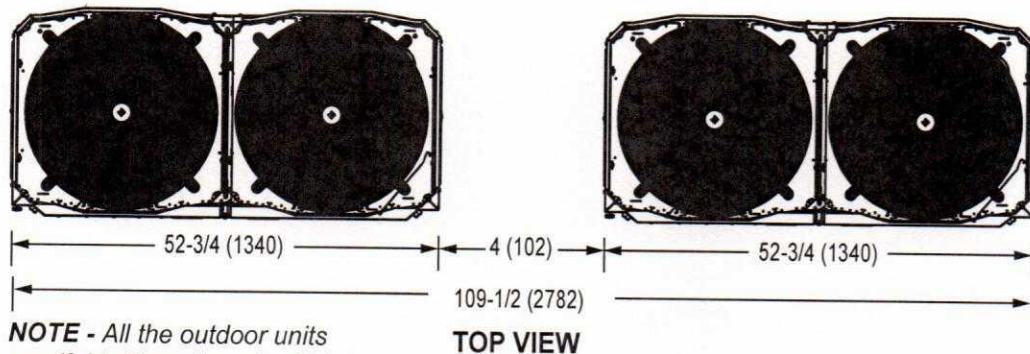
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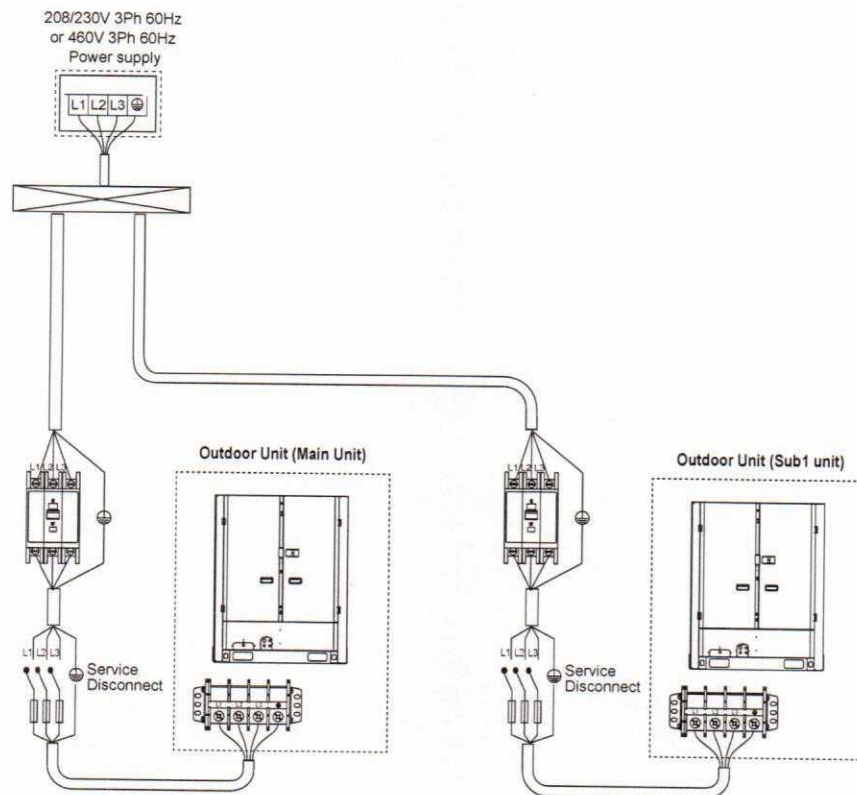
MULTI-MODULE INFORMATION

Multi-Module Dimensions



NOTE - All the outdoor units manifolded together should be installed at the same elevation.

Multi-Module Power



See page 1 for electrical data.

Total system MCA is calculated by adding the MCA value of each module together to get the total system MCA.

Total system MOP is calculated by adding the MOP value of each module together to get the total system MCA.

SUBMITTAL DATA - INDOOR UNIT V33B048H4-3P VRF Ductless 360° Cassette

Job: _____
Location: _____
Schedule No.: _____
System Designation: _____

Engineer: _____
Architect: _____
Location: _____
Date: _____

For: ☐ Reference ☐ Approval ☐ Review ☐ Construction

3x3 Ceiling Cassette Indoor Unit

FEATURES

- Pre Heat Function
- Auto Addressing
- Auto Restart
- Integral Condensate Pump
- Electronic Expansion Valve
- 360° Air Distribution
- Flare Connections
- LED Display
- High-Efficiency DC Motor
- Four Built-In Dry Contacts
- Refrigerant R-410A
- Eight Capacity Sizes from 9,000 to 48,000 Btu/h

WARRANTY

- 10-year limited warranty.*See warranty for details.

SPECIFICATIONS

PERFORMANCE

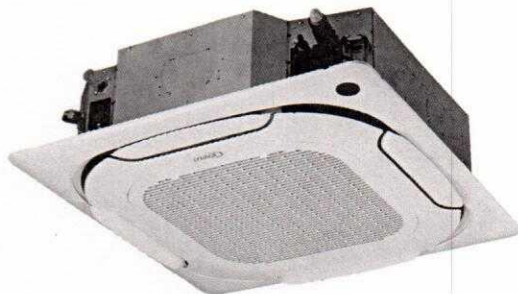
Cooling Capacity ¹ (Btu/h)	48,000
Heating Capacity ¹ (Btu/h)	54,000
Airflow (CFM)	Low/Medium/High 950/1100/1200
External Static Pressure (in. w.g.)	0-0.12
Sound (dBA)	Low/Medium/High 50.7/54.4/56.6

ELECTRICAL DATA

Power Supply (Volts/Hertz/Phase)	208-230/60/1
Minimum Circuit Ampacity (MCA) (A)	2.2
Maximum Overcurrent Protection (MOP) (A)	15
Cooling Power Input ² (W)	168
Cooling Rated Current (A)	1.35
Heating Power Input ² (W)	163
Heating Rated Current (A)	1.40
Indoor Fan Motor Input (W)	202.3

DIMENSIONS

Unit Dimensions (in)	Width	33-1/8
	Height	11-7/8
	Depth	33-1/8
Diffuser Panel Dimensions (in)	Width	37-3/8
	Height	1-3/4
	Depth	37-3/8
Liquid Pipe Connection (in)		3/8
Gas Pipe Connection (in)		5/8
Drain Connection (in) (O.D.)		1-1/4
Net Weight (lb)		69
Shipping Weight (lb)		86
Diffuser Panel Shipping Weight (lb)		17.4



OPTIONAL ACCESSORIES

☐ Non-Programmable Controller	V0STAT54P-3
☐ Programmable Wired Controller	V0STAT51P-3
☐ Infrared Wireless Controller	V0STAT52P-1
☐ Occupancy Sensor	V0SNSR78P-3
☐ HHE Relay Kit	V0CTRL92P-3
☐ Hotel Keycard Interface	V0CTRL88P-1

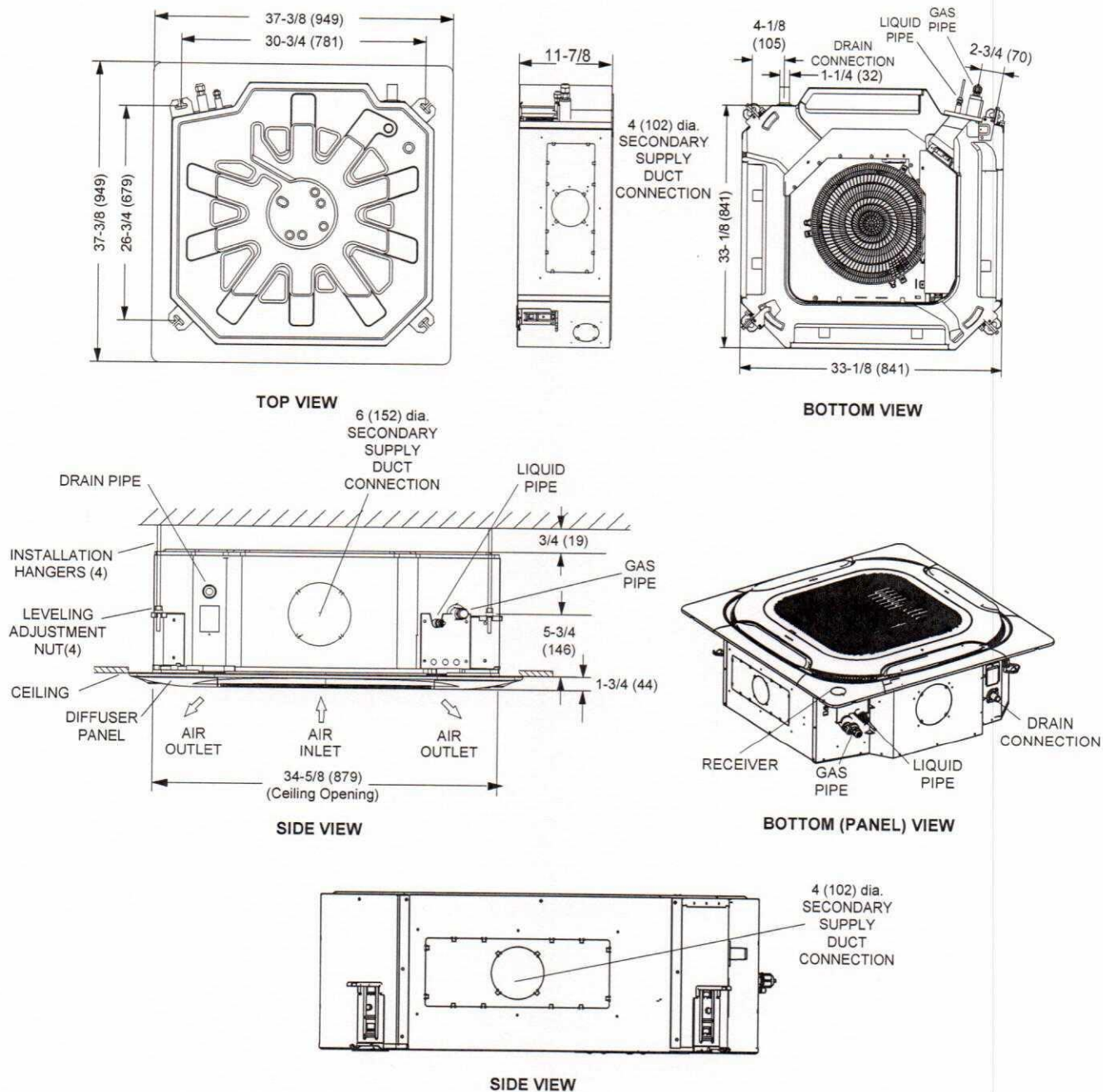
NOTES

- Cooling and Heating capacity data is rated at the following conditions:
Cooling: 80°FDB / 67°FWB Indoor, 95°FDB
Outdoor Heating: 70°FDB Indoor, 47°FDB / 43°FWB Outdoor.
- Power Input values are rated at high fan speed.



NOTE - Due to Lennox' ongoing commitment to quality, Specifications, Ratings and Dimensions subject to change without notice and without incurring liability. Improper installation, adjustment, alteration, service or maintenance can cause property damage or personal injury. Installation and service must be performed by a qualified installer and servicing agency.

DIMENSIONAL DRAWINGS - INCHES (MM)



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SUBMITTAL DATA - CONTROLS V0STAT51P-3 VRF Heat Pump & Heat Recovery

Job: _____
Location: _____
Schedule No.: _____
System Designation: _____

Engineer: _____
Architect: _____
Location: _____
Date: _____

For: ☐ Reference ☐ Approval ☐ Review ☐ Construction

Touch Screen Programmable Local Controller

FEATURES AND FUNCTIONS

- 7" touchscreen with full color LCD display
- Daily, 5+2, 5+1+1, and 7-day scheduling options available with up to 8 actions per day.
- Onboard occupancy sensor
- Relative humidity monitoring and control
- Operation Mode – Cool / Heat / Auto / Dry / Fan
- Fan Speed Control – Auto / Low / Med / High
- Static Pressure Control - ducted indoor units
- Upload custom photo for screen saver display
- Assign indoor unit address designation
- Displays set point, room temperature, mode, louver, swing, and fan speed
- Lockable functions
- Password-protected service menu for installation and configuration
- Built-in USB port to load settings and updates
- °F or °C field selectable - default °F
- Independent heating and cooling set points
- Local unit error display
- Diagnostic service reminders

WARRANTY

- 1-year limited warranty. *See warranty for details.

SPECIFICATIONS

PERFORMANCE

Input Voltage (V)	12 VDC
Setpoint Range (or is it)	62°F ~ 86°F
Ambient Temperature Range	23°F ~ 110°F
Ambient Humidity Range (RH)	40% ~ 90%

DIMENSIONS

Unit Dimensions (in)	Height	4-7/8
	Width	7-1/8
	Depth	1-1/4

CABLING

Communication Cabling (not provided)	18 gauge, 4-wire conductor cable (stranded and shielded)
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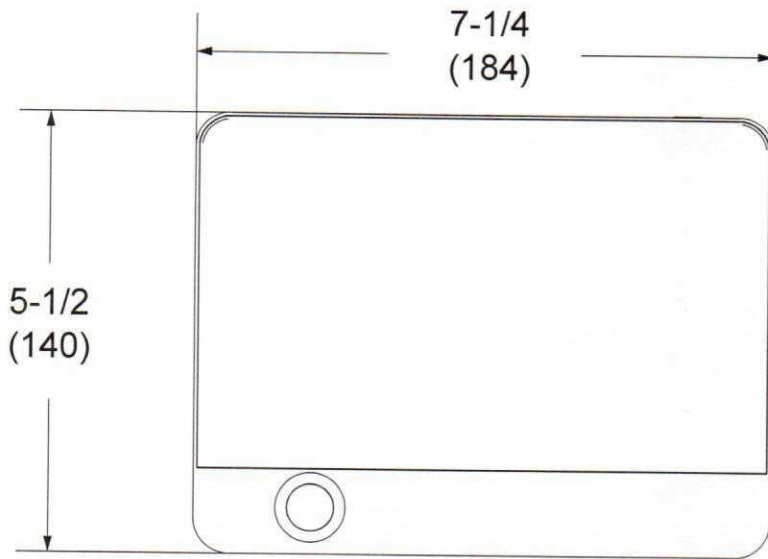


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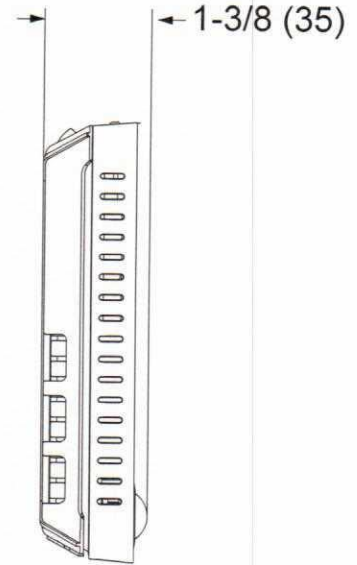
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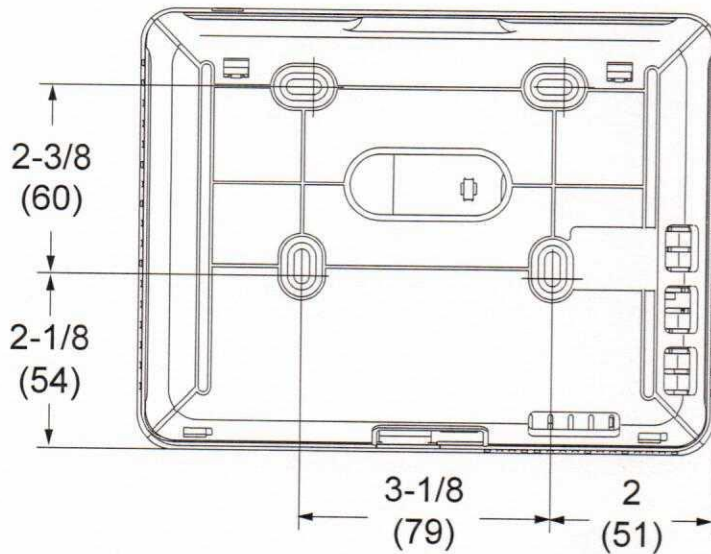
DIMENSIONAL DRAWINGS - INCHES (MM)



FRONT VIEW



BOTTOM VIEW



BACK VIEW

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Bill No 2023-107 Gross Receipts Tax- Spire Missouri, Inc dba Spire

ORIGINATING DEPARTMENT: Finance Department

ATTACHMENT:

1. Bill No. 2023-107: Spire Gross Receipts Tax

PURPOSE:

This agenda item is for the approval of the City to maintain the existing rate of 5%.

BACKGROUND:

On November 30, 2022, the Missouri Public Service Commission ("Commission") approved an increase in the annual revenues of Spire. The Commission issued an Order Approving Tariff Sheets and Expediated Treatment on December 14, 2022, with an effective date of December 26, 2022. On January 4, 2023, the Commission issued an Order for Spire to provide notices to cities and counties of the natural gas rate increase as required by Section 393.275.1 RSMo.

RECOMMENDATION:

Staff recommends the City Council maintain the existing Gross Receipts Tax Rate of 5%.

AN ORDINANCE reaffirming the gross receipts tax to be imposed upon gas corporations conducting business within the City and matters relating thereto.

WHEREAS, the Missouri Public Service Commission (PSC) has granted a tariff increase in excess of 7 percent to Spire Missouri, Inc. d/b/a Spire (“Spire”); and

WHEREAS, tariff increases in excess of seven (7) percent trigger certain requirements under Section 393.275.1, RSMo. to either roll back the rate of gross receipts taxes imposed by cities on Spire or to pass an ordinance maintaining the existing rates despite the increase in the gross receipts to Spire as a result of the tariff increase; and

WHEREAS, Section 393.275.1, RSMo. requires cities to roll back the rate of the gross receipts tax within 60 days of the effective date of the tariff increase unless such cities pass an ordinance to maintain the existing rate; and

WHEREAS, the PSC has established the effective date of the tariff increase granted to Spire as December 26, 2022, and 60 days from that date is February 24, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. The gross receipts tax imposed upon gas corporations, including but not limited to Spire Missouri, Inc. d/b/a Spire, pursuant to the Neosho City Code, including but not limited to Ordinance No. 322-2008, shall be maintained at its existing rate of five (5) percent, despite the tariff increase awarded by the PSC to Spire effective on December 26, 2022.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this ____ day of _____, 2023, by a vote of _____.

Tyler DeWitt, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Bill No. 2023-108: Lampo Building HVAC Contract Satterlee

ORIGINATING DEPARTMENT: City Manager

ATTACHMENT:

1. Bill No. 2023-108 HVAC Contract with Satterlee for Lampo Building

PURPOSE:

Approve the contract as submitted for the HVAC replacement at the Lampo facility.

BACKGROUND:

The City of Neosho sent bids for upgrades to our HVAC system at Lampo. Two bids were received with Satterlee Plumbing & HVAC being the lowest and most competitive bid.

RECOMMENDATION:

Approve the contract as submitted and authorize the Mayor to execute it.

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement for Construction Services with The Satterlee Plumbing, Heating and Air Conditioning Company, a Missouri Corporation, for the purpose of adding HVAC system units at the Neosho Lampo Center for the not to exceed price of Sixty Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$60,995.00); and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That the Agreement for Construction Services by and between the City of Neosho, Missouri, and The Satterlee Plumbing, Heating and Air Conditioning Company, a Missouri Corporation, for the purpose of adding HVAC system units at the Neosho Lampo Center for the not to exceed price of Sixty Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$60,995.00), a true and accurate copy of said Agreement being attached hereto and incorporated as Exhibit "A," be and the same is hereby approved.

Section 2. That the Mayor of the City of Neosho, Missouri, is hereby authorized and directed to execute said Agreement by and on behalf of the City of Neosho.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this ____ day of _____, 2023, by a vote of _____.

Tyler DeWitt, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney

AGREEMENT

FOR CONSTRUCTION SERVICES

THIS AGREEMENT is made and entered into this 15th day of FEBRUARY, 2023, hereinafter referred to as "the Effective Date," by and between the City of Neosho, Missouri, a Missouri Municipal Corporation, hereinafter referred to as "City," and The Satterlee Plumbing, Heating and Air Conditioning Company, a Missouri Corporation, hereinafter referred to as "Contractor," and with City and Contractor hereinafter referred to as "the Parties."

WITNESSETH:

WHEREAS, City desires to engage a contractor for the purpose of constructing improvements at the Neosho Lampo Center, 500 E. Spring St., Neosho, MO 64850, to include adding heating, ventilation, and air conditioning (HVAC) system units, as described in City's Request for Proposal, attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, Contractor desires to be engaged as City's contractor for the purpose of constructing improvements at the Neosho Lampo Center, 500 E. Spring St., Neosho, MO 64850, to include adding heating, ventilation, and air conditioning (HVAC) system units, as described in Contractor's Response to City's Request for Proposal, attached hereto and incorporated by reference as Exhibit B; and

WHEREAS, City has selected Contractor as the lowest and best bidder based on full consideration of all factors, preferences, and conditions deemed applicable by City.

NOW, THEREFORE, in exchange for valuable consideration each received from the other, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

1. Manner and Time for Completion. Contractor agrees to furnish all supervision, labor, tools, equipment, materials, and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the Contract Documents and any applicable City ordinances and state and federal laws within one hundred eighty (180) calendar days from the date Contractor is ordered to proceed, which order shall be issued by the City Manager or his designee within thirty (30) days after the Effective Date of this Agreement.

2. Scope of Work. Contractor agrees to diligently perform in a professional and workmanlike manner the construction services described in City's Request for Proposal, attached hereto and incorporated by reference as Exhibit A, and in Contractor's Response to City's Request for Proposal, attached hereto and incorporated by reference as Exhibit B. Contractor agrees to construct improvements at the Neosho Lampo Center, 500 E. Spring St., Neosho, MO 64850. Specifically, Contractor agrees to add heating, ventilation, and air conditioning (HVAC) system units, including a 20-ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller.

3. Payment. City will pay Contractor as set forth herein, which shall constitute full and complete compensation for Contractor's work. City will pay Contractor Sixty Thousand Nine

Hundred Ninety-Five and 00/100 Dollars (\$60,995.00) – the full amount of this contract – as follows. After delivery, Contractor shall be paid a lump sum no later than the following third Tuesday of the month.

4. Amendments. The covenants and obligations herein contained are the full and complete terms of this Agreement, and no alteration, amendments, or changes to such terms shall be binding unless first reduced to writing and executed with the same formality as this Agreement.

5. Assignment. This Agreement, including payment hereunder, shall not be sub-let, assigned, or otherwise disposed of, except with the prior written consent of City.

6. Attorney's Fees and Expenses. If City files suit in order to enforce any term of this Agreement and is the prevailing party, Contractor shall be liable for City's reasonable attorney's fees and expenses. In no event shall City be liable for Contractor's reasonable attorney's fees and expenses.

7. Choice of Law and Venue. This Agreement has been made, and its validity, performance and effect shall be determined, in accordance with the laws of the State of Missouri and venue for litigation between the parties shall be solely and exclusively in Newton County, Missouri.

8. Compliance with laws. Contractor shall observe and comply with all Federal, State, and local laws and ordinances that affect those employed or engaged by it on the project, or the material or equipment used, or the conduct of the work, and shall procure all necessary licenses, permits, and insurance.

9. Consequential Damages. In no event shall City be liable to Contractor for special, indirect, or consequential damages.

10. Contract Documents. The contract documents shall consist of the following: this Agreement, City's Request for Proposal, and Contractor's Response to City's Request for Proposal. In the event of conflict between the contract documents, this Agreement will prevail. In the event of conflict between City's Request for Proposal and Contractor's Response to City's Request for Proposal, City's Request for Proposal will prevail.

11. Entire Agreement. This Agreement (including any Exhibits) contains the entire understanding of the parties with respect to the subject matter hereof. It may not be altered or amended except by an agreement in writing signed by both parties.

12. Ethics. Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, gift, or contingent fee.

13. Guards and Lights. Contractor agrees that during the performance of said work, it will maintain proper guards for the prevention of accidents and put up and maintain suitable and sufficient lights.

14. Headings. The headings of paragraphs in this Agreement are for convenience only. The headings form no part of this Agreement and shall not affect its interpretation.

15. Indemnification. To the fullest extent permitted by law, Contractor agrees to defend with counsel selected by City, and indemnify and hold harmless City, its officers, engineers, representatives, agents, and employees from and against any and all liabilities, damages, losses, claims, or suits, including costs and attorneys' fees, for or on account of any kind of injury to person, bodily or otherwise, or death, or damage to or destruction of property, or any other circumstances, sustained by City or others, arising from breach or enforcement of this Agreement or out of services and operations negligently performed hereunder by Contractor, or claims relating thereto, and including but not limited to City's reliance on or use of the services or products provided by Contractor under the terms of this agreement. Contractor shall not be liable for any loss or damage attributable solely to the negligence of City. To the extent required by law to enforce this provision, Contractor agrees that this indemnification requires Contractor to obtain insurance in amounts specified herein and that Contractor has had the opportunity to recover the costs of such insurance in the Payment set forth in this Agreement.

16. Independent Contractor. This Agreement does not create an employer-employee relationship between the parties. Contractor is an independent contractor and is not entitled to any benefits including health, dental, vision, disability, life, and unemployment insurance, worker's compensation coverage, and LAGERS. Contractor is an independent contractor and not an employee for all purposes including the application of the Fair Labor Standards Act Minimum Wage and Overtime Payments, Federal Insurance Contribution Act, Social Security Act, Federal Unemployment Tax Act, and the provisions of the Internal Revenue Code, Missouri Revenue and Taxation Laws, and Missouri's Worker Compensation Laws and Unemployment Insurance Laws. Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out its activities and responsibilities.

17. Insurance. Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Agreement, insurance of such types, including but not limited to Worker's Compensation Insurance, Commercial General Liability Insurance, and Automobile Liability Insurance, and in such amounts as may be necessary to protect it against all hazards or risks of loss as hereunder specified or which may arise out of the performance of this Agreement. Such policies shall name City as an additional insured for causes of actions and claims arising out of Contractor's services related to the exceptions to sovereign immunity expressly set forth in Section 537.600.1(1) and (2), RSMo., with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo. (See, <http://insurance.mo.gov/industry/sovimmunity.php>). The foregoing shall not be construed as a waiver of sovereign immunity.

18. Intellectual Property. Contractor shall provide City with copies of all documents pertinent to the Scope of Work which shall include, without limitation, reports, correspondence, meeting minutes, and originals of all deliverables. City shall own all right, title and interest, including without limitations, all copyrights and intellectual property rights, to all documents and Work Product of Contractor created in performance of or relating to this Agreement. Contractor

agrees to take all steps reasonably requested by City to evidence, maintain, and defend City's ownership rights in the Work Product.

19. Liquidated Damages. Intentionally omitted.

20. Non-Appropriation. Notwithstanding any provision herein to the contrary, the City is obligated only to make the payments set forth in the attached contract as may lawfully be made from funds budgeted and appropriated for that purpose during the City's then current fiscal year at the discretion of the City. If no funds are appropriated or otherwise made legally available to make the required payments for this Agreement during the next occurring fiscal year (an "Event of Nonappropriation"), this Agreement will terminate at the end of the then current fiscal year as if terminated expressly. The failure or inability of the City to appropriate funds for this Agreement in any subsequent fiscal year shall not be deemed a breach of this Agreement by any party. If applicable, this Agreement may be annually renewed at each fiscal year by inclusion of specific appropriation for this Agreement, from year to year not to exceed the maximum renewal period or term as set forth in the Agreement."

21. Non-Discrimination. Contractor agrees in the performance of this Agreement not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder.

22. Notices. All notices required or permitted hereinunder and required to be in writing may be given by first class mail addressed to City and Contractor at the addresses as follows:

City of Neosho	The Satterlee Plumbing, Heating and Air Conditioning Company
ATTN: David Kennedy	ATTN: Troy Lowery
203 E. Main St.	3423 N. Main St.
Neosho, MO 64850	Joplin, MO 64801

The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing.

23. Payment for Labor and Materials. Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

24. Payment Bond. Contractor shall furnish a Payment Bond with surety approved by City and on forms approved by City in the amount of Sixty Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$60,995.00) – full amount of contract – conditioned upon payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful payment of labor and material suppliers, City shall deem the surety or sureties upon such bond to be unsatisfactory, or if, for any reason, such bond ceases to be adequate to cover the payment of the work, Contractor shall, at its expense, within five (5) days after the receipt of notice from City to do so, furnish an additional bond, in such form and amount, and with such surety as shall be

satisfactory to City. In such event no further payment to Contractor shall be deemed to be due under this contract until such new or additional security for the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to City. The corporate surety on any payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.

25. Performance Bond. Contractor shall furnish a Performance Bond with surety approved by City and on forms approved by City in the amount of Sixty Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$60,995.00) – full amount of contract conditioned upon performance of the Scope of Work. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance of the Scope of Work, City shall deem the surety or sureties upon such bond to be unsatisfactory, or if, for any reason, such bond ceases to be adequate to cover the performance of the work, Contractor shall, at its expense, within five (5) days after the receipt of notice from City to do so, furnish an additional bond, in such form and amount, and with such surety as shall be satisfactory to City. In such event no further payment to Contractor shall be deemed to be due under this contract until such new or additional security for the performance of the Scope of Work shall be furnished in a manner and form satisfactory to City. The corporate surety on any payment bond must be licensed by the State of Missouri and if the required bond exceeds \$25,000.00 must be listed in United States Treasury Circular 570.”

26. Prevailing Wage. Contractor shall comply with applicable State provisions concerning the payment of prevailing wages on public works projects. Accordingly, all workers performing work under the Contract shall be paid not less than the prevailing hourly rate of wages as determined by the Department of Labor and Industrial Relations of the State of Missouri (or “MoDOLIR”).

27. Records and Audits. The Contractor shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the City to assure proper accounting for all project funds. These records will be made available for audit purposes to the City or any authorized representative, and will be retained for three years after the expiration of this Contract.

28. Representations. The signatories hereto represent and warrant that they have read this Agreement, that they are fully authorized in the capacities shown, that they understand the terms of this Agreement, and that they are executing the same voluntarily and solely for the consideration described herein.

29. Right to Proceed. In the event this contract is terminated, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

30. Safety Training. Contractor shall require all on-site employees to complete a ten-hour Occupational Safety and Health Administration (OSHA) construction safety program provided by Contractor which includes a course in construction safety and health approved by OSHA or a similar program approved by MoDOLIR which is at least as stringent as an approved OSHA program, as required under Subsection 292.675.2 RSMo. All employees are required to complete the program within sixty days of beginning work under this Agreement. Contractor shall also require all subcontractors under Contractor to provide the ten-hour training program required under Subsection 292.675.2 RSMo. to such subcontractors' on-site employees. On-site employees who have previously completed such ten-hour training program must hold documentation of prior completion of the program.

Notice is hereby given to Contractor that it shall be subject to the penalties set forth in Subsection 292.675.4 RSMo. and such penalties shall be forfeited to City pursuant to such Subsection. MoDOLIR shall investigate any claim of violation of Section 292.675 RSMo. Upon City's receipt of notification from MoDOLIR of violations of 292.675 by Contractor and a determination by MoDOLIR that penalties shall be assessed for such violations, City shall withhold and retain from the Contract all sums and amounts due and owing to the City as a result of any violation of Section 292.675 RSMo. All words in this paragraph shall have the definitions as provided in Section 292.675.1 RSMo.

31. Severability. If any of the provisions of this Agreement shall be construed to be invalid or illegal, the legality or validity of the other provisions of this Agreement shall not be affected thereby. Any illegal or invalid provision of this Agreement shall be severable and any other provisions shall remain in full force and effect.

32. Subcontractors. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as City may exercise over Contractor under any provisions of this Agreement. Nothing contained in this Agreement shall create any contractual relation between the subcontractor and City or between any subcontractors.

33. Subsurface Conditions. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable. Contractor acknowledges and agrees that it shall not be entitled to any adjustment in the Contract Sum or Contract Times for any concealed condition of any nature, including but not limited to unknown physical conditions of an unusual nature which differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the Contract Documents, in addition to the information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey. Contractor recognizes that it has assumed the risks of concealed conditions and is being compensated for assuming these risks.

34. Termination. City reserves the right to terminate this contract by giving at least five (5) days prior written notice to Contractor, without prejudice to any other rights or remedies of City, should Contractor be adjudged bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly fail or refuse to supply enough properly skilled workmen or proper material, or if Contractor should fail or refuse to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of City or fail to observe or perform any provisions of the contract. City may terminate this Agreement, without cause, by giving Contractor thirty (30) days' written notice of the same.

35. Unauthorized Aliens. That pursuant to Missouri Revised Statute Sections 285.525 through 285.555, if this contract exceeds the amount of \$5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

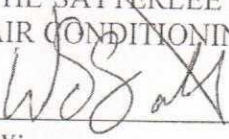
36. Waiver. Waiver of any provision of this Agreement or breach of this Agreement shall not thereafter be deemed to be a consent by the waiving party to any further waiver, modification or breach by the other party, whether new or continuing, of the same or any other covenant, condition or provision of this Agreement. Failure by one of the parties to this Agreement to assert its rights for any breach of this Agreement shall not be deemed a waiver of such rights.

IN WITNESS WHEREOF, the Parties have caused these presents to be executed in duplicate as of the day and year first above written.

CITY OF NEOSHO, MISSOURI

Tyler DeWitt, Mayor

THE SATTERLEE PLUMBING, HEATING AND
AIR CONDITIONING COMPANY



By:
Its: authorized signatory

ATTEST:

Cheyenne Wright, City Clerk

BID FORM

Description: (To be completed by bidding party)

INSTALL 20 TON VRF SYSTEM PER BID SCOPE.
INCLUDES ELECTRICAL BY LAYNE ELECTRIC

Price(s) for unit(s) meeting enclosed specifications:

\$ 60,995.00

F.O.B. Neosho, MO

Projected Shipping Date:

2 WEEK from ORDER DATE

After delivery - payment made on third Tuesday of month delivered

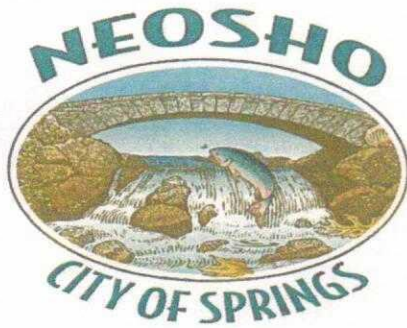
I certify that this bid on stated piece(s) of equipment meets or exceeds the bid specifications (unless otherwise noted).

COMPANY:

SATTERLEE PLUMBING, HEATING & AIR

BY:

My Lowmy



City of Neosho

203 E. Main St.
Neosho, MO 64850
(417) 451-8050 phone
(417) 451-8065 fax
www.neoshomo.org

January 10, 2023

RE: INVITATION TO BID

To Whom It May Concern:

Enclosed you will find an invitation to bid on services or equipment for the City of Neosho. The invitation to bid is self-explanatory.

The bid packet is for the purchase and installation of:

RE: Lampo Center HVAC

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

Equipment Scope:

Lennox VRF

2 17V03 VPB120H4M-3Y VRF Heat Pump (208/230V)

6 17V47 V33B048H4-3P HE 3'x3' Cassette

1 12A48 V8IDBP04 VRF INDOOR BRANCH PIPE

1 17U35 P3 HP Outdoor Branch pipe - 2 module

2 19S81 VRF Hail Guards for 12-16 VPB/VRB

2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE

1 17V96 V0STAT51P-3 VRF Programmable Controller

6 17V48 4 way Cassette Panel

2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

Anyone working within the City of Neosho, shall be licensed with the City of Neosho.

If you have any questions, feel free to contact Richard Leavens at the City Hall. There will be mandatory pre-bid meeting held at the Lampo Center , 500 East Spring Street on January 19, 2023 @ 1:00 p.m. for project familiarization.

Thank you,

David Kennedy
City Manager

In section 605.040 of the City of Neosho code, it states that if a contractor performs work for the City a performance bond is required.

Section 605.040 Certain Insurance Policies, Etc., Required Before Issuance of Licenses for Plumbers, Electricians, Contractors, and Subcontractors is amended to read as follows:

"A. In addition to payment of the license fees required of plumbers, electricians and general and special contractors and subcontractors in Section 605.010, before a plumber's, electrician's or general or special subcontractor's license may be issued to any applicant, each applicant shall produce for the inspection and approval of the City Collector the following policies of insurance together with receipts showing the premiums fully paid for the period for which the license is sought:

1. Bodily injury insurance liability coverage of twenty-five thousand dollars (\$25,000.00) per incident.

2. Property damage, twenty-five thousand dollars (\$25,000.00).

3. Bonding requirements.

a. If a contractor performs work within the City limits of Neosho, a license and permit bond, ten thousand dollars (\$10,000.00).

b. Unless otherwise provided, if a contractor performs work for the City of Neosho, the cost of which is estimated to exceed fifty thousand dollars (\$50,000.00), a performance bond running to the City, to the contract amount.

B. In addition to the requirements set forth above by this Section and the license fees required to be paid, each applicant for a plumber's license shall comply with all provisions of the Plumbing Code of the City."

Questions concerning the specifications and bid procedure should be directed to Richard Leavens, Developmental Services Director, at the follow address/phone: 417-451-8050, 203 E. Main St. Neosho, MO 64850.

Missouri Prevailing Wage Rate if over \$75,000.00

A copy of the Missouri Prevailing Wage Rate is attached

Payment Bond Required for projects over \$50,000.00

*City of Neosho Business License required

*W-9 Required

* Proof of Workers Compensation Coverage Provided w/ Bid

The City reserves the right to reject any or all bids and to accept the lowest or best bid. The City reserves the right to split bids, if in the best interest of the City.

Thank you,

David Kennedy
City Manager

INSTRUCTIONS TO BIDDERS

The City of Neosho, Missouri will accept sealed bids until **Tuesday, January 31, 2023 at 10:00 a.m.** at the Receptionist Desk of City Hall, 203 East Main Street, Neosho, MO 64850. The bid will be for the following item(s):

Lampo Center HVAC Bid Specs

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

Equipment Scope:

Lennox VRF

- 2 17V03 VPB120H4M-3Y VRF Heat Pump (208/230V)
- 6 17V47 V33B048H4-3P HE 3'x3' Cassette
- 1 12A48 V8IDBP04 VRF INDOOR BRANCH PIPE
- 1 17U35 P3 HP Outdoor Branch pipe - 2 module
- 2 19S81 VRF Hail Guards for 12-16 VPB/VRB
- 2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE
- 1 17V96 V0STAT51P-3 VRF Programmable Controller
- 6 17V48 4 way Cassette Panel
- 2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

All bids shall be F.O.B., Neosho, MO. All bids shall be exclusive of federal, state, and city taxes. Bids on this (these) unit(s) shall be made on forms furnished with these specifications. Additional information, specifications, deviations, and manufacturer's literature should be attached to bid forms. All bids should include the turn around time in getting started on this project.

Specifications and bid forms are available at the office of the Development Services Director.

Please label the envelope: **Lampo Center HVAC Bid Opening January 31, 2023 @10:00 a.m.**

Bid Specifications:

The bid packet is for the purchase of:

Lampo Center HVAC Bid Specs

Installation of a 20 ton VRF system with six 48,000 BTU ceiling cassettes with on VRF programmable controller. Outdoor units to be installed on metal stands anchored to existing concrete, indoor cassettes to be hung with ½" all thread from supports mounted above drop ceiling. Copper lines to be installed with anchored support system with ½" thickness Armaflex. Condensate will be piped to one main trunk line either exiting the building or tying to an existing drain. All bidding contractors must be experienced and factory trained in installation VRF systems. Daikin and Mitsubishi will be accepted alternates for consideration. Bid to include all electrical, (three phase to outdoor equipment and power to indoor cassettes.) The City of Neosho reserves the right to refuse any bid and/or accept the bid considered most responsible.

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2 19S81 VRF Hail Guards for 12-16 VPB/VRB

2 12A46 V8IDBP02 VRF INDOOR BRANCH PIPE

1 17V96 V0STAT51P-3 VRF Programmable Controller

6 17V48 4 way Cassette Panel

2 12A47 V8IDBP03 VRF INDOOR BRANCH PIPE

Equipment Schedule:

Note:

This bid should include the start date for this project.

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Bill No. 2023-109: SUO Streamlining Rule Revisions

ORIGINATING DEPARTMENT: City Manager

ATTACHMENT:

1. Bill No. 2023-109 amending Chapter 705 Sewers and Sewage Disposal
 2. Bill No. 2023-109 amending Chapter 705 Sewers and Sewage Disposal - Ex. A
 3. Redline Version Ordinance amending Chapter 705 Sewers and Sewage Disposal
 4. Pretreatment Required Changes
 5. Streamline Factsheet
-

PURPOSE:

This Article sets forth uniform requirements for direct and indirect contributors to the Wastewater Collection and Treatment System for the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).

BACKGROUND:

These revisions are required by the Clean Water Act of 1977. Allgeier Martin has provided these updates to our current code to ensure compliance.

RECOMMENDATION:

Approval of the Streamlining Rule Revisions as submitted and authorize the Mayor to execute it.

AN ORDINANCE amending Chapter 705 Sewers and Sewage Disposal by repealing Chapter 705 and enacting a new Chapter 705 in lieu thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That Chapter 705 Sewers and Sewage Disposal is amended to read as written in Exhibit A, attached hereto and incorporated by reference.

Section 2. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected that it cannot be presumed that the City Council would not have enacted such provisions without the others.

Section 3. That this ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this ____ day of _____, 2023, by a vote of _____.

Tyler DeWitt, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney

Chapter 705

SEWERS AND SEWAGE DISPOSAL

ARTICLE I

Generally

Section 705.010. Purpose and Policy. [CC 1979 §30-16; Ord. No. 1229 Ch. I §1, 7-17-1984; Ord. No. 92-1 §30-16, 1-7-1992]

- A. This Article sets forth uniform requirements for direct and indirect contributors into the Wastewater Collection and Treatment System for the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).
- B. The objectives of this Article are:
 - 1. To prevent the introduction of pollutants into the municipal wastewater system or contaminate the resulting sludge;
 - 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Article shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City POTW shall administer, implement, and enforce the provisions of this Article.

Section 705.020. Definitions and Abbreviations. [CC 1979 §30-17; Ord. No. 1229 Ch. I §§2, 3, 7-17-1984; Ord. No. 92-1 §30-17, 1-7-1992]

- A. *Specific Definitions:* Unless the context specifically indicates otherwise, the following terms and phrases as used in this Article shall have the meanings hereinafter designated:

ACT OR THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

APPROVAL AUTHORITY — The director in an NPDES State with an approved State pretreatment program and the administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

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

BEST MANAGEMENT PRACTICES OR BMPS — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 705.570. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°C) Celsius expressed in terms of weight and concentration (milligrams per liter).

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL INDUSTRIAL USER — An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

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.

CHEMICAL OXYGEN DEMAND OR COD — A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CITY — The City of Neosho or the City Council of Neosho, Missouri.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus, any additional pollutants identified in the publicly owned treatment work's NPDES Permit, where the publicly owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES Permit.

CONTROL AUTHORITY— The term “control authority” shall refer to the City of Neosho.

COOLING WATER — The water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

DAILY MAXIMUM — The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

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

EXISTING SOURCE — Any source of discharge that is not a “New Source.”

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

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT — All pollutants other than "*compatible pollutants*" as defined above.

INDIRECT DISCHARGE OR DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

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

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

LOCAL LIMIT — Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

MONTHLY AVERAGE — The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 USC 1342).

NEW SOURCE

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

- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site on which is an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1 (b or c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a *"new source"* as defined under this paragraph has commenced if the owner or operator has:
- a. Begun, or caused to begin as part of a continuous on-site construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER — Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PASS THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

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.

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

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

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

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

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS or STANDARDS — Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 705.570 of this ordinance.

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

SEWAGE — Human excrement and gray water (kitchen, laundry, bathing, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER (SIU) — 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 waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City 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 705.540(K) [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.

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 705.570 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.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — State of Missouri.

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

SUPERINTENDENT — The person designated by the City to supervise the operation of publicly owned treatment works and who is charged with certain duties and responsibilities by this Article, or his/her duly authorized representative.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is

suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOTAL TOXIC ORGANICS — The summation of all quantifiable values greater than .01 mg/l for the following toxic organics; refer to Federal Register Volumes 48 to 132, Friday, July 15, 1983, Subpart A. Metal Finishing Subcategory, Section 433.11(e) TTO.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307(a) or other acts.

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

WASTEWATER TREATMENT PLANT or TREATMENT PLAN — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

B. *Abbreviations.* The following abbreviations shall have the designated meanings:

1. *BMP*: Best management practice
2. *BMR*: Baseline monitoring report
3. *BOD*: Biochemical oxygen demand
4. *CFR*: Code of Federal Regulations
5. *COD*: Chemical oxygen demand
6. *EPA*: Environmental Protection Agency
7. *gpd*: Gallons per day
8. *IU*: Industrial user
9. *l*: Liter
10. *mg*: Milligrams
11. *mg/l*: Milligrams per liter
12. *NPDES*: National Pollutant Discharge Elimination System
13. *POTW*: Publicly owned treatment works
14. *RCRA*: Resource Conservation and Recovery Act
15. *SIC*: Standard industrial classification

16. *SIU*: Significant Industrial User

17. *SWDA*: Solid Waste Disposal Act, USC 6901 et seq.

18. *USC*: United States Code

19. *TSS*: Total suspended solids

20. *TTO*: Total toxic organics

Section 705.030. Application of Article. [CC 1979 §30-18; Ord. No. 1229 Ch. VII §1, 7-17-1984; Ord. No. 92-1 §30-18, 1-7-1992]

- A. All provisions of this Article shall apply to sanitary sewage and industrial wastes except as stipulated herein.
- B. All requirements of this Article apply to sewage being discharged into either a sanitary sewer or a storm sewer.

Section 705.040. Use of City System Declared Privilege. [CC 1979 §30-19; Ord. No. 1229 Ch. VII §2, 7-17-1984; Ord. No. 92-1 §30-19, 1-7-1992]

The use of the sewers and drains of the City for the purpose of removing sanitary sewage and industrial waste from property situated outside the City limits is hereby declared to be a privilege.

Section 705.050. Compliance Required. [CC 1979 §30-20; Ord. No. 1229 Ch. IV §1, 7-17-1984; Ord. No. 92-1 §30-20, 1-7-1992]

It shall be unlawful to discharge without a City permit to any natural outlet within the City or in any area under the jurisdiction of the City, or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Article.

Section 705.060. Sanitary Toilet Required in Sewer District, Etc. [CC 1979 §30-21; Ord. No. 1229 Ch. VII §3, 7-17-1984; Ord. No. 92-1 §30-21, 1-7-1992]

The owner of every building in which persons live or have their occupation and located within a sewer district shall maintain a sanitary toilet, connected with a sanitary sewer, for the use of the occupants of such building. The computation of such one hundred (100) feet shall mean one hundred (100) feet from the property line nearest the sewer main.

Section 705.070. Unlawful Deposits Generally. ¹ [CC 1979 §30-22; Ord. No. 1229 Ch. VII §4, 7-17-1984; Ord. No. 92-1 §30-22, 1-7-1992]

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable

waste.

Section 705.080. Protection of System From Damage.² [CC 1979 §30-23; Ord. No. 1229 Ch. VII §8, 7-17-1984; Ord. No. 92-1 §30-23, 1-7-1992]

- A. All regulations pertaining to building sewers and connections shall be governed by this Code.
- B. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 705.090. Falsifying Information. [CC 1979 §30-24; Ord. No. 1229 Ch. VI §2, 7-17- 1984; Ord. No. 92-1 §30-24, 1-7-1992]

¹. Cross Reference — Depositing slops, septage, etc., on streets or sidewalks, §215.570.

². Cross Reference — Destruction of property, generally, §215.270 et seq.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

Section 705.100. Confidential Information. [CC 1979 §30-25; Ord. No. 1229 Ch. IV §8, 7-17- 1984; Ord. No. 92-1 §30-25, 1-17-1992]

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other Governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to Governmental agencies for uses related to this Article, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; however, such portions of a report shall be available for use by the State or any State Agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the City as confidential shall not be transmitted to any

Governmental agency (except EPA) or to the general public by the City until and unless a ten-day notification is given to the user.

ARTICLE II Enforcement

Section 705.110. Civil Penalties. [CC 1979 §30-31; Ord. No. 1229 Ch. VI §1, 7-17-1984; Ord. No. 92-1 §30-31, 1-7-1992]

- 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 City for a maximum civil penalty of \$1,000 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 Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 705.120. Notification of Violation. [CC 1979 §30-32; Ord. No. 1229 Ch. V §3, 7-17-1984; Ord. No. 92-1 §30-32, 1-7-1992]

Whenever the City finds that any user has violated or is violating this Article, Wastewater Discharge Permit, or any prohibition, limitation or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Section 705.130. Show-Cause Hearing. [CC 1979 §30-33; Ord. No. 1229 Ch. V §4, 7-17-1984; Ord. No. 92-1 §30-33, 1-7-1992]

- A. The City may order any user who causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

Service may be made on any agent or officer of a corporation.

- B. The City Council may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the City to:
 - 1. Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - 2. Take the evidence;
 - 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- C. At any hearing held pursuant to this Article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued.

Section 705.140. Legal Action. [CC 1979 §30-34; Ord. No. 1229 Ch. V §5, 7-17-1984; Ord. No. 92-1 §30-34, 1-7-1992]

If any person is found in violation of the provisions of this Article, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this County.

Section 705.150. Suspension of Permit or Service. [CC 1979 §30-35; Ord. No. 1229 Ch. V §1, 7-17-1984; Ord. No. 92-1 §30-35, 1-7-1992]

The Superintendent 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 Superintendent 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 Superintendent 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 Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed.

- 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 Superintendent prior to the date of any show cause hearing under Sections 705.130 of this ordinance.

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

Section 705.160. Revocation of Permit. [CC 1979 §30-36; Ord. No. 1229 Ch. V §2; 7-17-1984; Ord. No. 92-1 §30-36, 1-7-1992]

The City is authorized to revoke a User's permit, in accordance with the procedures of this section, in order to end all undesirable new or increased discharges or for good cause, including, but not limited to, the reasons listed in Section 705.531 of this Ordinance.

Section 705.170. Publication Users in Significant Non-Compliance. [CC 1979 §30-37; Ord. No. 92-1 §30-37, 1-7-1992]

- A. The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance 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:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of measurements taken for the same pollutant parameter during a 6-month period exceed a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, by any amount.
 2. 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-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
 3. Any other violation of a Pretreatment Standard or Requirement as defined by Section II (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public).

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance.
6. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report non-compliance.
8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE III
Building Sewers and Connections

Section 705.180. When Connections Required. [CC 1979 §30-39; Ord. No. 92-1 §30-39, 1-7- 1992; Ord. No. 96-62 §1, 12-17-1996]

- A. All persons and property owners owning dwelling houses or buildings within the City, which buildings are, or shall be, located within two hundred (200) feet of a sewer, or in a block through which a sewer extends, shall make such connections with such sewer as may be necessary in the judgment of the City, for the purpose of disposing of all substances from any such building affecting the public health that may be lawfully and properly disposed of by means of such sewer.
- B. The City may require property owners owning dwelling houses or buildings within the City which are located more than two hundred (200) feet of a sewer or outside a block through which a sewer extends to connect to such sewer when in the judgment of the City the public sewer is reasonably accessible. The public sanitary sewer shall be considered reasonably accessible when the total cost of connection to the public sewer does not exceed the cost of a private sanitary sewer system by more than fifty percent (50%) as determined by the City Engineer, who shall determine such costs taking into consideration the following:
 1. The cost of extending and installing the public sanitary sewer to the center of the street abutting upon the property to be served plus the cost of installing and connecting four (4) inch sewer service lines to the sewer main and running the same to a point four (4) feet outside the buildings to be served on said property.

2. The cost of a private sanitary sewer system for such property shall be determined considering the use of a concrete septic tank of one thousand one hundred (1,100) gallon minimum capacity, one (1) concrete distribution box and a minimum of two hundred (200) feet of field tile, all installed in accordance with acceptable standards.
- C. All such sewer connections as ordered by the City in accordance with the provisions of this Section shall be in full compliance with the requirements of the provisions of the Plumbing Code of the City.

Section 705.190. Connections by City Upon Owner's Failure to Connect — Collection of Costs. [CC 1979 §30-40; Ord. No. 92-1 §30-40, 1-7-1992]

If any person required to connect the sewer system pursuant to Section 705.260 shall fail, neglect or refuse to connect any building with the sewer system as aforesaid and as herein provided for, for more than thirty (30) days after being notified in writing by the City, then the City may advertise for bids for the construction and making of such sewer connection and may contract therefor with the lowest responsible bidder or bidders and cause such premises to be connected with the sewer system; and the costs and expenses thereof shall be assessed against the property and premises to be connected.

Section 705.200. Permit. [CC 1979 §30-41; Ord. No. 1229 Ch. VIII §1, 7-17-1984; Ord. No. 92-1 §30-41, 1-7-1992; Ord. No. 93-23 §2, 6-15-1993]

- A. There shall be one (1) building sewer permit covering contributors of sanitary sewage, as well as establishments producing industrial wastes.
- B. The person or his/her agent shall make application on a special form furnished by the City. Connection and inspection fee of twenty-five dollars (\$25.00) must accompany the application.
- C. The permit application shall be supplemented by any plan, specification or other information considered pertinent in the judgment of the approving authority.
- D. *Connection Fees.*
1. Any person making application to connect to an active Sewer District, shall before connection to the sewer main, pay to the City of Neosho the amount of the principal charged per connection to the original sewer district members. Any sewer main extension making connection to an active sewer district line shall pay a connection fee for each platted lot prior to connection. These fees shall be applied to any remaining debt of the sewer district to which the connection is made. If the remaining debt is less than the total amount of the hook-up fee, the lesser amount shall apply.
 2. The connection fee for Sewer District Number 17, also known as Macy Area Sewer District, will be four thousand two hundred dollars (\$4,200.00) per connection.

Section 705.210. Application for Service. [CC 1979 §30-42; Ord. No. 1229 Ch. VIII §2, 7-17-1984; Ord. No. 92-1 §30-42, 1-7-1992]

Any person desiring or needing sewerage service from the City shall make written application for such service with the approving authority. The applicant shall state all information necessary to both the billing office and the Service Department, and shall agree to comply with all provisions of this Article and with any other ordinance affecting sewer services.

Section 705.220. Costs to Be Borne by the User. [CC 1979 §30-43; Ord. No. 1229 Ch. VIII §4, 7-17-1984; Ord. No. 92-1 §30-43, 1-7-1992]

All costs and expense incident to the installation and connection of the building sewer shall be borne by the person using the sewerage system. The person shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 705.230. Work to Be Performed by Licensed, Bonded Plumbers — Exception. [CC 1979 §30-44; Ord. No. 1229 Ch. VIII §3, 7-17-1984; Ord. No. 92-1 §30-44, 1-7-1992]

Only a plumber duly licensed by the City as a plumber and who has furnished a bond as required by ordinances of the City shall do plumbing work in connection with the sewer system of the City as herein provided, except that this Section shall not apply to persons who are under employment by the City.

Section 705.240. Separate Building Sewer Required for Each Building — Exception. [CC 1979 §30-45; Ord. No. 1229 Ch. VIII §5, 7-17-1984; Ord. No. 92-1 §30-45, 1-7-1992]

A separate and independent building sewer shall be provided for every building, except buildings of common ownership and control may use a common building sewer.

Section 705.250. When Use of Old Building Sewers Permitted. [CC 1979 §30-46; Ord. No. 1229 Ch. VIII §6, 7-17-1984; Ord. No. 92-1 §30-46, 1-7-1992]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authority, to meet all requirements of this Article.

Section 705.260. Size, Slope, Alignment, Materials, and Installation Methods. [CC 1979 §30-47; Ord. No. 1229 Ch. VIII §7, 7-17-1984; Ord. No. 92-1 §30-47, 1-7-1992]

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and the Plumbing Code or other applicable rules and regulations of the City.

Section 705.270. Elevation. [CC 1979 §30-48; Ord. No. 1229 Ch. VIII §8, 7-17-1984; Ord. No. 92-1 §30-48, 1-7-1992]

Whenever possible, the building sewer shall be brought to the building at an elevation

below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 705.280. Connection to Public Sewer. [CC 1979 §30-49; Ord. No. 1229 Ch. VIII §9, 7-17-1984; Ord. No. 92-1 §30-49, 1-7-1992]

The connection of the building sewer into the public sewer shall be made by using a "Fowler Quick Way Sewer Tap" or a similar type connection as approved by the City Building Inspector. All such connections shall be made gastight and watertight.

ARTICLE IV Mains

Section 705.290. Conformance to State Standards — Connection of Unapproved Mains, Etc., to City System Prohibited. [CC 1979 §30-56; Ord. No. 1229 Ch. IX §5, 7-17-1984; Ord. No. 92-1 §30-56, 1-7-1992]

- A. All sewer mains and sewer lines constructed after June 6, 1955, for connection with the sewer system of the City shall be constructed in accordance with the standards and requirements of the State Clean Water Commission.
- B. After such date, no sewer main or sewer line not approved by the State Clean Water Commission shall be connected with the City sewer system, nor shall a sewer line not approved by such commission be connected to a private sewer line which is in turn connected with the City sewer system.

Section 705.300. Application for Extension. [CC 1979 §30-57; Ord. No. 1229 Ch. IX §1, 7-17-1984; Ord. No. 92-1 §30-57, 1-7-1992]

Upon written application to the City Collector, any person may make a request for the extension of sewer mains and lines in the streets, alleys or easements within the City in order to permit connections with persons desiring sewer service where existing sewer lines are within reasonable distance for such construction.

Section 705.310. Construction Plan — Costs. [CC 1979 §30-58; Ord. No. 1229 Ch. IX §2, 7-17-1984; Ord. No. 92-1 §30-58, 1-7-1992]

The person or persons desiring a main extension will be responsible for the total cost of extending the sewer main. Contractors must be approved by the City prior to commencement of work. A profile map showing the location, depth, length, etc., must be approved by the City and State prior to construction.

Section 705.320. Determination of Kind and Size of Lines, Etc. [CC 1979 §30-59; Ord. No. 1229 Ch. IX §4, 7-17-1984; Ord. No. 92-1 §30-59, 1-7-1992]

The Water and Sewer Department, under the direction of the City Manager, shall determine the kind and size of sewer lines and appurtenances needed to adequately serve the City; and applicants who make their deposits and desire service under this Article are hereby

advised of the same.

Section 705.330. Mains to Be Under City Management Upon Completion. [CC 1979 §30-60; Ord. No. 1229 Ch. IX §3, 7-17-1984; Ord. No. 92-1 §30-60, 1-7-1992]

Upon the completion of the construction of any mains and lines pursuant to this Article, the same shall become under the sole and exclusive management of the City.

ARTICLE V
Private Sewage Disposal

Section 705.340. When Required. [CC 1979 §30-66; Ord. No. 1229 Ch. X §1, 7-17-1984; Ord. No. 92-1 §30-66, 1-7-1992]

Where a public sanitary sewer is not available under the provisions of this Article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 705.350. Permits and Percolation Test. [CC 1979 §30-67; Ord. No. 1229 Ch. X §2, 7-17-1984; Ord. No. 92-1 §30-67, 1-7-1992]

- A. *Prerequisite to Commencement of Construction.* Before commencement of construction of a private sewage disposal system, the person shall first obtain a written permit signed by the approving authority. A percolation test is required for all systems employing subsurface soil absorption facilities. The facility must be installed accordingly.
- B. *Application.* The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the approving authority.
- C. *Approval by Other Agencies Prerequisite to Issuance.* Before such a permit is issued by the City, the applicant must obtain approval of any State, Federal, or other local agency which has jurisdiction over the operation and construction of such system.
- D. *Inspection and Approval by Approving Authority Prerequisite to Effectiveness.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. He/she shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered.
- E. *Issuance Restricted When Lot Is Under Certain Size.* No permit by this Section shall be issued for any system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

Section 705.360. Type, Capacities, Location and Layout. [CC 1979 §30-68; Ord. No. 1229 Ch. X §3, 7-17-1984; Ord. No. 92-1 §30-68, 1-7-1992]

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the regulating agency of the State.

Section 705.370. Discharges to Natural Outlets. [CC 1979 §30-69; Ord. No. 1229 Ch. X §5, 7-17-1984; Ord. No. 92-1 §30-69, 1-7-1992]

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 705.380. Excavations. [CC 1979 §30-70; Ord. No. 1229 Ch. X §4, 7-17-1984; Ord. No. 92-1 §30-70, 1-7-1992]

All materials thrown from trenches and other excavations made for the purpose of laying private sewers to connect with the district sewers shall be placed as not to obstruct travel or cause inconvenience to the public or adjoining owners. Proper barriers and lights shall be maintained in the manner provided by this Code. In backfilling, the dirt shall carefully be rammed or flooded so as to keep the pipe in position and avoid settling; and no rock shall be used in filling until there has been one (1) foot of fine earth or gravel placed over the pipe.

Section 705.390. Operation and Maintenance. [CC 1979 §30-71; Ord. No. 1229 Ch. X §6, 7-17-1984; Ord. No. 92-1 §30-71, 1-7-1992]

The contributor shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

ARTICLE VI Service Charges

Section 705.400. Purpose of Cost-Recovery Charges. [CC 1979 §30-81; Ord. No. 1229 Ch. III §§1, 2, 7-17-1984; Ord. No. 92-1 §30-81, 1-7-1992]

- A. It is the purpose of this Article to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be as set forth by the City's schedule of charges and fees.
- B. The City may adopt charges and fees, which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
 - 2. Fees for monitoring, inspections and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users.
 - 3. Fees for reviewing accidental discharge procedures and construction.
 - 4. Fees for permit applications including the cost of processing such applications.

5. Fees for filing appeals.
 6. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards.
 7. Fees to recover administrative and legal costs (not included in Section 705.400(B)(2) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
 8. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- C. These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City. Fees will be based on actual costs to the City.

Section 705.410. To Whom Charges Applicable. [CC 1979 §30-82; Ord. No. 1229 Ch. III §3, 7-17-1984; Ord. No. 92-1 §30-82, 1-7-1992]

The sewer service charge shall be applicable to all persons having a sewer connection directly or indirectly with the sewerage system of the City.

Section 705.420. Billing Procedures. [CC 1979 §30-83; Ord. No. 1229 Ch. XI §6, 7-17-1984; Ord. No. 92-1 §30-83, 1-7-1992]

- A. It shall be the duty of the City to prepare and mail to each customer a statement of the sewer service charge, and sewer surcharge.
- B. Any sewer surcharge resulting from Section 705.460(B) shall be shown on the utility bill as a separate item, which shall show the amount of the sewer surcharge and shall be payable at the same time as the sewer service charge.

Section 705.430. When Bills Due — Discontinuance of Service. [CC 1979 §30-84; Ord. No. 1229 Ch. XI §7, 7-17-1984; Ord. No. 92-1 §30-84, 1-7-1992; Ord. No. 116-2002 §1, 9-26-2002]

- A. All bills for sewer service shall be due and payable on or before the fifteenth (15th) day of each month following billing and will be charged with the water bill. If payment is not made within seven (7) days following the date on which the bill becomes due and payable, service may be discontinued by the City.
- B. In the event payment is not made on or before the fifteenth (15th) day of the month on which a bill becomes due and payable, a penalty in the amount of twelve percent (12%) (minimum charge one dollar twenty-five cents (\$1.25)) of the sewer revenue over due shall be charged to the consumer's account by the City.
- C. The City may enforce collection of a delinquent account by the discontinuance of any other utility service furnished to the delinquent customer. A fee of ten dollars (\$10.00) shall be charged for such disconnection of service.

Section 705.440. Measurement of Sewage Flow. [CC 1978 §30-85; Ord. No. 1229 Ch. XI §4, 7-17-1984; Ord. No. 92-1 §30-85, 1-7-1992]

Except as otherwise provided in Section 705.450(D) the gallons of sewage shall be determined as being identical to the gallons of water purchased. Should any contributor desire to meter actual sewage flow in lieu of using water meter flows, the contributor may, at his/her own expense, install, maintain and operate a totalizing sewage flow meter.

Section 705.450. Classification of Users — Monthly Service Charges. [CC 1979 §30-86; Ord. No. 1229 Ch. XI §§1, 2, 7-17-1984; Ord. No. 85-1 §1, 1-8-1985; Ord. No. 87-25 §1, 9-29-1987; Ord. No. 92-1 §30-86, 1-7-1992; Ord. No. 92-27 §1, 7-7-1992; Ord. No. 93-40 §1, 9-23-1993; Ord. No. 94-28 §1, 9-20-1994; Ord. No. 95-44 §1, 9-19-1995; Ord. No. 96-44 §1, 9-17-1996; Ord. No. 97-35 §1, 9-30-1997; Ord. No. 98-35 §1, 9-15-1998; Ord. No. 99-33 §1, 9-21-1999; Ord. No. 37-2000 §1, 9-19-2000; Ord. No. 82-2001 §1, 9-18-2001; Ord. No. 117-2002 §1, 9-26-2002; Ord. No. 151-2003 §1, 9-23-2003; Ord. No. 257-2006 §1, 9-5-2006; Ord. No. 308-2007 §1, 9-18-2007; Ord. No. 350-2008 §1, 9-16-2008; Ord. No. 384-2009 §1, 4-21-2009]

- A. All persons, firms or corporations having a connection directly or indirectly with the sewer system of the City are hereby classified as "*residential users*" and "*other users*."
- B. "*Residential users*" are hereby defined as residential dwelling units serving not more than two (2) families on a single sewer connection.
- C. "*Other users*" shall include all persons, firms or corporations having a sewer connection directly or indirectly with the sewerage system of the City.
- D. The monthly sewer service charge to residential users shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons.
- E. The monthly service charge to "other users" shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons thereafter.
- F. Hotels, motels, hospitals, schools, rest homes, multi-residential units, apartments, mobile home parks, multi-business units and office buildings having only one (1) water account shall be charged the normal monthly sewer service charge as provided for in Subsection(E) hereof.
- G. Hotels, motels, hospitals, schools and rest homes shall not be included in the multi-residential or multi-business provisions but shall be charged the normal sewer service charge.

Section 705.460. Surcharge for Certain Wastes. [CC 1979 §30-87; Ord. No. 1229 Ch. XI §5, 7-17-1984; Ord. No. 92-1 §30-87, 1-7-1992; Ord. No. 93-6 §1, 2-23-1993; Ord. No. 385-2009 §1, 4-21-2009; Ord. No. 411-2009 §1, 9-1-2009; Ord. No. 488-2011 §1, 11-15-2011]

A. When the suspended solids or BOD content of sewage exceed the normal sewage concentrations of these constitutes, a sewage surcharge shall be levied as follows:

1. Suspended solids in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
1. Suspended solids in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
1. Suspended solids in excess of 250 mg/l, \$0.16 per lb. beginning October 1, 2011.
2. BOD content in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
2. BOD content in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
2. BOD content in excess of 250 mg/l, \$0.20 per lb. beginning October 1, 2011.

This charge will be in addition to the monthly minimum plus volumetric charges.

B. Any contributor may, if so desired, treat so as to reduce either the excess suspended solids or BOD, or both, to normal levels before discharging such sewage into the public sewers. The surcharge fee is to be based on actual cost of treatment, adjusted biennially.

Section 705.470. Hauled Waste. [CC 1979 §30-88; Ord. No. 92-1 §30-88, 1-7-1992; Ord. No. 488-2011 §2, 11-15-2011]

Hauled waste will be charged at a value of twenty dollars (\$20.00) per one thousand (1,000) gallons.

ARTICLE VII Administration

Section 705.480. Individual Wastewater Discharge Permit Requirement. [CC 1979 §30-101; Ord. No. 1229 Ch. IV §2.1, 7-17- 1984; Ord. No. 92-1 §30-101, 1-7-1992]

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 705.482 of this ordinance may continue to discharge for the time period specified therein.
- B. The Superintendent 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 Article II 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.

Section 705.481. Wastewater Analysis.

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Section 705.482. 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 Superintendent for an individual wastewater discharge permit in accordance with Section 705.490 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Superintendent.

Section 705.483. 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 705.490 of this ordinance, must be filed at least one hundred and twenty (120) days prior to the date upon which any discharge will begin or recommence.

Section 705.490. Individual Wastewater Discharge Permit Application Contents. [CC 1979 §30-102; Ord. No. 1229 Ch. IV §2.2, 7-17-1984; Ord. No. 92-102 §30-102, 1-7-1992]

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application accompanied by a fee of fifty dollars (\$50.00). The Superintendent 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 705.600(A)(3) (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 Superintendent, 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 705.540(G) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 705.540(H) of this ordinance.

8. Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

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

Section 705.491. 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 705.540(J)

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 Superintendent 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 Superintendent pursuant to 705.020(A) must annually submit the signed certification statement in Section 705.540(K). [Note: See 40 CFR 403.3(v)(2)]

Section 705.492. Individual Wastewater Discharge Permit Decisions.

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

Section 705.500. Individual Wastewater Discharge Permit Contents. [CC 1979 §30-103; Ord. No. 1229 Ch. IV §2.4, 7-17-1984; Ord. No. 92-1 §30-103, 1-7-1992]

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

A. Individual wastewater discharge permits must contain:

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

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 705.520 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. 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.
 6. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.
- B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
 8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Section 705.510. Individual Wastewater Discharge Permit Duration. [CC 1979 §30-104; Ord. No. 1229 Ch. IV §2.5, 7-17-1984; Ord. No. 92-1 §30-104, 1-7-1992]

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 Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

Section 705.520. Individual Wastewater Discharge Permit Transfer. [CC 1979 §30-105; Ord. No. 1229 Ch. IV §2.6, 7-17-1984; Ord. No. 92-1 §30-105, 1-7-1992]

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent 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.

Section 705.530. Individual Wastewater Discharge Permit Modifications. [CC 1979 §30-106; Ord. No. 1229 Ch. IV §2.3, 7-17-1984; Ord. No. 92-1 §30-106, 1-7-1992]

- A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - 4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
 - 5. Violation of any terms or conditions of the individual wastewater discharge

Commented [RS1]:

permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application of in any required reporting;
7. Revision of or a grant of variance form 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 705.520.

Section 705.531. Individual Wastewater Discharge Permit Revocation.

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

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 705.540(D) of this ordinance;
- C. Misrepresentations 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 Superintendent 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.

Section 705.532. 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 705.490 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

Section 705.533. Regulation of Waste Received from Other Jurisdictions.

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Superintendent may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 705.580 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
 - 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent.
 - 4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of

its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Section 705.540. Reporting Requirements for Permittee. [CC 1979 §30-107; Ord. No. 1229 Ch. IV §3, 7-17-1984; Ord. No. 92-1 §30-107, 1-7-1992; Ord. No. 96-55 §1, 11-5-1996]

A. Baseline Monitoring Report.

1. 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Superintendent a report which contains the information listed in Subparagraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in Subparagraph (2) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
2. Users described above shall submit the information set forth below.
 - a. All information required in Section 705.490(A)(1)(a), Section 705.490(A)(2), Section 705.490(A)(3)(a), and Section 705.490(A)(6).
 - b. Measurement of pollutants.
 - (1) The User shall provide the information required in Section 705.490(A)(7)(a) through (d).
 - (2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (3) 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.

- (4) Sampling and analysis shall be performed in accordance with Sections 705.540(G) and 705.540(H).
 - (5) The Superintendent 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.
 - (6) 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.
- c. *Compliance Certification.* A statement, reviewed by the User's Authorized Representative as defined in Section 705.020 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.
- d. *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 705.540(B) of this ordinance.
- e. *Signature and Report Certification.* All baseline monitoring reports must be certified in accordance with Section 705.540(J) of this ordinance and signed by an Authorized Representative as defined in Section 705.020.

B. *Compliance Schedule Progress Reports.*

The following conditions shall apply to the compliance schedule required by Section 705.540(2)(d) of this ordinance:

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

conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the Superintendent 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
4. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

C. 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 the commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 705.490(A)(6) and (7) and Section 705.540(A)(2)(b)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 705.600, 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 705.540(J) of this ordinance. All sampling will be done in conformance with Sections 705.540(G) and 705.540(H).

D. Periodic Compliance Reports.

1. Unless required more frequently in a Wastewater Discharge Permit issued by the City, all significant industrial users (SIUs) shall submit to the Superintendent during the months of June and December a periodic compliance report. The report shall contain the results of sampling and analysis of the discharge, including the flow rate and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard. 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 Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. The frequency of sampling and analysis shall be as prescribed in Section 705.540(H)(1). The reporting frequency for any industry may be altered by the Superintendent upon consideration of such factors as actual flow rates and pollutant concentrations, seasonal production schedules, etc.
2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations are appropriate. In such cases, the semi-annual self-monitoring report shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

3. All significant industrial users (SIUs) shall sample and analyze their wastewater discharge at the frequency stipulated in their Wastewater Discharge Permit. Monitoring shall consist of sampling the discharge and determining the nature and concentration of pollutants contained therein which are limited by the applicable pretreatment standard. Upon promulgation of a national categorical pretreatment standard for a particular industrial category containing more stringent monitoring requirements, the requirements of this Section shall immediately be superseded. The Superintendent shall notify all affected users of the more stringent requirements.
4. 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.
5. Periodic compliance reports shall contain the results of all sampling and analysis performed by the user during the period covered by the report. If sampling and analysis performed by the user indicates a violation of permit limitations, the user shall notify the POTW within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit both analyses to the Superintendent within thirty (30) consecutive calendar days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.
6. The periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis as described in Sections 705.540(G) and 705.540(H), performed during the period covered by the report, which data is representative of conditions occurring during the reporting periods.
7. The periodic compliance report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment standards or requirements.
8. 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 Superintendent, using the procedures prescribed in 705.540(H) of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

E. Reports of Changed Conditions.

Each user must notify the Superintendent 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.

1. The Superintendent 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 705.540(A) of this ordinance.
2. The Superintendent may issue an individual wastewater discharge permit under Section 705.532 of this ordinance or modify an existing wastewater discharge permit under Section 705.530 of this ordinance in response to changed conditions or anticipated changed conditions.
3. No industrial user shall implement the planned changed conditions until and unless the Superintendent has responded to the industrial user's notice.
4. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

F. Reports of Potential Problems.

1. 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 which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 705.570, it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
2. Within five (5) days following such discharge, the industrial user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.
3. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Article.
4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subparagraph (1) above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
5. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

G. Analytical Requirements.

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

H. Sample Collection.

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

1. Except as indicated in Subsections 2 and 3 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 Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 705.540(B) (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.

I. Record Keeping Requirements.

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 705.580(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 City, or where the User has been specifically notified of a longer retention period by the Superintendent.

J. Certification statement.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sections 705.491 and 705.500; Users submitting baseline monitoring reports under Section 705.540(A); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 705.540(C) and Users submitting periodic compliance reports required by Section 705.540(D). The following certification statement must be signed by an Authorized Representative as defined in Section 705.020.

1. "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 fines and imprisonment for knowing violations."
2. Signature of an authorized representative of the industrial user (as designed in 40 CFR 403.12(1)).

K. Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 705.020(A) and 705.491(C) [Note: See 40 CFR 403.3(v)(2)]. must annually submit the following certification statement signed by an Authorized or Duly Authorized Representative of the User as described in 705.020(A) [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report if required by the Superintendent:

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]:

1. The facility described as _____ met the definition of a Non-Significant Categorical Industrial User;
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total categorical wastewater

on any given day during this reporting period.

ARTICLE VIII
Discharge Limitations

Section 705.550. Unlawful Discharge to Natural Outlets or Areas Under City Jurisdiction. [CC 1979 §30-111; Ord. No. 1229 Ch. VII §5, 7-17-1984; Ord. No. 92-1 §30-111, 1-7-1992]

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

Section 705.560. Discharge of Unpolluted Drainage and Waters Restricted. [CC 1979 §30-112; Ord. No. 1229 Ch. VII §6, 7-17-1984; Ord. No. 92-1 §30-112, 1-7-1992]

- A. No person shall discharge or cause to be discharged any storm water, surface water, interior or exterior foundation drains, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the approving authority.
- C. Industrial cooling water or unpolluted process waters may be discharged, upon approval by the approving authority, to a storm sewer or to a natural outlet.

Section 705.570. General Discharge Prohibitions. [CC 1979 §30-113; Ord. No. 1229 Ch. II §1, 7-17-1984; Ord. No. 92-1 §30-113, 1-7-1992]

- A. General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POT resulting in Interference but in no case solids greater than three inch(es) (3") or seven centimeter(s) (7 cm) in any dimension];

4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
5. Wastewater having a temperature greater than 150 degrees F (65degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent.
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. 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 Superintendent;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical Wastes, except as specifically authorized by the Superintendent 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;
18. Hazardous wastes as defined in 40 CFR Part 261.

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.

Section 705.580. Specific Pollutant Limitations. [CC 1979 §30-114; Ord. No. 1229 Ch. II §4, 7-17-1984; Ord. No. 92-1 §30-114, 1-7-1992; Ord. No. 96-55 §2, 11-5-1996; Ord. No. 99-35 §1, 10-5-1999]

- A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Any waters or wastes containing the following substances to such a degree that the maximum concentration loading from all SIU's exceeds the limit specified in the table below. The Public Works Director will develop the permit limitations for all users that meet the definition of S.I.U. as defined by City Ordinance. The Table of Maximum Concentration Allowable is as follows:
Maximum Concentration Allowable (mg/l) from S.I.U.'s per Day.

No person shall discharge wastewater containing in excess of:

		Monthly Average (mg/l)	Daily Maximum (mg/l)
Arsenic	-	0.069	-
Cadmium	(T)	0.09	0.69
Copper	(T)	1	3.38
Chromium	(T)	1.55	2.77
Cyanide	(T)	0.042	1.2
Lead	(T)	0.4	0.69
Mercury	(T)	0.007	-
Nickel	(T)	*	3.98
Phenols	(T)	1	-
Silver	-	0.24	0.43
Zinc	(T)	1.48	2.61
Sulfate	-	**	-
pH	-	-	6.0 to 10.0
Oil and Grease	-	-	200
TTO (total toxic organics)	-	-	2.13

*Nickel — At no time shall the headworks of the POTW's (Shoal Creek, Crowder) exceed 1.778 lbs. per day from industrial sources.

**Sulfate — At no time shall the headworks of the POTW's combined exceed 1140 lbs. per day from industrial sources.

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

- C. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 705.570.

Section 705.590. Dilution of Excessive Discharge. [CC 1979 §30-115; Ord. No. 1229 Ch. II §7, 7-17-1984; Ord. No. 92-1 §30-115, 1-7-1992]

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

Section 705.600. Status of Federal Categorical Pretreatment Standards. [CC 1979 §30-116; Ord. No. 1229 Ch. II §2, 7-17-1984; Ord. No. 92-1 §30-116, 1-7-1992]

- A. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter Subchapter N, Parts 405-471.
1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Sections 705.600(A)(4) and 705.600(A)(5).
 2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
 3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
 4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 705.600(A)(4)(a)(1) through 705.600(A)(4)(a)(5) below.
 - a. To be eligible for equivalent mass limits, the Industrial User must:
 - (1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard,

and not have used dilution as a substitute for treatment;

- (3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
- (1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (3) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (A)(4)(a)(3) of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (A)(4)(a)(1) of this Section so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the Superintendent:
- (1) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (2) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (3) May retain the same equivalent mass limit in subsequent individual

wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 705.590.

5. The Superintendent 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 Superintendent.
6. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
7. 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.
8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent 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 Superintendent 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.

Section 705.620. State Requirements. [CC 1979 §30-118; Ord. No. 1229 Ch. II §5, 7-17-1984; Ord. No. 92-1 §30-118, 1-7-1992]

Users must comply with State of Missouri Pretreatment Standards codified at 10 CSR 20-6.100.

Section 705.630. City's Right of Revision. [CC 1979 §30-119; Ord. No. 1229 Ch. II §6, 7-17-1984; Ord. No. 92-1 §30-119, 1-7-1992]

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

Section 705.640. Pretreatment. [CC 1979 §30-120; Ord. No. 1229 Ch. IV §7, 7-17-1984; Ord. No. 92-1 §30-120, 1-7-1992]

- A. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be

submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to the City prior to the user's initiation of the changes.

Section 705.650. Interceptors. [CC 1979 §30-121; Ord. No. 1229 Ch. VII §7, 7-17-1984; Ord. No. 92-1 §30-121, 1-7-1992]

- A. Grease, oil or sand interceptors shall be provided by contributors when in the opinion of the approving authority they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters of dwelling units.
- B. All interceptors shall be of an approved type and capacity which meets City and State Code requirements and shall be readily and easily accessible for cleaning and inspection.
- C. Where installed, all grease, oil or sand interceptors shall be owned and maintained in continuously efficient operation at all times by the contributor, at his/her expense.

Section 705.660. Monitoring Facilities. [CC 1979 §30-122; Ord. No. 1229 Ch. IV §5, 7-17-1984; Ord. No. 92-1 §30-122, 1-7-1992]

- A. The City shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

Section 705.670. Inspection and Sampling. [CC 1979 §30-123; Ord. No. 1229 Ch. IV §6, 7-17-1984; Ord. No. 92-1 §30-123, 1-7-1992]

City personnel shall inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or

occupants of premises where wastewater is created or discharged shall allow the personnel or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City, approval authority and (where the NPDES State is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 705.680. Accidental Discharges. [CC 1979 §30-124; Ord. No. 1229 Ch. IV §8, 7-17-1984; Ord. No. 92-1 §30-124, 1-7-1992]

- A. *Prevention.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing users shall complete [should have completed] such a plan by January 1, 1985. No user who commences contribution to the POTW after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. *Written Notice.* Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report as described in Section 705.540(F)(2) of this Ordinance.
- C. *Accidental Discharge/Slug Discharge Control Plans.* The Superintendent shall evaluate whether or not each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent 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 Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - 1. Description of discharge practices, including nonroutine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 705.540(F); and

4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, 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.

Chapter 705

SEWERS AND SEWAGE DISPOSAL

ARTICLE I

Generally

Section 705.010. Purpose and Policy. [CC 1979 §30-16; Ord. No. 1229 Ch. I §1, 7-17-1984; Ord. No. 92-1 §30-16, 1-7-1992]

- A. This Article sets forth uniform requirements for direct and indirect contributors into the Wastewater Collection and Treatment System for the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).
- B. The objectives of this Article are:
 - 1. To prevent the introduction of pollutants into the municipal wastewater system or contaminate the resulting sludge;
 - 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Article shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City POTW shall administer, implement, and enforce the provisions of this Article.

Section 705.020. Definitions and Abbreviations. [CC 1979 §30-17; Ord. No. 1229 Ch. I §§2, 3, 7-17-1984; Ord. No. 92-1 §30-17, 1-7-1992]

- A. *Specific Definitions:* Unless the context specifically indicates otherwise, the following terms and phrases as used in this Article shall have the meanings hereinafter designated:

ACT OR THE ACT — The Federal Water Pollution Control Act, also known as the

Clean Water Act, as amended, 33 USC 1251, et seq.

APPROVAL AUTHORITY — The director in an NPDES State with an approved State pretreatment program and the administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

~~An authorized representative of an industrial user may be: —~~

- ~~1. A principal executive Officer of at least the level of Vice-President if the industrial user is a corporation; —~~
- ~~2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; —~~
- ~~3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge operates. —~~

1. If the User is a corporation:

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

BEST MANAGEMENT PRACTICES OR BMPS — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 705.570. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°C) Celsius expressed in terms of weight and concentration (milligrams per liter).

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

~~CATEGORICAL STANDARDS — National categorical pretreatment standards or pretreatment standard.~~

CATEGORICAL INDUSTRIAL USER — An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

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.

CHEMICAL OXYGEN DEMAND OR COD — A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CITY — The City of Neosho or the City Council of Neosho, Missouri.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus, any additional pollutants identified in the publicly owned treatment work's NPDES Permit, where the publicly owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES Permit.

~~CONTROL AUTHORITY — The term "control authority" shall refer to the "approval authority," defined hereinabove, or the Superintendent if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.~~

CONTROL AUTHORITY — The term "control authority" shall refer to the City of Neosho.

COOLING WATER — The water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

DAILY MAXIMUM — The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

~~ENVIRONMENTAL PROTECTION AGENCY, OR EPA — The U.S. Environmental Protection Agency; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.~~

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

EXISTING SOURCE — Any source of discharge that is not a “New Source.”

~~GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.~~

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.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT — All pollutants other than “compatible pollutants” as defined above.

~~INDIRECT DISCHARGE — The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).~~

INDIRECT DISCHARGE OR DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

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

~~INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those~~

~~contained in any State sludge management plan prepared pursuant to Title IV) applicable to the method of disposal or use employed by the POTW.~~

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

LOCAL LIMIT — Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

MONTHLY AVERAGE — The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT — The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

~~NATIONAL — CATEGORICAL — PRETREATMENT — STANDARD — OR PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (e) of the Act (33 USC 1317) which applies to a specific category of industrial users. (33 USC 1317)~~

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 USC 1342).

~~NATIONAL — PROHIBITIVE — DISCHARGE — STANDARD — OR — PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.~~

NEW SOURCE

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site on which is an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1 (b or c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a "new source" as defined under this paragraph has commenced if the owner or operator has:
- a. Begun, or caused to begin as part of a continuous on-site construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER — Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

~~PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation). —~~

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.

~~PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. —~~

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.

~~pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution~~

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

~~POLLUTANT — Any dredged spoil, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. —~~

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).

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

~~PRETREATMENT OR TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d). —~~

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

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS or STANDARDS — Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 705.570 of this ordinance.

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

SEWAGE — Human excrement and gray water (kitchen, laundry, bathing, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER — All categorical industrial users. Any other industrial user which:

1. Discharges twenty-five thousand (25,000) gallons or more of process wastewater per day.
2. Contributes a process wastewater which makes up five percent (5%) or more of the dry weather average hydraulic or organic capacity of the treatment works.
3. Is designated as such by the "control authority".

SIGNIFICANT INDUSTRIAL USER (SIU) — 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 waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City 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 705.540(K) [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.

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 705.570 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.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — State of Missouri.

STORM WATER — Any flow occurring during or following any form of natural precipitation and resulting from ~~therefrom~~ such precipitation, including snowmelt.

SUPERINTENDENT — The person designated by the City to supervise the operation of publicly owned treatment works and who is charged with certain duties and responsibilities by this Article, or his/her duly authorized representative.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOTAL TOXIC ORGANICS — The summation of all quantifiable values greater than .01 mg/l for the following toxic organics; refer to Federal Register Volumes 48 to 132, Friday, July 15, 1983, Subpart A. Metal Finishing Subcategory, Section 433.11(e) TTO.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307(a) or other acts.

~~**USER** — Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.~~

USER OR INDUSTRIAL USER — A source of indirect discharge.

~~WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.~~

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

WASTEWATER TREATMENT PLANT or TREATMENT PLAN — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

~~WASTEWATER CONTRIBUTION PERMIT — As set forth in Section 705.480 et seq.~~

~~WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.~~

B. *Abbreviations.* The following abbreviations shall have the designated meanings:

1. *BMP*: Best management practice
2. *BMR*: Baseline monitoring report
3. *BOD*: Biochemical oxygen demand
4. *CFR*: Code of Federal Regulations
5. *COD*: Chemical oxygen demand
6. *EPA*: Environmental Protection Agency
7. *gpd*: Gallons per day
8. *IU*: Industrial user
9. *l*: Liter
10. *mg*: Milligrams
11. *mg/l*: Milligrams per liter
12. *NPDES*: National Pollutant Discharge Elimination System
13. *POTW*: Publicly owned treatment works
14. *RCRA*: Resource Conservation and Recovery Act

15. *SIC*: Standard industrial classification

16. *SIU*: Significant Industrial User

17. *SWDA*: Solid Waste Disposal Act, USC 6901 et seq.

18. *USC*: United States Code

19. *TSS*: Total suspended solids

20. *TTO*: Total toxic organics

Section 705.030. Application of Article. [CC 1979 §30-18; Ord. No. 1229 Ch. VII §1, 7-17-1984; Ord. No. 92-1 §30-18, 1-7-1992]

- A. All provisions of this Article shall apply to sanitary sewage and industrial wastes except as stipulated herein.
- B. All requirements of this Article apply to sewage being discharged into either a sanitary sewer or a storm sewer.

Section 705.040. Use of City System Declared Privilege. [CC 1979 §30-19; Ord. No. 1229 Ch. VII §2, 7-17-1984; Ord. No. 92-1 §30-19, 1-7-1992]

The use of the sewers and drains of the City for the purpose of removing sanitary sewage and industrial waste from property situated outside the City limits is hereby declared to be a privilege.

Section 705.050. Compliance Required. [CC 1979 §30-20; Ord. No. 1229 Ch. IV §1, 7-17-1984; Ord. No. 92-1 §30-20, 1-7-1992]

It shall be unlawful to discharge without a City permit to any natural outlet within the City or in any area under the jurisdiction of the City, or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Article.

Section 705.060. Sanitary Toilet Required in Sewer District, Etc. [CC 1979 §30-21; Ord. No. 1229 Ch. VII §3, 7-17-1984; Ord. No. 92-1 §30-21, 1-7-1992]

The owner of every building in which persons live or have their occupation and located within a sewer district shall maintain a sanitary toilet, connected with a sanitary sewer, for the use of the occupants of such building. The computation of such one hundred (100) feet shall mean one hundred (100) feet from the property line nearest the sewer main.

Section 705.070. Unlawful Deposits Generally. ¹ [CC 1979 §30-22; Ord. No. 1229 Ch. VII §4, 7-17-1984; Ord. No. 92-1 §30-22, 1-7-1992]

It shall be unlawful for any person to place, deposit or permit to be deposited in any

unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

Section 705.080. Protection of System From Damage.² [CC 1979 §30-23; Ord. No. 1229 Ch. VII §8, 7-17-1984; Ord. No. 92-1 §30-23, 1-7-1992]

- A. All regulations pertaining to building sewers and connections shall be governed by this Code.
- B. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 705.090. Falsifying Information. [CC 1979 §30-24; Ord. No. 1229 Ch. VI §2, 7-17-1984; Ord. No. 92-1 §30-24, 1-7-1992]

1. Cross Reference — Depositing slops, septage, etc., on streets or sidewalks, §215.570.

2. Cross Reference — Destruction of property, generally, §215.270 et seq.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Wastewater ~~Contribution~~ **Discharge** Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

Section 705.100. Confidential Information. [CC 1979 §30-25; Ord. No. 1229 Ch. IV §8, 7-17-1984; Ord. No. 92-1 §30-25, 1-17-1992]

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other Governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to Governmental agencies for uses related to this Article, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; however, such portions of a report shall be available for use by the State or any State Agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- C. Information accepted by the City as confidential shall not be transmitted to any Governmental agency (except EPA) or to the general public by the City until and unless a ten-day notification is given to the user.

ARTICLE II Enforcement

Section 705.110. Civil Penalties. [CC 1979 §30-31; Ord. No. 1229 Ch. VI §1, 7-17-1984; Ord. No. 92-1 §30-31, 1-7-1992]

~~Any user who is found to have violated an order of the City Council or the orders, rules, regulations and permits issued hereunder shall be fined not less than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations, and permit issued hereunder.—~~

- 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 City for a maximum civil penalty of \$1,000 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 Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.~~
- C. ~~In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.~~
- D. ~~Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.~~

Section 705.120. Notification of Violation. [CC 1979 §30-32; Ord. No. 1229 Ch. V §3, 7-17-1984; Ord. No. 92-1 §30-32, 1-7-1992]

Whenever the City finds that any user has violated or is violating this Article, Wastewater ~~Contribution Discharge~~ Permit, or any prohibition, limitation or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Section 705.130. Show-Cause Hearing. [CC 1979 §30-33; Ord. No. 1229 Ch. V §4, 7-17-

1984; Ord. No. 92-1 §30-33, 1-7-1992]

- A. The City may order any user who causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The City Council may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the City to:
 - 1. Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - 2. Take the evidence;
 - 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- C. At any hearing held pursuant to this Article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued.

Section 705.140. Legal Action. [CC 1979 §30-34; Ord. No. 1229 Ch. V §5, 7-17-1984; Ord. No. 92-1 §30-34, 1-7-1992]

If any person is found in violation of the provisions of this Article, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this County.

Section 705.150. Suspension of Permit or Service. [CC 1979 §30-35; Ord. No. 1229 Ch. V §1, 7-17-1984; Ord. No. 92-1 §30-35, 1-7-1992]

~~A. The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an~~

~~imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES Permit.—~~

- ~~B.—Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the Wastewater Contributions Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.—~~

The Superintendent 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 Superintendent 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 Superintendent 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 Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed.
- 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 Superintendent prior to the date of any show cause hearing under Sections 705.130 of this ordinance.

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

Section 705.160. Revocation of Permit. [CC 1979 §30-36; Ord. No. 1229 Ch. V §2; 7-17-1984; Ord. No. 92-1 §30-36, 1-7-1992]

- ~~A.—Any user who violates the following conditions of this Article or applicable State and Federal regulations is subject to having his/her permit revoked in accordance with the procedures of this Article:~~

1. ~~Failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;—~~
2. ~~Failure of the user to report and get approval from the City before any significant changes in operations and wastewater constituents are made;—~~
3. ~~Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring; or—~~
4. ~~Violation of conditions of the permit.——~~

The City is authorized to revoke a User's permit, in accordance with the procedures of this section, in order to end all undesirable new or increased discharges or for good cause, including, but not limited to, the reasons listed in Section 705.531 of this Ordinance.

Section 705.170. Publication of Industrial Users in Significant Non-Compliance. [CC 1979 §30-37; Ord. No. 92-1 §30-37, 1-7-1992]

- A. The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the ~~industrial~~ users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. ~~The term "significant non-compliance" shall mean:—~~ 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:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of ~~wastewater~~ measurements taken for the same pollutant parameter during a 6-month period exceed a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, ~~the daily maximum limit or average limit for the same pollutant parameter~~ by any amount.
 2. 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-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, ~~of the daily maximum limit or the average limit~~ multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
 3. Any other ~~discharge~~ violation of a Pretreatment Standard or Requirement as defined by Section II (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public).

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance.
6. Failure to provide, within ~~thirty (30)~~ forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports ~~with categorical Pretreatment Standard deadlines~~, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report non-compliance.
8. Any other violation(s), ~~which may include a violation of Best Management Practices~~, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE III Building Sewers and Connections

Section 705.180. When Connections Required. [CC 1979 §30-39; Ord. No. 92-1 §30-39, 1-7- 1992; Ord. No. 96-62 §1, 12-17-1996]

- A. All persons and property owners owning dwelling houses or buildings within the City, which buildings are, or shall be, located within two hundred (200) feet of a sewer, or in a block through which a sewer extends, shall make such connections with such sewer as may be necessary in the judgment of the City, for the purpose of disposing of all substances from any such building affecting the public health that may be lawfully and properly disposed of by means of such sewer.
- B. The City may require property owners owning dwelling houses or buildings within the City which are located more than two hundred (200) feet of a sewer or outside a block through which a sewer extends to connect to such sewer when in the judgment of the City the public sewer is reasonably accessible. The public sanitary sewer shall be considered reasonably accessible when the total cost of connection to the public sewer does not exceed the cost of a private sanitary sewer system by more than fifty percent (50%) as determined by the City Engineer, who shall determine such costs taking into consideration the following:
 1. The cost of extending and installing the public sanitary sewer to the center of the street abutting upon the property to be served plus the cost of installing and connecting four (4) inch sewer service lines to the sewer main and running the same to a point four (4) feet outside the buildings to be served on said property.

2. The cost of a private sanitary sewer system for such property shall be determined considering the use of a concrete septic tank of one thousand one hundred (1,100) gallon minimum capacity, one (1) concrete distribution box and a minimum of two hundred (200) feet of field tile, all installed in accordance with acceptable standards.
- C. All such sewer connections as ordered by the City in accordance with the provisions of this Section shall be in full compliance with the requirements of the provisions of the Plumbing Code of the City.

Section 705.190. Connections by City Upon Owner's Failure to Connect — Collection of Costs. [CC 1979 §30-40; Ord. No. 92-1 §30-40, 1-7-1992]

If any person required to connect the sewer system pursuant to Section 705.260 shall fail, neglect or refuse to connect any building with the sewer system as aforesaid and as herein provided for, for more than thirty (30) days after being notified in writing by the City, then the City may advertise for bids for the construction and making of such sewer connection and may contract therefor with the lowest responsible bidder or bidders and cause such premises to be connected with the sewer system; and the costs and expenses thereof shall be assessed against the property and premises to be connected.

Section 705.200. Permit. [CC 1979 §30-41; Ord. No. 1229 Ch. VIII §1, 7-17-1984; Ord. No. 92-1 §30-41, 1-7-1992; Ord. No. 93-23 §2, 6-15-1993]

- A. There shall be one (1) building sewer permit covering contributors of sanitary sewage, as well as establishments producing industrial wastes.
- B. The person or his/her agent shall make application on a special form furnished by the City. Connection and inspection fee of twenty-five dollars (\$25.00) must accompany the application.
- C. The permit application shall be supplemented by any plan, specification or other information considered pertinent in the judgment of the approving authority.
- D. *Connection Fees.*
1. Any person making application to connect to an active Sewer District, shall before connection to the sewer main, pay to the City of Neosho the amount of the principal charged per connection to the original sewer district members. Any sewer main extension making connection to an active sewer district line shall pay a connection fee for each platted lot prior to connection. These fees shall be applied to any remaining debt of the sewer district to which the connection is made. If the remaining debt is less than the total amount of the hook-up fee, the lesser amount shall apply.
 2. The connection fee for Sewer District Number 17, also known as Macy Area Sewer District, will be four thousand two hundred dollars (\$4,200.00) per connection.

Section 705.210. Application for Service. [CC 1979 §30-42; Ord. No. 1229 Ch. VIII §2, 7-17-1984; Ord. No. 92-1 §30-42, 1-7-1992]

Any person desiring or needing sewerage service from the City shall make written application for such service with the approving authority. The applicant shall state all information necessary to both the billing office and the Service Department, and shall agree to comply with all provisions of this Article and with any other ordinance affecting sewer services.

Section 705.220. Costs to Be Borne by the User. [CC 1979 §30-43; Ord. No. 1229 Ch. VIII §4, 7-17-1984; Ord. No. 92-1 §30-43, 1-7-1992]

All costs and expense incident to the installation and connection of the building sewer shall be borne by the person using the sewerage system. The person shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 705.230. Work to Be Performed by Licensed, Bonded Plumbers — Exception. [CC 1979 §30-44; Ord. No. 1229 Ch. VIII §3, 7-17-1984; Ord. No. 92-1 §30-44, 1-7-1992]

Only a plumber duly licensed by the City as a plumber and who has furnished a bond as required by ordinances of the City shall do plumbing work in connection with the sewer system of the City as herein provided, except that this Section shall not apply to persons who are under employment by the City.

Section 705.240. Separate Building Sewer Required for Each Building — Exception. [CC 1979 §30-45; Ord. No. 1229 Ch. VIII §5, 7-17-1984; Ord. No. 92-1 §30-45, 1-7-1992]

A separate and independent building sewer shall be provided for every building, except buildings of common ownership and control may use a common building sewer.

Section 705.250. When Use of Old Building Sewers Permitted. [CC 1979 §30-46; Ord. No. 1229 Ch. VIII §6, 7-17-1984; Ord. No. 92-1 §30-46, 1-7-1992]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authority, to meet all requirements of this Article.

Section 705.260. Size, Slope, Alignment, Materials, and Installation Methods. [CC 1979 §30-47; Ord. No. 1229 Ch. VIII §7, 7-17-1984; Ord. No. 92-1 §30-47, 1-7-1992]

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and the Plumbing Code or other applicable rules and regulations of the City.

Section 705.270. Elevation. [CC 1979 §30-48; Ord. No. 1229 Ch. VIII §8, 7-17-1984; Ord. No. 92-1 §30-48, 1-7-1992]

Whenever possible, the building sewer shall be brought to the building at an elevation

below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 705.280. Connection to Public Sewer. [CC 1979 §30-49; Ord. No. 1229 Ch. VIII §9, 7-17-1984; Ord. No. 92-1 §30-49, 1-7-1992]

The connection of the building sewer into the public sewer shall be made by using a "Fowler Quick Way Sewer Tap" or a similar type connection as approved by the City Building Inspector. All such connections shall be made gastight and watertight.

ARTICLE IV Mains

Section 705.290. Conformance to State Standards — Connection of Unapproved Mains, Etc., to City System Prohibited. [CC 1979 §30-56; Ord. No. 1229 Ch. IX §5, 7-17-1984; Ord. No. 92-1 §30-56, 1-7-1992]

- A. All sewer mains and sewer lines constructed after June 6, 1955, for connection with the sewer system of the City shall be constructed in accordance with the standards and requirements of the State Clean Water Commission.
- B. After such date, no sewer main or sewer line not approved by the State Clean Water Commission shall be connected with the City sewer system, nor shall a sewer line not approved by such commission be connected to a private sewer line which is in turn connected with the City sewer system.

Section 705.300. Application for Extension. [CC 1979 §30-57; Ord. No. 1229 Ch. IX §1, 7-17-1984; Ord. No. 92-1 §30-57, 1-7-1992]

Upon written application to the City Collector, any person may make a request for the extension of sewer mains and lines in the streets, alleys or easements within the City in order to permit connections with persons desiring sewer service where existing sewer lines are within reasonable distance for such construction.

Section 705.310. Construction Plan — Costs. [CC 1979 §30-58; Ord. No. 1229 Ch. IX §2, 7-17-1984; Ord. No. 92-1 §30-58, 1-7-1992]

The person or persons desiring a main extension will be responsible for the total cost of extending the sewer main. Contractors must be approved by the City prior to commencement of work. A profile map showing the location, depth, length, etc., must be approved by the City and State prior to construction.

Section 705.320. Determination of Kind and Size of Lines, Etc. [CC 1979 §30-59; Ord. No. 1229 Ch. IX §4, 7-17-1984; Ord. No. 92-1 §30-59, 1-7-1992]

The Water and Sewer Department, under the direction of the City Manager, shall determine the kind and size of sewer lines and appurtenances needed to adequately serve the City; and applicants who make their deposits and desire service under this Article are hereby

advised of the same.

Section 705.330. Mains to Be Under City Management Upon Completion. [CC 1979 §30-60; Ord. No. 1229 Ch. IX §3, 7-17-1984; Ord. No. 92-1 §30-60, 1-7-1992]

Upon the completion of the construction of any mains and lines pursuant to this Article, the same shall become under the sole and exclusive management of the City.

ARTICLE V Private Sewage Disposal

Section 705.340. When Required. [CC 1979 §30-66; Ord. No. 1229 Ch. X §1, 7-17-1984; Ord. No. 92-1 §30-66, 1-7-1992]

Where a public sanitary sewer is not available under the provisions of this Article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 705.350. Permits and Percolation Test. [CC 1979 §30-67; Ord. No. 1229 Ch. X §2, 7-17-1984; Ord. No. 92-1 §30-67, 1-7-1992]

- A. *Prerequisite to Commencement of Construction.* Before commencement of construction of a private sewage disposal system, the person shall first obtain a written permit signed by the approving authority. A percolation test is required for all systems employing subsurface soil absorption facilities. The facility must be installed accordingly.
- B. *Application.* The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the approving authority.
- C. *Approval by Other Agencies Prerequisite to Issuance.* Before such a permit is issued by the City, the applicant must obtain approval of any State, Federal, or other local agency which has jurisdiction over the operation and construction of such system.
- D. *Inspection and Approval by Approving Authority Prerequisite to Effectiveness.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. He/she shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered.
- E. *Issuance Restricted When Lot Is Under Certain Size.* No permit by this Section shall be issued for any system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

Section 705.360. Type, Capacities, Location and Layout. [CC 1979 §30-68; Ord. No. 1229 Ch. X §3, 7-17-1984; Ord. No. 92-1 §30-68, 1-7-1992]

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the regulating agency of the State.

Section 705.370. Discharges to Natural Outlets. [CC 1979 §30-69; Ord. No. 1229 Ch. X §5, 7-17-1984; Ord. No. 92-1 §30-69, 1-7-1992]

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 705.380. Excavations. [CC 1979 §30-70; Ord. No. 1229 Ch. X §4, 7-17-1984; Ord. No. 92-1 §30-70, 1-7-1992]

All materials thrown from trenches and other excavations made for the purpose of laying private sewers to connect with the district sewers shall be placed as not to obstruct travel or cause inconvenience to the public or adjoining owners. Proper barriers and lights shall be maintained in the manner provided by this Code. In backfilling, the dirt shall carefully be rammed or flooded so as to keep the pipe in position and avoid settling; and no rock shall be used in filling until there has been one (1) foot of fine earth or gravel placed over the pipe.

Section 705.390. Operation and Maintenance. [CC 1979 §30-71; Ord. No. 1229 Ch. X §6, 7-17-1984; Ord. No. 92-1 §30-71, 1-7-1992]

The contributor shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

ARTICLE VI Service Charges

Section 705.400. Purpose of Cost-Recovery Charges. [CC 1979 §30-81; Ord. No. 1229 Ch. III §§1, 2, 7-17-1984; Ord. No. 92-1 §30-81, 1-7-1992]

- A. It is the purpose of this Article to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be as set forth by the City's schedule of charges and fees.
- B. The City may adopt charges and fees, which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
 - 2. Fees for monitoring, inspections and surveillance procedures **including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users.**
 - 3. Fees for reviewing accidental discharge procedures and construction.
 - 4. Fees for permit applications **including the cost of processing such applications.**

5. Fees for filing appeals.
 6. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards.
 7. Fees to recover administrative and legal costs (not included in Section 705.400(B)(2) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
 8. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- C. These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City. Fees will be based on actual costs to the City.

Section 705.410. To Whom Charges Applicable. [CC 1979 §30-82; Ord. No. 1229 Ch. III §3, 7-17-1984; Ord. No. 92-1 §30-82, 1-7-1992]

The sewer service charge shall be applicable to all persons having a sewer connection directly or indirectly with the sewerage system of the City.

Section 705.420. Billing Procedures. [CC 1979 §30-83; Ord. No. 1229 Ch. XI §6, 7-17-1984; Ord. No. 92-1 §30-83, 1-7-1992]

- A. It shall be the duty of the City to prepare and mail to each customer a statement of the sewer service charge, and sewer surcharge.
- B. Any sewer surcharge resulting from Section 705.460(B) shall be shown on the utility bill as a separate item, which shall show the amount of the sewer surcharge and shall be payable at the same time as the sewer service charge.

Section 705.430. When Bills Due — Discontinuance of Service. [CC 1979 §30-84; Ord. No. 1229 Ch. XI §7, 7-17-1984; Ord. No. 92-1 §30-84, 1-7-1992; Ord. No. 116-2002 §1, 9-26-2002]

- A. All bills for sewer service shall be due and payable on or before the fifteenth (15th) day of each month following billing and will be charged with the water bill. If payment is not made within seven (7) days following the date on which the bill becomes due and payable, service may be discontinued by the City.
- B. In the event payment is not made on or before the fifteenth (15th) day of the month on which a bill becomes due and payable, a penalty in the amount of twelve percent (12%) (minimum charge one dollar twenty-five cents (\$1.25)) of the sewer revenue over due shall be charged to the consumer's account by the City.
- C. The City may enforce collection of a delinquent account by the discontinuance of any other utility service furnished to the delinquent customer. A fee of ten dollars (\$10.00) shall be charged for such disconnection of service.

Section 705.440. Measurement of Sewage Flow. [CC 1978 §30-85; Ord. No. 1229 Ch. XI §4, 7-17-1984; Ord. No. 92-1 §30-85, 1-7-1992]

Except as otherwise provided in Section 705.450(D) the gallons of sewage shall be determined as being identical to the gallons of water purchased. Should any contributor desire to meter actual sewage flow in lieu of using water meter flows, the contributor may, at his/her own expense, install, maintain and operate a totalizing sewage flow meter.

Section 705.450. Classification of Users — Monthly Service Charges. [CC 1979 §30-86; Ord. No. 1229 Ch. XI §§1, 2, 7-17-1984; Ord. No. 85-1 §1, 1-8-1985; Ord. No. 87-25 §1, 9-29-1987; Ord. No. 92-1 §30-86, 1-7-1992; Ord. No. 92-27 §1, 7-7-1992; Ord. No. 93-40 §1, 9-23-1993; Ord. No. 94-28 §1, 9-20-1994; Ord. No. 95-44 §1, 9-19-1995; Ord. No. 96-44 §1, 9-17-1996; Ord. No. 97-35 §1, 9-30-1997; Ord. No. 98-35 §1, 9-15-1998; Ord. No. 99-33 §1, 9-21-1999; Ord. No. 37-2000 §1, 9-19-2000; Ord. No. 82-2001 §1, 9-18-2001; Ord. No. 117-2002 §1, 9-26-2002; Ord. No. 151-2003 §1, 9-23-2003; Ord. No. 257-2006 §1, 9-5-2006; Ord. No. 308-2007 §1, 9-18-2007; Ord. No. 350-2008 §1, 9-16-2008; Ord. No. 384-2009 §1, 4-21-2009]

- A. All persons, firms or corporations having a connection directly or indirectly with the sewer system of the City are hereby classified as "*residential users*" and "*other users*."
- B. "*Residential users*" are hereby defined as residential dwelling units serving not more than two (2) families on a single sewer connection.
- C. "*Other users*" shall include all persons, firms or corporations having a sewer connection directly or indirectly with the sewerage system of the City.
- D. The monthly sewer service charge to residential users shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons.
- E. The monthly service charge to "other users" shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons thereafter.
- F. Hotels, motels, hospitals, schools, rest homes, multi-residential units, apartments, mobile home parks, multi-business units and office buildings having only one (1) water account shall be charged the normal monthly sewer service charge as provided for in Subsection(E) hereof.
- G. Hotels, motels, hospitals, schools and rest homes shall not be included in the multi-residential or multi-business provisions but shall be charged the normal sewer service charge.

Section 705.460. Surcharge for Certain Wastes. [CC 1979 §30-87; Ord. No. 1229 Ch. XI §5, 7-17-1984; Ord. No. 92-1 §30-87, 1-7-1992; Ord. No. 93-6 §1, 2-23-1993; Ord. No. 385-2009 §1, 4-21-2009; Ord. No. 411-2009 §1, 9-1-2009; Ord. No. 488-2011 §1, 11-15-2011]

A. When the suspended solids or BOD content of sewage exceed the normal sewage concentrations of these constitutes, a sewage surcharge shall be levied as follows:

1. Suspended solids in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
1. Suspended solids in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
1. Suspended solids in excess of 250 mg/l, \$0.16 per lb. beginning October 1, 2011.
2. BOD content in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
2. BOD content in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
2. BOD content in excess of 250 mg/l, \$0.20 per lb. beginning October 1, 2011.

This charge will be in addition to the monthly minimum plus volumetric charges.

B. Any contributor may, if so desired, treat so as to reduce either the excess suspended solids or BOD, or both, to normal levels before discharging such sewage into the public sewers. The surcharge fee is to be based on actual cost of treatment, adjusted biennially.

Section 705.470. Hauled Waste. [CC 1979 §30-88; Ord. No. 92-1 §30-88, 1-7-1992; Ord. No. 488-2011 §2, 11-15-2011]

Hauled waste will be charged at a value of twenty dollars (\$20.00) per one thousand (1,000) gallons.

ARTICLE VII

Administration

~~Wastewater Contribution Permit~~

Section 705.480.—~~For Whom Required. Individual Wastewater Discharge Permit Requirement.~~

[CC 1979 §30-101; Ord. No. 1229 Ch. IV §2.1, 7-17- 1984; Ord. No. 92-1 §30-101, 1-7-1992]

~~All significant users, or any user the City feels would have an impact on the POTW, shall obtain a Wastewater Contribution Permit within one hundred eighty (180) days after the effective date of this Article.—~~

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 705.482 of this ordinance may continue to discharge for the time period specified therein.

- B. The Superintendent 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 its sanctions set out in Article II 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.

Section 705.481. Wastewater Analysis.

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Section 705.482. 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 Superintendent for an individual wastewater discharge permit in accordance with Section 705.490 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Superintendent.

Section 705.483. 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 705.490 of this ordinance, must be filed at least one hundred and twenty (120) days prior to the date upon which any discharge will begin or recommence.

Section 705.490. Individual Wastewater Discharge Permit Application Contents. [CC 1979 §30-102; Ord. No. 1229 Ch. IV §2.2, 7-17-1984; Ord. No. 92-102 §30-102, 1-7-1992]

~~A. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City an application in the form prescribed by the City, and accompanied by a fee of fifty dollars (\$50.00). Existing users shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this Article, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:—~~

- ~~1. Name, address and location if different from the address.—~~

- ~~2. SIC number according to the "Standard Industrial Classification Manual," Bureau of the Budget, 1972, as amended.~~
- ~~3. Wastewater constituents and characteristics, including but not limited to those mentioned in Section 705.570 et seq., as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.~~
- ~~4. Time and duration of contribution.~~
- ~~5. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonable variations, if any.~~
- ~~6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.~~
- ~~7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.~~
- ~~8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or deferral pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operations and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.~~
- ~~9. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:~~
 - ~~a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).~~
 - ~~b. No increment referred to in Paragraph (a) above shall exceed nine (9) months.~~
 - ~~c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to~~

~~the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.~~

~~5. Each product produced by type, amount, process or processes and rate of production.~~

~~6. Type and amount of raw materials processes (average and maximum per day).~~

~~12. Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.~~

~~13. The user shall submit a list of any Environmental Control Permits held by the facility.~~

~~14. *Certification statement.* A statement, reviewed by an authorized representative of the industrial user (as defined in 40 CFR 403.12(1)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.~~

~~15. Any other information as may be deemed by the City to be necessary to evaluate the permit application.~~

~~B. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.~~

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application accompanied by a fee of fifty dollars (\$50.00). The Superintendent 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 705.600(A)(3) (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 Superintendent, 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 705.540(G) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 705.540(H) of this ordinance.

8. Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

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

Section 705.491. 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 705.540(J)

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 Superintendent 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 Superintendent pursuant to 705.020(A) must annually submit the signed certification statement in Section 705.540(K). [Note: See 40 CFR 403.3(v)(2)]

Section 705.492. Individual Wastewater Discharge Permit Decisions.

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

Section 705.500. ~~Conditions~~ Individual Wastewater Discharge Permit Contents. [CC 1979 §30-103; Ord. No. 1229 Ch. IV §2.4, 7-17-1984; Ord. No. 92-1 §30-103, 1-7-1992]

~~A. Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:—~~

~~1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.—~~

~~2. Limits on the average and maximum wastewater constituents and characteristics.—~~

~~3. Limits on average and maximum rate and time of discharge or requirements~~

~~for flow regulations and equalization.~~

- ~~4. Requirements for installation and maintenance of inspection and sampling facilities.~~
- ~~5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedule.~~
- ~~6. Compliance schedules.~~
- ~~7. Requirements for submission of technical reports or discharge reports (see Section 705.540).~~
- ~~8. Requirements for maintaining and retaining plant records relating to wastewater discharge (for at least three (3) years) as specified by the City, and affording City access thereto.~~
- ~~9. Requirements to notify the City and get their approval before any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.~~
- ~~10. Requirements for notification of slug discharges.~~
- ~~11. Other conditions as deemed appropriate by the City to ensure compliance with this Chapter.~~

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

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 705.520 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. 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.

6. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

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

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

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

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

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

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

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

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

Section 705.510. Individual Wastewater Discharge Permit Duration. [CC 1979 §30-104; Ord. No. 1229 Ch. IV §2.5, 7-17-1984; Ord. No. 92-1 §30-104, 1-7-1992]

~~A permit shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be~~

~~subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 705.490 are modified or other just cause exists. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.—~~

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 Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

Section 705.520. Individual Wastewater Discharge Permit Transfer. [CC 1979 §30-105; Ord. No. 1229 Ch. IV §2.6, 7-17-1984; Ord. No. 92-1 §30-105, 1-7-1992]

~~Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.—~~

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent 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.

Section 705.530. Individual Wastewater Discharge Permit Modifications. [CC 1979 §30-106; Ord. No. 1229 Ch. IV §2.3, 7-17-1984; Ord. No. 92-1 §30-106, 1-7-1992]

~~Within ninety (90) days of the promulgation of a national categorical pretreatment standard, the Wastewater Contribution Permit of user's subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 705.490, the user shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Superintendent within one hundred eighty (180) days after the~~

~~promulgation of an applicable Federal categorical pretreatment standard the information required by Subsection A (8) and (9) of Section 705.490.—~~

~~A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:~~

- ~~1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;~~
- ~~2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;~~
- ~~3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;~~
- ~~4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;~~
- ~~5. Violation of any terms or conditions of the individual wastewater discharge permit;~~
- ~~6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application of 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 705.520.~~

Commented [RS1]:

Section 705.531. Individual Wastewater Discharge Permit Revocation.

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

- ~~A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;~~
- ~~B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 705.540(D) of this ordinance;~~
- ~~C. Misrepresentations 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 Superintendent 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.

Section 705.532. 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 705.490 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

Section 705.533. Regulation of Waste Received from Other Jurisdictions.

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Superintendent may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the

following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 705.580 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent.
4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Section 705.540. Reporting Requirements for Permittee. [CC 1979 §30-107; Ord. No. 1229 Ch. IV §3, 7-17-1984; Ord. No. 92-1 §30-107, 1-7-1992; Ord. No. 96-55 §1, 11-5-1996]

A. Baseline Monitoring Report.

1. 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Superintendent a report which contains the information listed in Subparagraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the

information listed in Subparagraph (2) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

~~2. The industrial user shall submit the information required by this Section including:—~~

- ~~a. *Identifying information.* The name and address of the facility including the name of the operator and owners.—~~
- ~~b. *Wastewater discharge permits.* A list of any environmental control Wastewater Discharge Permits held by or for the facility.—~~
- ~~c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.—~~
- ~~d. *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 40 CFR 403.6(e).—~~
- ~~e. *Measurement of pollutants.*—~~
 - ~~(1) Identify the categorical pretreatment standards applicable to each regulated process.—~~
 - ~~(2) Submit the results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the City of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported.—~~
 - ~~(3) Sampling must be performed in accordance with procedures set out in Subsection (E) of this Section.—~~
- ~~f. *Certification.* A statement reviewed by the industrial user's authorized representative 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.—~~
- ~~g. *Compliance schedule.* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.—~~

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

a. All information required in Section 705.490(A)(1)(a), Section 705.490(A)(2), Section 705.490(A)(3)(a), and Section 705.490(A)(6).

b. Measurement of pollutants.

(1) The User shall provide the information required in Section 705.490(A)(7)(a) through (d).

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(3) 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.

(4) Sampling and analysis shall be performed in accordance with Sections 705.540(G) and 705.540(H).

(5) The Superintendent 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.

(6) 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.

c. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 705.020 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.

d. 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 705.540(B) of this ordinance.

- e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 705.540(J) of this ordinance and signed by an Authorized Representative as defined in Section 705.020.

B. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Section 705.540(2)(d) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the Superintendent 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
4. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

C. 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 the commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 705.490(A)(6) and (7) and Section 705.540(A)(2)(b)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 705.600, 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 705.540(J) of this ordinance. All sampling will be done in conformance with Sections 705.540(G) and 705.540(H).

D. Periodic Compliance Reports.

- ~~1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent semi-annual reports due on July twentieth (20th) and January twentieth (20th) of each year,~~

~~unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, the report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.—~~

- ~~2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subparagraph (1) of this Subsection (B) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling analytical procedures approved by the administrator.)—~~
- ~~3. All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.—~~
- ~~4. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Subsection (E) of this Section, the results of this monitoring shall be included in the report.—~~
1. Unless required more frequently in a Wastewater Discharge Permit issued by the City, all significant industrial users (SIUs) shall submit to the Superintendent during the months of June and December a periodic compliance report. The report shall contain the results of sampling and analysis of the discharge, including the flow rate and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard. 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 Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. The frequency of sampling and analysis shall be as prescribed in Section 705.540(H)(1). The reporting frequency for any industry may be altered by the Superintendent upon consideration of such factors as actual flow rates and pollutant concentrations, seasonal production schedules, etc.

2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations are appropriate. In such cases, the semi-annual self-monitoring report shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
3. All significant industrial users (SIUs) shall sample and analyze their wastewater discharge at the frequency stipulated in their Wastewater Discharge Permit. Monitoring shall consist of sampling the discharge and determining the nature and concentration of pollutants contained therein which are limited by the applicable pretreatment standard. Upon promulgation of a national categorical pretreatment standard for a particular industrial category containing more stringent monitoring requirements, the requirements of this Section shall immediately be superseded. The Superintendent shall notify all affected users of the more stringent requirements.
4. 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.
5. Periodic compliance reports shall contain the results of all sampling and analysis performed by the user during the period covered by the report. If sampling and analysis performed by the user indicates a violation of permit limitations, the user shall notify the POTW within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit both analyses to the Superintendent within thirty (30) consecutive calendar days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.
6. The periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis as described in Sections 705.540(G) and 705.540(H), performed during the period covered by the report, which data is representative of conditions occurring during the reporting periods.
7. The periodic compliance report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment standards or requirements.

8. 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 Superintendent, using the procedures prescribed in 705.540(H) of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

~~B. *Report of Changed Conditions.* Each industrial user is required to notify the Superintendent of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least (90) days before the change.~~

~~1. The Superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application.~~

~~2. The Superintendent may issue a Wastewater Discharge Permit under Section 705.490 or modify an existing Wastewater Discharge Permit under Section 705.530.~~

E. Reports of Changed Conditions.

Each user must notify the Superintendent 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.

1. The Superintendent 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 705.540(A) of this ordinance.

2. The Superintendent may issue an individual wastewater discharge permit under Section 705.532 of this ordinance or modify an existing wastewater discharge permit under Section 705.530 of this ordinance in response to changed conditions or anticipated changed conditions.

3. No industrial user shall implement the planned changed conditions until and unless the Superintendent has responded to the industrial user's notice.

4. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

F. Reports of Potential Problems.

1. 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 ~~or a slug load~~ which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 705.570, it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste,

concentration and volume, if known, and corrective actions taken by the industrial user.

2. Within five (5) days following such discharge, the industrial user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, **fish kills**, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Article **or other applicable law**.
3. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Article.
4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subparagraph (1) above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
5. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

G. Analytical Requirements.

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

H. Sample Collection.

- ~~1. Except as indicated in Subparagraph (2) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is unfeasible, the Superintendent may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.~~
- ~~2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.~~

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

1. Except as indicated in Subsections 2 and 3 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 Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 705.540(B) (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.

1. Record Keeping Requirements.

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 705.580(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 City, or where the User has been specifically notified of a longer retention period by the Superintendent.

~~F. *Additional Requirements.* All baseline monitoring reports, reports on compliance with categorical standards, and periodic reports on continued compliance must~~

contain the following:—

J. Certification statement.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sections 705.491 and 705.500; Users submitting baseline monitoring reports under Section 705.540(A); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 705.540(C) and Users submitting periodic compliance reports required by Section 705.540(D). The following certification statement must be signed by an Authorized Representative as defined in Section 705.020.

1. "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 fines and imprisonment for knowing violations."
2. Signature of an authorized representative of the industrial user (as designed in 40 CFR 403.12(1)).

K. Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 705.020(A) and 705.491(C) [Note: See 40 CFR 403.3(v)(2)], must annually submit the following certification statement signed by an Authorized or Duly Authorized Representative of the User as described in 705.020(A) [Note: See 40 CFR 403.120(1)]. This certification must accompany an alternative report if required by the Superintendent:

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]:

1. The facility described as met the definition of a Non-Significant Categorical Industrial User;
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

**ARTICLE VIII
Discharge Limitations**

Section 705.550. Unlawful Discharge to Natural Outlets or Areas Under City Jurisdiction. [CC 1979 §30-111; Ord. No. 1229 Ch. VII §5, 7-17-1984; Ord. No. 92-1 §30-111, 1-7-1992]

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

Section 705.560. Discharge of Unpolluted Drainage and Waters Restricted. [CC 1979 §30-112; Ord. No. 1229 Ch. VII §6, 7-17-1984; Ord. No. 92-1 §30-112, 1-7-1992]

- A. No person shall discharge or cause to be discharged any storm water, surface water, interior or exterior foundation drains, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the approving authority.
- C. Industrial cooling water or unpolluted process waters may be discharged, upon approval by the approving authority, to a storm sewer or to a natural outlet.

Section 705.570. General Discharge Prohibitions. [CC 1979 §30-113; Ord. No. 1229 Ch. II §1, 7-17-1984; Ord. No. 92-1 §30-113, 1-7-1992]

- ~~A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or requirements. A user may not contribute the following substances to any POTW:—~~
- ~~1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which are a hazard to the system.—~~
 - ~~2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar,~~

~~asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.—~~

- ~~3. Any wastewater having a pH less than 6.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.—~~
- ~~4. Any wastewater containing toxic pollutants in sufficient quantity either single or by interaction with other pollutants to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.—~~
- ~~5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with others wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.—~~
- ~~6. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or State criteria applicable to the sludge management method being used.—~~
- ~~7. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.—~~
- ~~8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.—~~
- ~~9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) Celsius, (104° F) unless the POTW treatment plant is designed to accommodate such temperatures.—~~
- ~~10. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a sludgeload have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.—~~

- ~~11. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.—~~
- ~~12. Any wastewater which causes a hazard to human life or creates a public nuisance.—~~
- ~~13. Any wastewater discharge with a closed cap flash point of less than one hundred forty degrees Fahrenheit (140°F).—~~
- ~~14. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.—~~
- ~~15. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.—~~

~~B. When the Superintendent determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct interference with the POTW.—~~

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

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

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POT resulting in Interference but in no case solids greater than three inch(es) (3") or seven centimeter(s) (7 cm) in any dimension];
4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
5. Wastewater having a temperature greater than 150 degrees F (65degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent.
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. 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 Superintendent;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical Wastes, except as specifically authorized by the Superintendent 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;
18. Hazardous wastes as defined in 40 CFR Part 261.

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.

Section 705.580. Specific Pollutant Limitations. [CC 1979 §30-114; Ord. No. 1229 Ch. II §4, 7-17-1984; Ord. No. 92-1 §30-114, 1-7-1992; Ord. No. 96-55 §2, 11-5-1996; Ord. No. 99-35 §1, 10-5-1999]

A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR

403.5(c).

- B. Any waters or wastes containing the following substances to such a degree that the maximum concentration loading from all SIU's exceeds the limit specified in the table below. The Public Works Director will develop the permit limitations for all users that meet the definition of S.I.U. as defined by City Ordinance. The Table of Maximum Concentration Allowable is as follows:
Maximum Concentration Allowable (mg/l) from S.I.U.'s per Day.

No person shall discharge wastewater containing in excess of:

		Monthly Average (mg/l)	Daily Maximum (mg/l)
Arsenic	-	0.069	-
Cadmium	(T)	0.09	0.69
Copper	(T)	1	3.38
Chromium	(T)	1.55	2.77
Cyanide	(T)	0.042	1.2
Lead	(T)	0.4	0.69
Mercury	(T)	0.007	-
Nickel	(T)	*	3.98
Phenols	(T)	1	-
Silver	-	0.24	0.43
Zinc	(T)	1.48	2.61
Sulfate	-	**	-
pH	-	-	6.0 to 10.0
Oil and Grease	-	-	200
TTO (total toxic organics)	-	-	2.13

*Nickel — At no time shall the headworks of the POTW's (Shoal Creek, Crowder) exceed 1.778 lbs. per day from industrial sources.

**Sulfate — At no time shall the headworks of the POTW's combined exceed 1140 lbs. per day from industrial sources.

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

- C. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 705.570.

Section 705.590. Dilution of Excessive Discharge. [CC 1979 §30-115; Ord. No. 1229 Ch. II §7, 7-17-1984; Ord. No. 92-1 §30-115, 1-7-1992]

~~No user shall use clean water in an attempt to dilute discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the~~

~~Federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by the City or State.~~

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

Section 705.600. Status of Federal Categorical Pretreatment Standards. [CC 1979 §30-116; Ord. No. 1229 Ch. II §2, 7-17-1984; Ord. No. 92-1 §30-116, 1-7-1992]

~~Upon the promulgation of the Federal categorical pretreatment standard, if more stringent than limitations imposed under this Article for sources in that subcategory, the Federal standard shall immediately supersede the limitations imposed under this Article. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.~~

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

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Sections 705.600(A)(4) and 705.600(A)(5).
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 705.600(A)(4)(a)(1) through 705.600(A)(4)(a)(5) below.
 - a. To be eligible for equivalent mass limits, the Industrial User must:
 - (1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

- (2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- (3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- (5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
 - (1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (3) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (A)(4)(a)(3) of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (A)(4)(a)(1) of this Section so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the Superintendent:
 - (1) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (2) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect

changed conditions at the facility; and

- (3) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 705.590.
5. The Superintendent 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 Superintendent.
6. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
7. 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.
8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent 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 Superintendent 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.

Section 705.610. Modification of Federal Categorical Pretreatment Standards. [CC 1979 §30-117; Ord. No. 1229 Ch. II §3, 7-17-1984; Ord. No. 92-1 §30-117, 1-7-1992]—

~~Where the City's Wastewater Treatment System achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The City may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.—~~

Section 705.620. State Requirements. [CC 1979 §30-118; Ord. No. 1229 Ch. II §5, 7-17-1984; Ord. No. 92-1 §30-118, 1-7-1992]

~~State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article.—~~

Users must comply with State of Missouri Pretreatment Standards codified at 10 CSR 20-6.100.

Section 705.630. City's Right of Revision. [CC 1979 §30-119; Ord. No. 1229 Ch. II §6, 7-17-1984; Ord. No. 92-1 §30-119, 1-7-1992]

~~The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 705.010.—~~

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

Section 705.640. Pretreatment. [CC 1979 §30-120; Ord. No. 1229 Ch. IV §7, 7-17-1984; Ord. No. 92-1 §30-120, 1-7-1992]

A. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to the City prior to the user's initiation of the changes.

~~B.—All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.—~~

Section 705.650. Interceptors. [CC 1979 §30-121; Ord. No. 1229 Ch. VII §7, 7-17-1984; Ord. No. 92-1 §30-121, 1-7-1992]

- A. Grease, oil or sand interceptors shall be provided by contributors when in the opinion of the approving authority they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters of dwelling units.
- B. All interceptors shall be of an approved type and capacity which meets City and State Code requirements and shall be readily and easily accessible for cleaning and inspection.
- C. Where installed, all grease, oil or sand interceptors shall be owned and maintained

in continuously efficient operation at all times by the contributor, at his/her expense.

Section 705.660. Monitoring Facilities. [CC 1979 §30-122; Ord. No. 1229 Ch. IV §5, 7-17- 1984; Ord. No. 92-1 §30-122, 1-7-1992]

- A. The City shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

Section 705.670. Inspection and Sampling. [CC 1979 §30-123; Ord. No. 1229 Ch. IV §6, 7-17- 1984; Ord. No. 92-1 §30-123, 1-7-1992]

City personnel shall inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the personnel or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City, approval authority and (where the NPDES State is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 705.680. Accidental Discharges. [CC 1979 §30-124; Ord. No. 1229 Ch. IV §8, 7-17- 1984; Ord. No. 92-1 §30-124, 1-7-1992]

- A. *Prevention.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the

facility. All existing users shall complete [should have completed] such a plan by January 1, 1985. No user who commences contribution to the POTW after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. *Written Notice.* Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report as described in Section 705.540(F)(2) of this Ordinance. ~~describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.~~

~~C. *Notice to Employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.~~

C. *Accidental Discharge/Slug Discharge Control Plans.* The Superintendent shall evaluate whether or not each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent 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 Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 705.540(F); and
4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, 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.

Section 705.681. Severability.

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

Section 705.682. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this ____ day of _____ 20 ____.

Attest:

City Clerk _____
Mayor



National Pretreatment Program

(40 CFR 403)



Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes

Do any of the Streamlining Rule changes require states or POTWs to modify their pretreatment regulations or program documents?

Yes, there are required changes in the Pretreatment Streamlining Rule. The majority of the regulatory changes made in the final Pretreatment Streamlining Rule, however, are not required. That is, for many of the changes (e.g., sampling for pollutants not present, general control mechanisms, and equivalent mass limits for concentration limits), the state Approval Authority (or Control Authority depending upon which role the state plays in the particular municipality) and POTW Control Authority may choose whether or not they wish to adopt these specific streamlining provisions. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If the state wishes to implement these less stringent requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

There are several streamlining-related changes that are more stringent than the previous Federal requirements and therefore are considered required modifications for the state and/or the POTW. Therefore, to the extent that existing state or POTW legal authorities are inconsistent with the required changes, they must be revised. Of course, where state or local authorities are already consistent with these required provisions, further changes would not be necessary.

Which changes are considered required?

EPA has identified the following 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate state or POTW authorities. States and POTWs should make the changes as soon as possible, and EPA and state NPDES permitting authorities should revise NPDES permits to require implementation of these required changes by POTWs. A general description of each change is included, along with a summary of what state or POTW follow-up actions are needed.

1. Updated removal credits provisions relating to Overflows [§ 403.7(h)]

Description of required change: This change provides updated references relating to requirements that POTWs must meet to adjust removal credits for combined sewer overflows (CSOs).

What follow-up actions are required? Before approving any removal credits, states that are currently delegated oversight of the pretreatment program must revise their regulations where state legal authorities include a provision similar to § 403.7(h). No change to POTW pretreatment programs is necessary based on this regulatory change.

2. Slug control requirements must be included in SIU control mechanisms [§ 403.8(f)(1)(iii)(B)(6)]

Description of required change: The Streamlining Rule requires that applicable slug control requirements be included in the SIU's control mechanism.

What follow-up actions are required? POTWs must incorporate slug control requirements into their SIU control mechanisms and must revise their approved program, if necessary, to ensure that they have the legal authority and procedures to modify control mechanisms as needed. Once the POTW's authority to include these requirements is established, EPA foresees them being incorporated into SIU control mechanisms when the control mechanisms are next reissued. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

3. SIUs must be evaluated for the need for a plan or other action to control slug discharges within a year from the final rule's effective date or from becoming an SIU [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule specifies that POTWs must evaluate all of their SIUs for the need for a slug control plan or other actions at least one time. If the POTW has not yet done so, it must complete the evaluations before October 14, 2006 or within a year of the Industrial User being designated as significant. Where the evaluation has been conducted and documented previously, even if conducted prior to publication of the Streamlining Rule, no new evaluation is required.

What follow-up actions are required? For this provision, the applicable state regulations must be revised to specify the October 14, 2006 date for existing SIUs, and the 'within one year' final rule change for Users designated as SIUs after October 14, 2005. While POTWs must conduct this evaluation, as described above, a pretreatment program modification may not be necessary.

4. SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule requires SIUs to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a slug control plan or other actions to prevent such discharges.

What follow-up actions are required? POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

5. Significant Noncompliance (SNC) definition is expanded to include additional types of Pretreatment Standards and Requirements [§ 403.8(f)(2)(viii)(A-C)]

Description of required change: The final Streamlining Rule made several wording changes that expand the types of Standards and Requirements that are to be considered when determining whether an SIU's violations constitute SNC. These changes affect what EPA considers to be "chronic violations" (§ 403.8(f)(2)(viii)(A)), "Technical Review Criteria violations" (§ 403.8(f)(2)(viii)(B)), and "other" violations (§ 403.8(f)(2)(viii)(C)). Note that changes to the SNC requirements for late reports, for the type of newspapers must be used for publishing SNC violations, and for the application of SNC to SIUs only are optional revisions.

What follow-up actions are required? State regulations must be revised, if necessary, to reflect the expanded coverage of Standards and Requirements in the SNC definition. In addition, if necessary, POTWs need to revise their SNC definition in their legal authority, enforcement response plan, and/or program procedures to reflect expanded coverage of standards and requirements in the SNC definition.

6. SIU reports must include BMP compliance information [§ 403.12(b), (e), (h)]

Description of required change: The final Streamlining Rule requires SIUs to submit documentation as required by the Control Authority or applicable Pretreatment Standards and Requirements to determine compliance with BMP-based Standards or local limits.

What follow-up actions are required? State regulations must be revised, if necessary, to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits. In addition, POTWs must revise their legal authority, enforcement response plan, and program procedures as necessary to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits, and to enforce those requirements where Users fail to submit the required information.

7. SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law
[403.8(f)(1)(iii)(B)(3)]

Description of recommended change: The final Streamlining Rule clarified that among the effluent limits that must be contained in all SIU control mechanisms are Best Management Practices (BMPs) that are required by a categorical Pretreatment Standard, local limit, state or local law.

What follow-up actions are recommended?

This revision merely clarifies that applicable BMPs would be required to be included in control mechanisms. It is EPA's expectation that most POTWs already have the authority to implement this requirement. POTWs, however, must ensure that they have the legal authority and procedures to implement this requirement, and to include appropriate BMPs in the control mechanism where appropriate. States should revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

8. Documentation of compliance with BMP requirements must be maintained as part of the SIU's and POTW's record-keeping requirements
[§ 403.12(o)]

Description of required change: The final Streamlining Rule clarified that the POTW and the SIU must maintain records of BMP compliance in the same way that other records are maintained as part of § 403.12(o).

What follow-up actions are required? States and POTWs must revise their requirements and program procedures, if necessary, to ensure that they have the authority to implement and enforce this requirement. SIU permits also should be revised to clearly require that this documentation be maintained by the User.

9. Control Authorities which perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation
[§ 403.12(g)(2)]

Description of required change: The final Streamlining Rule provides that where a Control Authority has assumed responsibility for sampling in lieu of the SIU, it is the Control Authority which must repeat sampling and analysis within 30 days of becoming aware of an exceedance. The only exception to this requirement is if the Control Authority specifically requires the Industrial User to perform the repeat analysis.

What follow-up actions are required? POTWs should generally have the ability to sample any time they determine it is appropriate, and therefore no POTW program revision may be necessary. However, POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to implement this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

10. Require periodic compliance reports to comply with sampling requirements, require Control Authority to specify the number of grab samples necessary in periodic and non-categorical SIU reports, and require non-categorical SIUs to report all monitoring results [§ 403.12(g)(3), (4), (6)]

Description of required changes: SIUs are now required to follow sampling requirements in § 403.12 for periodic compliance reports (§ 403.12(e) and (h)), whereas they were previously only explicitly applicable to baseline monitoring reports and 90-day compliance reports. In addition, for the reports required in § 403.12(e) and (h), the final rule requires the Control Authority to indicate the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable categorical Pretreatment Standards and Requirements. Also, the final rule now requires that non-categorical SIUs report all monitoring results, whereas the previous regulations only made this requirement explicit for categorical SIUs.

What follow-up actions are required? State regulations must be revised to reflect these final rule changes. Many POTW pretreatment programs already include these requirements, but POTW legal authorities and program procedures must be revised as necessary to reflect this final rule change.

11. Non-Categorical SIUs are required to provide representative samples in their periodic monitoring reports [§ 403.12(g)(3)]

Description of required change: The final Streamlining Rule extends to the § 403.12(b), (d), and (h) monitoring reports the requirement that SIUs provide data which are representative of conditions during the reporting period.

What follow-up actions are required? Many POTW pretreatment programs already include this requirement, but POTWs must revise their approved program and SIU control mechanisms as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

12. Require notifications of changed discharge to go to the Control Authority and the POTW, where the POTW is not the Control Authority [§ 403.12(j)]

Description of required change: The pretreatment regulations now clarify that Industrial Users must notify the Control Authority, as well as the POTW, if the POTW is not the Control Authority. Prior to the Streamlining Rule, the regulations only specified that the notice go to the POTW.

What follow-up actions are required? State regulations must be revised to require changed discharge notifications to be submitted to the state where the POTW is not the Control Authority. POTWs are not required to make this change since they were already required to be notified in the previous version of § 403.12(j), and the revision brought about by the Pretreatment Streamlining Rule does not change this requirement.

13. How and when the POTW can designate a “duly authorized employee” to sign POTW reports [§ 403.12(m)]

Description of required change: The pretreatment regulations now specify that the POTW must, in writing by the principal executive officer or ranking elected official of the POTW, authorize the use of a “duly authorized employee”. In addition, the regulations require that the authorization be submitted to the Approval Authority prior to or together with the POTW report being submitted.

What follow-up actions are required? State regulations must be revised to require POTWs to follow the procedures for authorizing “duly authorized employees” to sign POTW reports and for submitting reports signed by such employees. POTWs are not required to make this change, although they will be required to follow the new state requirements relating to “duly authorized employee” signatures upon their adoption.



National Pretreatment Program

(40 CFR 403)



Fact Sheet 1.0: Pretreatment Streamlining Rule Summary of Changes Made Under the Streamlining Rule

What is the Streamlining Rule?

The Streamlining Rule revises several provisions of the General Pretreatment Regulations (40 CFR Part 403). The Pretreatment Program requires industrial dischargers to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers. The Streamlining Rule was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Control Authorities without adversely affecting environmental protection.

How does the Streamlining Rule reduce the burden on the Control Authority?

The Streamlining Rule provides the Control Authority with the flexibility to reduce the burden of technical and administrative requirements without undermining the environmental objectives of the Pretreatment Program. These changes, listed below, allow the Control Authority to focus oversight resources on IUs with the greatest potential for affecting Publicly Owned Treatment Works (POTW) operations or the environment.

- ◆ Control Authorities may authorize an IU subject to categorical Pretreatment Standards to reduce sampling of a pollutant if the IU demonstrates that a given pollutant is neither present nor expected to be present in the discharge. [§§ 403.8(f)(2)(v) and 403.12]
- ◆ Control Authorities may authorize the use of equivalent concentration limits in lieu of mass limits for Categorical Industrial Users (CIUs) in certain industrial categories. [§ 403.6(c)(6)]
- ◆ Control Authorities may issue general control mechanisms to groups of Significant Industrial Users (SIUs) that are substantially similar. [§ 403.8(f)(1)(iii)]
- ◆ Control Authorities may reduce oversight of certain Categorical Industrial Users based on percentage of contribution to the POTW.
- ◆ Control Authorities may reduce oversight of certain Industrial Users that may be reclassified as Non-Significant Categorical Industrial Users (NCSIUs).

What other significant changes were made under the Streamlining Rule?

In finalizing the Streamlining Rule, EPA is also working to improve the effectiveness of the Pretreatment Program. The Rule:

- ◆ Provides greater flexibility in the use of certain sampling techniques.
- ◆ Allows in certain circumstances Control Authorities to express CIUs' concentration-based categorical Pretreatment Standards as equivalent mass limits. [§ 403.6(c)(5)]

- ◆ Clarifies that POTWs may use Best Management Practices (BMPs) as alternatives to numeric limits that are developed to protect the POTW, water quality, and sewage sludge.
- ◆ Clarifies the definition of significant noncompliance (SNC) as it applies to violations of instantaneous and narrative requirements, and late reports.
- ◆ Makes other miscellaneous changes designed to maintain consistency with the NPDES regulations or to correct typographical errors.

Are any of the changes in the Streamlining Rule required?

Yes, there are required changes in the Streamlining Rule. The majority of the regulatory changes, however, are not required. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If a State wishes to implement these requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

Which changes are required changes?

EPA has identified the 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate State or POTW authorities. These required changes are outlined in the Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes. Available at: http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf.

How do Control Authorities and IUs implement these changes?

In order to implement any of the changes made under the Streamlining Rule, Control Authorities must submit a program modification to their Approval Authority in accordance with 40 C.F.R. § 403.18. In some cases, State laws must be changed before the Control Authority can incorporate streamlining changes. Industries must comply with requirements from the Streamlining Rule that are more stringent than existing requirements, but may not implement changes that result in less stringent requirements (e.g., reduced monitoring) unless the Control Authority has modified its individually approved pretreatment program and any associated control mechanisms to include the less stringent requirement.

Where can I get more information?

The Streamlining Rule was published in the Federal Register on October 15, 2005 (70 Fed. Reg. 60134). You can get a copy of the rule at EPA's Pretreatment Web site, http://cfpub.epa.gov/npdes/home.cfm?program_id=3. Information is also available from your State or from EPA.

Chapter 705

SEWERS AND SEWAGE DISPOSAL

ARTICLE I

Generally

Section 705.010. Purpose and Policy. [CC 1979 §30-16; Ord. No. 1229 Ch. I §1, 7-17-1984; Ord. No. 92-1 §30-16, 1-7-1992]

- A. This Article sets forth uniform requirements for direct and indirect contributors into the Wastewater Collection and Treatment System for the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).
- B. The objectives of this Article are:
 - 1. To prevent the introduction of pollutants into the municipal wastewater system or contaminate the resulting sludge;
 - 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Article shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City POTW shall administer, implement, and enforce the provisions of this Article.

Section 705.020. Definitions and Abbreviations. [CC 1979 §30-17; Ord. No. 1229 Ch. I §§2, 3, 7-17-1984; Ord. No. 92-1 §30-17, 1-7-1992]

- A. *Specific Definitions:* Unless the context specifically indicates otherwise, the following terms and phrases as used in this Article shall have the meanings hereinafter designated:

ACT OR THE ACT — The Federal Water Pollution Control Act, also known as the

Clean Water Act, as amended, 33 USC 1251, et seq.

APPROVAL AUTHORITY — The director in an NPDES State with an approved State pretreatment program and the administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

~~An authorized representative of an industrial user may be: —~~

- ~~1. A principal executive Officer of at least the level of Vice-President if the industrial user is a corporation; —~~
- ~~2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; —~~
- ~~3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge operates. —~~

1. If the User is a corporation:

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

BEST MANAGEMENT PRACTICES OR BMPS — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 705.570. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°C) Celsius expressed in terms of weight and concentration (milligrams per liter).

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

~~CATEGORICAL STANDARDS — National categorical pretreatment standards or pretreatment standard.~~

CATEGORICAL INDUSTRIAL USER — An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

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.

CHEMICAL OXYGEN DEMAND OR COD — A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CITY — The City of Neosho or the City Council of Neosho, Missouri.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus, any additional pollutants identified in the publicly owned treatment work's NPDES Permit, where the publicly owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES Permit.

~~CONTROL AUTHORITY — The term "control authority" shall refer to the "approval authority," defined hereinabove, or the Superintendent if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.~~

CONTROL AUTHORITY — The term "control authority" shall refer to the City of Neosho.

COOLING WATER — The water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

DAILY MAXIMUM — The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

~~ENVIRONMENTAL PROTECTION AGENCY, OR EPA — The U.S. Environmental Protection Agency; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.~~

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

EXISTING SOURCE — Any source of discharge that is not a “New Source.”

~~GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.~~

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.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT — All pollutants other than “compatible pollutants” as defined above.

~~INDIRECT DISCHARGE — The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).~~

INDIRECT DISCHARGE OR DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

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

~~INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those~~

~~contained in any State sludge management plan prepared pursuant to Title IV) applicable to the method of disposal or use employed by the POTW.~~

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

LOCAL LIMIT — Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

MONTHLY AVERAGE — The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT — The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

~~NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD~~ — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (e) of the Act (33 USC 1317) which applies to a specific category of industrial users. (33 USC 1317)

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 USC 1342).

~~NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD~~ — Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- 2. Construction on a site on which is an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1 (b or c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- 3. Construction of a "new source" as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER — Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

~~PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation). —~~

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.

~~PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. —~~

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.

~~pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution~~

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

~~POLLUTANT — Any dredged spoil, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. —~~

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).

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

~~PRETREATMENT OR TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d). —~~

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

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS or STANDARDS — Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 705.570 of this ordinance.

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

SEWAGE — Human excrement and gray water (kitchen, laundry, bathing, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER — All categorical industrial users. Any other industrial user which:

1. Discharges twenty-five thousand (25,000) gallons or more of process wastewater per day.
2. Contributes a process wastewater which makes up five percent (5%) or more of the dry weather average hydraulic or organic capacity of the treatment works.
3. Is designated as such by the "control authority".

SIGNIFICANT INDUSTRIAL USER (SIU) — 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 waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City 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 705.540(K) [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.

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 705.570 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.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — State of Missouri.

STORM WATER — Any flow occurring during or following any form of natural precipitation and resulting from ~~therefrom~~ such precipitation, including snowmelt.

SUPERINTENDENT — The person designated by the City to supervise the operation of publicly owned treatment works and who is charged with certain duties and responsibilities by this Article, or his/her duly authorized representative.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOTAL TOXIC ORGANICS — The summation of all quantifiable values greater than .01 mg/l for the following toxic organics; refer to Federal Register Volumes 48 to 132, Friday, July 15, 1983, Subpart A. Metal Finishing Subcategory, Section 433.11(e) TTO.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307(a) or other acts.

~~USER — Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.~~

USER OR INDUSTRIAL USER — A source of indirect discharge.

~~WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.~~

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

WASTEWATER TREATMENT PLANT or TREATMENT PLAN — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

~~WASTEWATER CONTRIBUTION PERMIT — As set forth in Section 705.480 et seq.~~

~~WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.~~

B. *Abbreviations.* The following abbreviations shall have the designated meanings:

1. *BMP*: Best management practice
2. *BMR*: Baseline monitoring report
3. *BOD*: Biochemical oxygen demand
4. *CFR*: Code of Federal Regulations
5. *COD*: Chemical oxygen demand
6. *EPA*: Environmental Protection Agency
7. *gpd*: Gallons per day
8. *IU*: Industrial user
9. *l*: Liter
10. *mg*: Milligrams
11. *mg/l*: Milligrams per liter
12. *NPDES*: National Pollutant Discharge Elimination System
13. *POTW*: Publicly owned treatment works
14. *RCRA*: Resource Conservation and Recovery Act

15. *SIC*: Standard industrial classification

16. *SIU*: Significant Industrial User

17. *SWDA*: Solid Waste Disposal Act, USC 6901 et seq.

18. *USC*: United States Code

19. *TSS*: Total suspended solids

20. *TTO*: Total toxic organics

Section 705.030. Application of Article. [CC 1979 §30-18; Ord. No. 1229 Ch. VII §1, 7-17-1984; Ord. No. 92-1 §30-18, 1-7-1992]

- A. All provisions of this Article shall apply to sanitary sewage and industrial wastes except as stipulated herein.
- B. All requirements of this Article apply to sewage being discharged into either a sanitary sewer or a storm sewer.

Section 705.040. Use of City System Declared Privilege. [CC 1979 §30-19; Ord. No. 1229 Ch. VII §2, 7-17-1984; Ord. No. 92-1 §30-19, 1-7-1992]

The use of the sewers and drains of the City for the purpose of removing sanitary sewage and industrial waste from property situated outside the City limits is hereby declared to be a privilege.

Section 705.050. Compliance Required. [CC 1979 §30-20; Ord. No. 1229 Ch. IV §1, 7-17-1984; Ord. No. 92-1 §30-20, 1-7-1992]

It shall be unlawful to discharge without a City permit to any natural outlet within the City or in any area under the jurisdiction of the City, or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Article.

Section 705.060. Sanitary Toilet Required in Sewer District, Etc. [CC 1979 §30-21; Ord. No. 1229 Ch. VII §3, 7-17-1984; Ord. No. 92-1 §30-21, 1-7-1992]

The owner of every building in which persons live or have their occupation and located within a sewer district shall maintain a sanitary toilet, connected with a sanitary sewer, for the use of the occupants of such building. The computation of such one hundred (100) feet shall mean one hundred (100) feet from the property line nearest the sewer main.

Section 705.070. Unlawful Deposits Generally. ¹ [CC 1979 §30-22; Ord. No. 1229 Ch. VII §4, 7-17-1984; Ord. No. 92-1 §30-22, 1-7-1992]

It shall be unlawful for any person to place, deposit or permit to be deposited in any

unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

Section 705.080. Protection of System From Damage.² [CC 1979 §30-23; Ord. No. 1229 Ch. VII §8, 7-17-1984; Ord. No. 92-1 §30-23, 1-7-1992]

- A. All regulations pertaining to building sewers and connections shall be governed by this Code.
- B. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 705.090. Falsifying Information. [CC 1979 §30-24; Ord. No. 1229 Ch. VI §2, 7-17-1984; Ord. No. 92-1 §30-24, 1-7-1992]

1. Cross Reference — Depositing slops, septage, etc., on streets or sidewalks, §215.570.

2. Cross Reference — Destruction of property, generally, §215.270 et seq.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Wastewater ~~Contribution~~ Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

Section 705.100. Confidential Information. [CC 1979 §30-25; Ord. No. 1229 Ch. IV §8, 7-17-1984; Ord. No. 92-1 §30-25, 1-17-1992]

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other Governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to Governmental agencies for uses related to this Article, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; however, such portions of a report shall be available for use by the State or any State Agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- C. Information accepted by the City as confidential shall not be transmitted to any Governmental agency (except EPA) or to the general public by the City until and unless a ten-day notification is given to the user.

ARTICLE II Enforcement

Section 705.110. Civil Penalties. [CC 1979 §30-31; Ord. No. 1229 Ch. VI §1, 7-17-1984; Ord. No. 92-1 §30-31, 1-7-1992]

~~Any user who is found to have violated an order of the City Council or the orders, rules, regulations and permits issued hereunder shall be fined not less than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations, and permit issued hereunder.—~~

- 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 City for a maximum civil penalty of \$1,000 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 Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.~~
- C. ~~In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.~~
- D. ~~Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.~~

Section 705.120. Notification of Violation. [CC 1979 §30-32; Ord. No. 1229 Ch. V §3, 7-17-1984; Ord. No. 92-1 §30-32, 1-7-1992]

Whenever the City finds that any user has violated or is violating this Article, Wastewater ~~Contribution Discharge~~ Permit, or any prohibition, limitation or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Section 705.130. Show-Cause Hearing. [CC 1979 §30-33; Ord. No. 1229 Ch. V §4, 7-17-

1984; Ord. No. 92-1 §30-33, 1-7-1992]

- A. The City may order any user who causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The City Council may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the City to:
 - 1. Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - 2. Take the evidence;
 - 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- C. At any hearing held pursuant to this Article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued.

Section 705.140. Legal Action. [CC 1979 §30-34; Ord. No. 1229 Ch. V §5, 7-17-1984; Ord. No. 92-1 §30-34, 1-7-1992]

If any person is found in violation of the provisions of this Article, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this County.

Section 705.150. Suspension of Permit or Service. [CC 1979 §30-35; Ord. No. 1229 Ch. V §1, 7-17-1984; Ord. No. 92-1 §30-35, 1-7-1992]

~~A. The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an~~

~~imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES Permit.—~~

- ~~B.—Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the Wastewater Contributions Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.—~~

The Superintendent 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 Superintendent 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 Superintendent 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 Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed.
- 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 Superintendent prior to the date of any show cause hearing under Sections 705.130 of this ordinance.

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

Section 705.160. Revocation of Permit. [CC 1979 §30-36; Ord. No. 1229 Ch. V §2; 7-17-1984; Ord. No. 92-1 §30-36, 1-7-1992]

- ~~A.—Any user who violates the following conditions of this Article or applicable State and Federal regulations is subject to having his/her permit revoked in accordance with the procedures of this Article:~~

1. ~~Failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;—~~
2. ~~Failure of the user to report and get approval from the City before any significant changes in operations and wastewater constituents are made;—~~
3. ~~Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring; or—~~
4. ~~Violation of conditions of the permit.——~~

The City is authorized to revoke a User's permit, in accordance with the procedures of this section, in order to end all undesirable new or increased discharges or for good cause, including, but not limited to, the reasons listed in Section 705.531 of this Ordinance.

Section 705.170. Publication of Industrial Users in Significant Non-Compliance. [CC 1979 §30-37; Ord. No. 92-1 §30-37, 1-7-1992]

- A. The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the ~~industrial~~ users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. ~~The term "significant non-compliance" shall mean:—~~ 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:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of ~~wastewater~~ measurements taken for the same pollutant parameter during a 6-month period exceed a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, ~~the daily maximum limit or average limit for the same pollutant parameter~~ by any amount.
 2. 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-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article VIII, ~~of the daily maximum limit or the average limit~~ multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
 3. Any other ~~discharge~~ violation of a Pretreatment Standard or Requirement as defined by Section II (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public).

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance.
6. Failure to provide, within ~~thirty (30)~~ forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports ~~with categorical Pretreatment Standard deadlines~~, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report non-compliance.
8. Any other violation(s), ~~which may include a violation of Best Management Practices~~, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE III Building Sewers and Connections

Section 705.180. When Connections Required. [CC 1979 §30-39; Ord. No. 92-1 §30-39, 1-7- 1992; Ord. No. 96-62 §1, 12-17-1996]

- A. All persons and property owners owning dwelling houses or buildings within the City, which buildings are, or shall be, located within two hundred (200) feet of a sewer, or in a block through which a sewer extends, shall make such connections with such sewer as may be necessary in the judgment of the City, for the purpose of disposing of all substances from any such building affecting the public health that may be lawfully and properly disposed of by means of such sewer.
- B. The City may require property owners owning dwelling houses or buildings within the City which are located more than two hundred (200) feet of a sewer or outside a block through which a sewer extends to connect to such sewer when in the judgment of the City the public sewer is reasonably accessible. The public sanitary sewer shall be considered reasonably accessible when the total cost of connection to the public sewer does not exceed the cost of a private sanitary sewer system by more than fifty percent (50%) as determined by the City Engineer, who shall determine such costs taking into consideration the following:
 1. The cost of extending and installing the public sanitary sewer to the center of the street abutting upon the property to be served plus the cost of installing and connecting four (4) inch sewer service lines to the sewer main and running the same to a point four (4) feet outside the buildings to be served on said property.

2. The cost of a private sanitary sewer system for such property shall be determined considering the use of a concrete septic tank of one thousand one hundred (1,100) gallon minimum capacity, one (1) concrete distribution box and a minimum of two hundred (200) feet of field tile, all installed in accordance with acceptable standards.
- C. All such sewer connections as ordered by the City in accordance with the provisions of this Section shall be in full compliance with the requirements of the provisions of the Plumbing Code of the City.

Section 705.190. Connections by City Upon Owner's Failure to Connect — Collection of Costs. [CC 1979 §30-40; Ord. No. 92-1 §30-40, 1-7-1992]

If any person required to connect the sewer system pursuant to Section 705.260 shall fail, neglect or refuse to connect any building with the sewer system as aforesaid and as herein provided for, for more than thirty (30) days after being notified in writing by the City, then the City may advertise for bids for the construction and making of such sewer connection and may contract therefor with the lowest responsible bidder or bidders and cause such premises to be connected with the sewer system; and the costs and expenses thereof shall be assessed against the property and premises to be connected.

Section 705.200. Permit. [CC 1979 §30-41; Ord. No. 1229 Ch. VIII §1, 7-17-1984; Ord. No. 92-1 §30-41, 1-7-1992; Ord. No. 93-23 §2, 6-15-1993]

- A. There shall be one (1) building sewer permit covering contributors of sanitary sewage, as well as establishments producing industrial wastes.
- B. The person or his/her agent shall make application on a special form furnished by the City. Connection and inspection fee of twenty-five dollars (\$25.00) must accompany the application.
- C. The permit application shall be supplemented by any plan, specification or other information considered pertinent in the judgment of the approving authority.
- D. *Connection Fees.*
1. Any person making application to connect to an active Sewer District, shall before connection to the sewer main, pay to the City of Neosho the amount of the principal charged per connection to the original sewer district members. Any sewer main extension making connection to an active sewer district line shall pay a connection fee for each platted lot prior to connection. These fees shall be applied to any remaining debt of the sewer district to which the connection is made. If the remaining debt is less than the total amount of the hook-up fee, the lesser amount shall apply.
 2. The connection fee for Sewer District Number 17, also known as Macy Area Sewer District, will be four thousand two hundred dollars (\$4,200.00) per connection.

Section 705.210. Application for Service. [CC 1979 §30-42; Ord. No. 1229 Ch. VIII §2, 7-17-1984; Ord. No. 92-1 §30-42, 1-7-1992]

Any person desiring or needing sewerage service from the City shall make written application for such service with the approving authority. The applicant shall state all information necessary to both the billing office and the Service Department, and shall agree to comply with all provisions of this Article and with any other ordinance affecting sewer services.

Section 705.220. Costs to Be Borne by the User. [CC 1979 §30-43; Ord. No. 1229 Ch. VIII §4, 7-17-1984; Ord. No. 92-1 §30-43, 1-7-1992]

All costs and expense incident to the installation and connection of the building sewer shall be borne by the person using the sewerage system. The person shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 705.230. Work to Be Performed by Licensed, Bonded Plumbers — Exception. [CC 1979 §30-44; Ord. No. 1229 Ch. VIII §3, 7-17-1984; Ord. No. 92-1 §30-44, 1-7-1992]

Only a plumber duly licensed by the City as a plumber and who has furnished a bond as required by ordinances of the City shall do plumbing work in connection with the sewer system of the City as herein provided, except that this Section shall not apply to persons who are under employment by the City.

Section 705.240. Separate Building Sewer Required for Each Building — Exception. [CC 1979 §30-45; Ord. No. 1229 Ch. VIII §5, 7-17-1984; Ord. No. 92-1 §30-45, 1-7-1992]

A separate and independent building sewer shall be provided for every building, except buildings of common ownership and control may use a common building sewer.

Section 705.250. When Use of Old Building Sewers Permitted. [CC 1979 §30-46; Ord. No. 1229 Ch. VIII §6, 7-17-1984; Ord. No. 92-1 §30-46, 1-7-1992]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authority, to meet all requirements of this Article.

Section 705.260. Size, Slope, Alignment, Materials, and Installation Methods. [CC 1979 §30-47; Ord. No. 1229 Ch. VIII §7, 7-17-1984; Ord. No. 92-1 §30-47, 1-7-1992]

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and the Plumbing Code or other applicable rules and regulations of the City.

Section 705.270. Elevation. [CC 1979 §30-48; Ord. No. 1229 Ch. VIII §8, 7-17-1984; Ord. No. 92-1 §30-48, 1-7-1992]

Whenever possible, the building sewer shall be brought to the building at an elevation

below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 705.280. Connection to Public Sewer. [CC 1979 §30-49; Ord. No. 1229 Ch. VIII §9, 7-17-1984; Ord. No. 92-1 §30-49, 1-7-1992]

The connection of the building sewer into the public sewer shall be made by using a "Fowler Quick Way Sewer Tap" or a similar type connection as approved by the City Building Inspector. All such connections shall be made gastight and watertight.

ARTICLE IV Mains

Section 705.290. Conformance to State Standards — Connection of Unapproved Mains, Etc., to City System Prohibited. [CC 1979 §30-56; Ord. No. 1229 Ch. IX §5, 7-17-1984; Ord. No. 92-1 §30-56, 1-7-1992]

- A. All sewer mains and sewer lines constructed after June 6, 1955, for connection with the sewer system of the City shall be constructed in accordance with the standards and requirements of the State Clean Water Commission.
- B. After such date, no sewer main or sewer line not approved by the State Clean Water Commission shall be connected with the City sewer system, nor shall a sewer line not approved by such commission be connected to a private sewer line which is in turn connected with the City sewer system.

Section 705.300. Application for Extension. [CC 1979 §30-57; Ord. No. 1229 Ch. IX §1, 7-17-1984; Ord. No. 92-1 §30-57, 1-7-1992]

Upon written application to the City Collector, any person may make a request for the extension of sewer mains and lines in the streets, alleys or easements within the City in order to permit connections with persons desiring sewer service where existing sewer lines are within reasonable distance for such construction.

Section 705.310. Construction Plan — Costs. [CC 1979 §30-58; Ord. No. 1229 Ch. IX §2, 7-17-1984; Ord. No. 92-1 §30-58, 1-7-1992]

The person or persons desiring a main extension will be responsible for the total cost of extending the sewer main. Contractors must be approved by the City prior to commencement of work. A profile map showing the location, depth, length, etc., must be approved by the City and State prior to construction.

Section 705.320. Determination of Kind and Size of Lines, Etc. [CC 1979 §30-59; Ord. No. 1229 Ch. IX §4, 7-17-1984; Ord. No. 92-1 §30-59, 1-7-1992]

The Water and Sewer Department, under the direction of the City Manager, shall determine the kind and size of sewer lines and appurtenances needed to adequately serve the City; and applicants who make their deposits and desire service under this Article are hereby

advised of the same.

Section 705.330. Mains to Be Under City Management Upon Completion. [CC 1979 §30-60; Ord. No. 1229 Ch. IX §3, 7-17-1984; Ord. No. 92-1 §30-60, 1-7-1992]

Upon the completion of the construction of any mains and lines pursuant to this Article, the same shall become under the sole and exclusive management of the City.

ARTICLE V Private Sewage Disposal

Section 705.340. When Required. [CC 1979 §30-66; Ord. No. 1229 Ch. X §1, 7-17-1984; Ord. No. 92-1 §30-66, 1-7-1992]

Where a public sanitary sewer is not available under the provisions of this Article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 705.350. Permits and Percolation Test. [CC 1979 §30-67; Ord. No. 1229 Ch. X §2, 7-17-1984; Ord. No. 92-1 §30-67, 1-7-1992]

- A. *Prerequisite to Commencement of Construction.* Before commencement of construction of a private sewage disposal system, the person shall first obtain a written permit signed by the approving authority. A percolation test is required for all systems employing subsurface soil absorption facilities. The facility must be installed accordingly.
- B. *Application.* The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the approving authority.
- C. *Approval by Other Agencies Prerequisite to Issuance.* Before such a permit is issued by the City, the applicant must obtain approval of any State, Federal, or other local agency which has jurisdiction over the operation and construction of such system.
- D. *Inspection and Approval by Approving Authority Prerequisite to Effectiveness.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. He/she shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered.
- E. *Issuance Restricted When Lot Is Under Certain Size.* No permit by this Section shall be issued for any system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

Section 705.360. Type, Capacities, Location and Layout. [CC 1979 §30-68; Ord. No. 1229 Ch. X §3, 7-17-1984; Ord. No. 92-1 §30-68, 1-7-1992]

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the regulating agency of the State.

Section 705.370. Discharges to Natural Outlets. [CC 1979 §30-69; Ord. No. 1229 Ch. X §5, 7-17-1984; Ord. No. 92-1 §30-69, 1-7-1992]

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 705.380. Excavations. [CC 1979 §30-70; Ord. No. 1229 Ch. X §4, 7-17-1984; Ord. No. 92-1 §30-70, 1-7-1992]

All materials thrown from trenches and other excavations made for the purpose of laying private sewers to connect with the district sewers shall be placed as not to obstruct travel or cause inconvenience to the public or adjoining owners. Proper barriers and lights shall be maintained in the manner provided by this Code. In backfilling, the dirt shall carefully be rammed or flooded so as to keep the pipe in position and avoid settling; and no rock shall be used in filling until there has been one (1) foot of fine earth or gravel placed over the pipe.

Section 705.390. Operation and Maintenance. [CC 1979 §30-71; Ord. No. 1229 Ch. X §6, 7-17-1984; Ord. No. 92-1 §30-71, 1-7-1992]

The contributor shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

ARTICLE VI Service Charges

Section 705.400. Purpose of Cost-Recovery Charges. [CC 1979 §30-81; Ord. No. 1229 Ch. III §§1, 2, 7-17-1984; Ord. No. 92-1 §30-81, 1-7-1992]

- A. It is the purpose of this Article to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be as set forth by the City's schedule of charges and fees.
- B. The City may adopt charges and fees, which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
 - 2. Fees for monitoring, inspections and surveillance procedures **including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users.**
 - 3. Fees for reviewing accidental discharge procedures and construction.
 - 4. Fees for permit applications **including the cost of processing such applications.**

5. Fees for filing appeals.
 6. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards.
 7. Fees to recover administrative and legal costs (not included in Section 705.400(B)(2) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
 8. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- C. These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City. Fees will be based on actual costs to the City.

Section 705.410. To Whom Charges Applicable. [CC 1979 §30-82; Ord. No. 1229 Ch. III §3, 7-17-1984; Ord. No. 92-1 §30-82, 1-7-1992]

The sewer service charge shall be applicable to all persons having a sewer connection directly or indirectly with the sewerage system of the City.

Section 705.420. Billing Procedures. [CC 1979 §30-83; Ord. No. 1229 Ch. XI §6, 7-17-1984; Ord. No. 92-1 §30-83, 1-7-1992]

- A. It shall be the duty of the City to prepare and mail to each customer a statement of the sewer service charge, and sewer surcharge.
- B. Any sewer surcharge resulting from Section 705.460(B) shall be shown on the utility bill as a separate item, which shall show the amount of the sewer surcharge and shall be payable at the same time as the sewer service charge.

Section 705.430. When Bills Due — Discontinuance of Service. [CC 1979 §30-84; Ord. No. 1229 Ch. XI §7, 7-17-1984; Ord. No. 92-1 §30-84, 1-7-1992; Ord. No. 116-2002 §1, 9-26-2002]

- A. All bills for sewer service shall be due and payable on or before the fifteenth (15th) day of each month following billing and will be charged with the water bill. If payment is not made within seven (7) days following the date on which the bill becomes due and payable, service may be discontinued by the City.
- B. In the event payment is not made on or before the fifteenth (15th) day of the month on which a bill becomes due and payable, a penalty in the amount of twelve percent (12%) (minimum charge one dollar twenty-five cents (\$1.25)) of the sewer revenue over due shall be charged to the consumer's account by the City.
- C. The City may enforce collection of a delinquent account by the discontinuance of any other utility service furnished to the delinquent customer. A fee of ten dollars (\$10.00) shall be charged for such disconnection of service.

Section 705.440. Measurement of Sewage Flow. [CC 1978 §30-85; Ord. No. 1229 Ch. XI §4, 7-17-1984; Ord. No. 92-1 §30-85, 1-7-1992]

Except as otherwise provided in Section 705.450(D) the gallons of sewage shall be determined as being identical to the gallons of water purchased. Should any contributor desire to meter actual sewage flow in lieu of using water meter flows, the contributor may, at his/her own expense, install, maintain and operate a totalizing sewage flow meter.

Section 705.450. Classification of Users — Monthly Service Charges. [CC 1979 §30-86; Ord. No. 1229 Ch. XI §§1, 2, 7-17-1984; Ord. No. 85-1 §1, 1-8-1985; Ord. No. 87-25 §1, 9-29-1987; Ord. No. 92-1 §30-86, 1-7-1992; Ord. No. 92-27 §1, 7-7-1992; Ord. No. 93-40 §1, 9-23-1993; Ord. No. 94-28 §1, 9-20-1994; Ord. No. 95-44 §1, 9-19-1995; Ord. No. 96-44 §1, 9-17-1996; Ord. No. 97-35 §1, 9-30-1997; Ord. No. 98-35 §1, 9-15-1998; Ord. No. 99-33 §1, 9-21-1999; Ord. No. 37-2000 §1, 9-19-2000; Ord. No. 82-2001 §1, 9-18-2001; Ord. No. 117-2002 §1, 9-26-2002; Ord. No. 151-2003 §1, 9-23-2003; Ord. No. 257-2006 §1, 9-5-2006; Ord. No. 308-2007 §1, 9-18-2007; Ord. No. 350-2008 §1, 9-16-2008; Ord. No. 384-2009 §1, 4-21-2009]

- A. All persons, firms or corporations having a connection directly or indirectly with the sewer system of the City are hereby classified as "*residential users*" and "*other users*."
- B. "*Residential users*" are hereby defined as residential dwelling units serving not more than two (2) families on a single sewer connection.
- C. "*Other users*" shall include all persons, firms or corporations having a sewer connection directly or indirectly with the sewerage system of the City.
- D. The monthly sewer service charge to residential users shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons.
- E. The monthly service charge to "other users" shall be the sum of six dollars twenty-three cents (\$6.23) per month and the sum of three dollars thirty-two cents (\$3.32) per one thousand (1,000) gallons thereafter.
- F. Hotels, motels, hospitals, schools, rest homes, multi-residential units, apartments, mobile home parks, multi-business units and office buildings having only one (1) water account shall be charged the normal monthly sewer service charge as provided for in Subsection(E) hereof.
- G. Hotels, motels, hospitals, schools and rest homes shall not be included in the multi-residential or multi-business provisions but shall be charged the normal sewer service charge.

Section 705.460. Surcharge for Certain Wastes. [CC 1979 §30-87; Ord. No. 1229 Ch. XI §5, 7-17-1984; Ord. No. 92-1 §30-87, 1-7-1992; Ord. No. 93-6 §1, 2-23-1993; Ord. No. 385-2009 §1, 4-21-2009; Ord. No. 411-2009 §1, 9-1-2009; Ord. No. 488-2011 §1, 11-15-2011]

A. When the suspended solids or BOD content of sewage exceed the normal sewage concentrations of these constitutes, a sewage surcharge shall be levied as follows:

1. Suspended solids in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
1. Suspended solids in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
1. Suspended solids in excess of 250 mg/l, \$0.16 per lb. beginning October 1, 2011.
2. BOD content in excess of 250 mg/l, \$0.05 per lb. beginning October 1, 2009.
2. BOD content in excess of 250 mg/l, \$0.10 per lb. beginning October 1, 2010.
2. BOD content in excess of 250 mg/l, \$0.20 per lb. beginning October 1, 2011.

This charge will be in addition to the monthly minimum plus volumetric charges.

B. Any contributor may, if so desired, treat so as to reduce either the excess suspended solids or BOD, or both, to normal levels before discharging such sewage into the public sewers. The surcharge fee is to be based on actual cost of treatment, adjusted biennially.

Section 705.470. Hauled Waste. [CC 1979 §30-88; Ord. No. 92-1 §30-88, 1-7-1992; Ord. No. 488-2011 §2, 11-15-2011]

Hauled waste will be charged at a value of twenty dollars (\$20.00) per one thousand (1,000) gallons.

ARTICLE VII

Administration

~~Wastewater Contribution Permit~~

Section 705.480.—~~For Whom Required. Individual Wastewater Discharge Permit Requirement.~~

[CC 1979 §30-101; Ord. No. 1229 Ch. IV §2.1, 7-17- 1984; Ord. No. 92-1 §30-101, 1-7-1992]

~~All significant users, or any user the City feels would have an impact on the POTW, shall obtain a Wastewater Contribution Permit within one hundred eighty (180) days after the effective date of this Article.—~~

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 705.482 of this ordinance may continue to discharge for the time period specified therein.

- B. The Superintendent 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 its sanctions set out in Article II 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.

Section 705.481. Wastewater Analysis.

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Section 705.482. 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 Superintendent for an individual wastewater discharge permit in accordance with Section 705.490 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Superintendent.

Section 705.483. 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 705.490 of this ordinance, must be filed at least one hundred and twenty (120) days prior to the date upon which any discharge will begin or recommence.

Section 705.490. Individual Wastewater Discharge Permit Application Contents. [CC 1979 §30-102; Ord. No. 1229 Ch. IV §2.2, 7-17-1984; Ord. No. 92-102 §30-102, 1-7-1992]

~~A. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City an application in the form prescribed by the City, and accompanied by a fee of fifty dollars (\$50.00). Existing users shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this Article, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:—~~

- ~~1. Name, address and location if different from the address.—~~

- ~~2. SIC number according to the "Standard Industrial Classification Manual," Bureau of the Budget, 1972, as amended.~~
- ~~3. Wastewater constituents and characteristics, including but not limited to those mentioned in Section 705.570 et seq., as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.~~
- ~~4. Time and duration of contribution.~~
- ~~5. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonable variations, if any.~~
- ~~6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.~~
- ~~7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.~~
- ~~8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or deferral pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operations and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.~~
- ~~9. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:~~
 - ~~a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).~~
 - ~~b. No increment referred to in Paragraph (a) above shall exceed nine (9) months.~~
 - ~~c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to~~

~~the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.~~

~~5. Each product produced by type, amount, process or processes and rate of production.~~

~~6. Type and amount of raw materials processes (average and maximum per day).~~

~~12. Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.~~

~~13. The user shall submit a list of any Environmental Control Permits held by the facility.~~

~~14. *Certification statement.* A statement, reviewed by an authorized representative of the industrial user (as defined in 40 CFR 403.12(1)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.~~

~~15. Any other information as may be deemed by the City to be necessary to evaluate the permit application.~~

~~B. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.~~

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application accompanied by a fee of fifty dollars (\$50.00). The Superintendent 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 705.600(A)(3) (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 Superintendent, 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 705.540(G) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 705.540(H) of this ordinance.

8. Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

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

Section 705.491. 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 705.540(J)

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 Superintendent 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 Superintendent pursuant to 705.020(A) must annually submit the signed certification statement in Section 705.540(K). [Note: See 40 CFR 403.3(v)(2)]

Section 705.492. Individual Wastewater Discharge Permit Decisions.

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

Section 705.500. ~~Conditions Individual Wastewater Discharge Permit Contents.~~ [CC 1979 §30-103; Ord. No. 1229 Ch. IV §2.4, 7-17-1984; Ord. No. 92-1 §30-103, 1-7-1992]

~~A. Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:—~~

~~1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.—~~

~~2. Limits on the average and maximum wastewater constituents and characteristics.—~~

~~3. Limits on average and maximum rate and time of discharge or requirements~~

~~for flow regulations and equalization.~~

- ~~4. Requirements for installation and maintenance of inspection and sampling facilities.~~
- ~~5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedule.~~
- ~~6. Compliance schedules.~~
- ~~7. Requirements for submission of technical reports or discharge reports (see Section 705.540).~~
- ~~8. Requirements for maintaining and retaining plant records relating to wastewater discharge (for at least three (3) years) as specified by the City, and affording City access thereto.~~
- ~~9. Requirements to notify the City and get their approval before any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.~~
- ~~10. Requirements for notification of slug discharges.~~
- ~~11. Other conditions as deemed appropriate by the City to ensure compliance with this Chapter.~~

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

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 705.520 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. 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.

6. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

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

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

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

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

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

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

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

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

Section 705.510. Individual Wastewater Discharge Permit Duration. [CC 1979 §30-104; Ord. No. 1229 Ch. IV §2.5, 7-17-1984; Ord. No. 92-1 §30-104, 1-7-1992]

~~A permit shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be~~

~~subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 705.490 are modified or other just cause exists. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.—~~

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 Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

Section 705.520. Individual Wastewater Discharge Permit Transfer. [CC 1979 §30-105; Ord. No. 1229 Ch. IV §2.6, 7-17-1984; Ord. No. 92-1 §30-105, 1-7-1992]

~~Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.—~~

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent 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.

Section 705.530. Individual Wastewater Discharge Permit Modifications. [CC 1979 §30-106; Ord. No. 1229 Ch. IV §2.3, 7-17-1984; Ord. No. 92-1 §30-106, 1-7-1992]

~~Within ninety (90) days of the promulgation of a national categorical pretreatment standard, the Wastewater Contribution Permit of user's subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 705.490, the user shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Superintendent within one hundred eighty (180) days after the~~

~~promulgation of an applicable Federal categorical pretreatment standard the information required by Subsection A (8) and (9) of Section 705.490.—~~

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

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application of 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 705.520.

Commented [RS1]:

Section 705.531. Individual Wastewater Discharge Permit Revocation.

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

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 705.540(D) of this ordinance;
- C. Misrepresentations 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 Superintendent 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.

Section 705.532. 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 705.490 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

Section 705.533. Regulation of Waste Received from Other Jurisdictions.

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Superintendent may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the

following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 705.580 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent.
4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Section 705.540. Reporting Requirements for Permittee. [CC 1979 §30-107; Ord. No. 1229 Ch. IV §3, 7-17-1984; Ord. No. 92-1 §30-107, 1-7-1992; Ord. No. 96-55 §1, 11-5-1996]

A. *Baseline Monitoring Report.*

1. 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Superintendent a report which contains the information listed in Subparagraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the

information listed in Subparagraph (2) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

~~2. The industrial user shall submit the information required by this Section including:—~~

- ~~a. *Identifying information.* The name and address of the facility including the name of the operator and owners.—~~
- ~~b. *Wastewater discharge permits.* A list of any environmental control Wastewater Discharge Permits held by or for the facility.—~~
- ~~c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.—~~
- ~~d. *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 40 CFR 403.6(e).—~~
- ~~e. *Measurement of pollutants.*—~~
 - ~~(1) Identify the categorical pretreatment standards applicable to each regulated process.—~~
 - ~~(2) Submit the results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the City of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported.—~~
 - ~~(3) Sampling must be performed in accordance with procedures set out in Subsection (E) of this Section.—~~
- ~~f. *Certification.* A statement reviewed by the industrial user's authorized representative 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.—~~
- ~~g. *Compliance schedule.* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.—~~

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

a. All information required in Section 705.490(A)(1)(a), Section 705.490(A)(2), Section 705.490(A)(3)(a), and Section 705.490(A)(6).

b. Measurement of pollutants.

(1) The User shall provide the information required in Section 705.490(A)(7)(a) through (d).

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(3) 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.

(4) Sampling and analysis shall be performed in accordance with Sections 705.540(G) and 705.540(H).

(5) The Superintendent 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.

(6) 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.

c. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 705.020 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.

d. 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 705.540(B) of this ordinance.

e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 705.540(J) of this ordinance and signed by an Authorized Representative as defined in Section 705.020.

B. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Section 705.540(2)(d) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the Superintendent 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
4. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

C. 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 the commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 705.490(A)(6) and (7) and Section 705.540(A)(2)(b)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 705.600, 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 705.540(J) of this ordinance. All sampling will be done in conformance with Sections 705.540(G) and 705.540(H).

D. Periodic Compliance Reports.

- ~~1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent semi-annual reports due on July twentieth (20th) and January twentieth (20th) of each year,~~

~~unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, the report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.—~~

- ~~2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subparagraph (1) of this Subsection (B) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling analytical procedures approved by the administrator.)—~~
- ~~3. All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.—~~
- ~~4. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Subsection (E) of this Section, the results of this monitoring shall be included in the report.—~~
1. Unless required more frequently in a Wastewater Discharge Permit issued by the City, all significant industrial users (SIUs) shall submit to the Superintendent during the months of June and December a periodic compliance report. The report shall contain the results of sampling and analysis of the discharge, including the flow rate and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard. 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 Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. The frequency of sampling and analysis shall be as prescribed in Section 705.540(H)(1). The reporting frequency for any industry may be altered by the Superintendent upon consideration of such factors as actual flow rates and pollutant concentrations, seasonal production schedules, etc.

2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations are appropriate. In such cases, the semi-annual self-monitoring report shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
3. All significant industrial users (SIUs) shall sample and analyze their wastewater discharge at the frequency stipulated in their Wastewater Discharge Permit. Monitoring shall consist of sampling the discharge and determining the nature and concentration of pollutants contained therein which are limited by the applicable pretreatment standard. Upon promulgation of a national categorical pretreatment standard for a particular industrial category containing more stringent monitoring requirements, the requirements of this Section shall immediately be superseded. The Superintendent shall notify all affected users of the more stringent requirements.
4. 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.
5. Periodic compliance reports shall contain the results of all sampling and analysis performed by the user during the period covered by the report. If sampling and analysis performed by the user indicates a violation of permit limitations, the user shall notify the POTW within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit both analyses to the Superintendent within thirty (30) consecutive calendar days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.
6. The periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis as described in Sections 705.540(G) and 705.540(H), performed during the period covered by the report, which data is representative of conditions occurring during the reporting periods.
7. The periodic compliance report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment standards or requirements.

8. 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 Superintendent, using the procedures prescribed in 705.540(H) of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

~~B. *Report of Changed Conditions.* Each industrial user is required to notify the Superintendent of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least (90) days before the change.~~

~~1. The Superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application.~~

~~2. The Superintendent may issue a Wastewater Discharge Permit under Section 705.490 or modify an existing Wastewater Discharge Permit under Section 705.530.~~

E. Reports of Changed Conditions.

Each user must notify the Superintendent 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.

1. The Superintendent 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 705.540(A) of this ordinance.

2. The Superintendent may issue an individual wastewater discharge permit under Section 705.532 of this ordinance or modify an existing wastewater discharge permit under Section 705.530 of this ordinance in response to changed conditions or anticipated changed conditions.

3. No industrial user shall implement the planned changed conditions until and unless the Superintendent has responded to the industrial user's notice.

4. For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

F. Reports of Potential Problems.

1. 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 ~~or a slug load~~ which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 705.570, it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste,

concentration and volume, if known, and corrective actions taken by the industrial user.

2. Within five (5) days following such discharge, the industrial user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, **fish kills**, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Article **or other applicable law**.
3. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Article.
4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subparagraph (1) above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
5. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

G. Analytical Requirements.

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

H. Sample Collection.

- ~~1. Except as indicated in Subparagraph (2) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is unfeasible, the Superintendent may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.~~
- ~~2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.~~

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

1. Except as indicated in Subsections 2 and 3 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 Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 705.540(B) (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.

1. Record Keeping Requirements.

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 705.580(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 City, or where the User has been specifically notified of a longer retention period by the Superintendent.

~~F. *Additional Requirements.* All baseline monitoring reports, reports on compliance with categorical standards, and periodic reports on continued compliance must~~

contain the following:—

J. Certification statement.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sections 705.491 and 705.500; Users submitting baseline monitoring reports under Section 705.540(A); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 705.540(C) and Users submitting periodic compliance reports required by Section 705.540(D). The following certification statement must be signed by an Authorized Representative as defined in Section 705.020.

1. "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 fines and imprisonment for knowing violations."
2. Signature of an authorized representative of the industrial user (as designed in 40 CFR 403.12(1)).

K. Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 705.020(A) and 705.491(C) [Note: See 40 CFR 403.3(v)(2)], must annually submit the following certification statement signed by an Authorized or Duly Authorized Representative of the User as described in 705.020(A) [Note: See 40 CFR 403.120(1)]. This certification must accompany an alternative report if required by the Superintendent:

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]:

1. The facility described as met the definition of a Non-Significant Categorical Industrial User;
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

**ARTICLE VIII
Discharge Limitations**

Section 705.550. Unlawful Discharge to Natural Outlets or Areas Under City Jurisdiction. [CC 1979 §30-111; Ord. No. 1229 Ch. VII §5, 7-17-1984; Ord. No. 92-1 §30-111, 1-7-1992]

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

Section 705.560. Discharge of Unpolluted Drainage and Waters Restricted. [CC 1979 §30-112; Ord. No. 1229 Ch. VII §6, 7-17-1984; Ord. No. 92-1 §30-112, 1-7-1992]

- A. No person shall discharge or cause to be discharged any storm water, surface water, interior or exterior foundation drains, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the approving authority.
- C. Industrial cooling water or unpolluted process waters may be discharged, upon approval by the approving authority, to a storm sewer or to a natural outlet.

Section 705.570. General Discharge Prohibitions. [CC 1979 §30-113; Ord. No. 1229 Ch. II §1, 7-17-1984; Ord. No. 92-1 §30-113, 1-7-1992]

- ~~A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or requirements. A user may not contribute the following substances to any POTW:—~~
- ~~1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which are a hazard to the system.—~~
 - ~~2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar,~~

~~asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.—~~

- ~~3. Any wastewater having a pH less than 6.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.—~~
- ~~4. Any wastewater containing toxic pollutants in sufficient quantity either single or by interaction with other pollutants to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.—~~
- ~~5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with others wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.—~~
- ~~6. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or State criteria applicable to the sludge management method being used.—~~
- ~~7. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.—~~
- ~~8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.—~~
- ~~9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) Celsius, (104° F) unless the POTW treatment plant is designed to accommodate such temperatures.—~~
- ~~10. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a sludgeload have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.—~~

- ~~11. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.—~~
- ~~12. Any wastewater which causes a hazard to human life or creates a public nuisance.—~~
- ~~13. Any wastewater discharge with a closed cap flash point of less than one hundred forty degrees Fahrenheit (140°F).—~~
- ~~14. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.—~~
- ~~15. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.—~~

~~B. When the Superintendent determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct interference with the POTW.—~~

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

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

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POT resulting in Interference but in no case solids greater than three inch(es) (3") or seven centimeter(s) (7 cm) in any dimension];
4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
5. Wastewater having a temperature greater than 150 degrees F (65degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent.
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. 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 Superintendent;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical Wastes, except as specifically authorized by the Superintendent 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;
18. Hazardous wastes as defined in 40 CFR Part 261.

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.

Section 705.580. Specific Pollutant Limitations. [CC 1979 §30-114; Ord. No. 1229 Ch. II §4, 7-17-1984; Ord. No. 92-1 §30-114, 1-7-1992; Ord. No. 96-55 §2, 11-5-1996; Ord. No. 99-35 §1, 10-5-1999]

A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR

403.5(c).

- B. Any waters or wastes containing the following substances to such a degree that the maximum concentration loading from all SIU's exceeds the limit specified in the table below. The Public Works Director will develop the permit limitations for all users that meet the definition of S.I.U. as defined by City Ordinance. The Table of Maximum Concentration Allowable is as follows:
Maximum Concentration Allowable (mg/l) from S.I.U.'s per Day.

No person shall discharge wastewater containing in excess of:

		Monthly Average (mg/l)	Daily Maximum (mg/l)
Arsenic	-	0.069	-
Cadmium	(T)	0.09	0.69
Copper	(T)	1	3.38
Chromium	(T)	1.55	2.77
Cyanide	(T)	0.042	1.2
Lead	(T)	0.4	0.69
Mercury	(T)	0.007	-
Nickel	(T)	*	3.98
Phenols	(T)	1	-
Silver	-	0.24	0.43
Zinc	(T)	1.48	2.61
Sulfate	-	**	-
pH	-	-	6.0 to 10.0
Oil and Grease	-	-	200
TTO (total toxic organics)	-	-	2.13

*Nickel — At no time shall the headworks of the POTW's (Shoal Creek, Crowder) exceed 1.778 lbs. per day from industrial sources.

**Sulfate — At no time shall the headworks of the POTW's combined exceed 1140 lbs. per day from industrial sources.

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

- C. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 705.570.

Section 705.590. Dilution of Excessive Discharge. [CC 1979 §30-115; Ord. No. 1229 Ch. II §7, 7-17-1984; Ord. No. 92-1 §30-115, 1-7-1992]

~~No user shall use clean water in an attempt to dilute discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the~~

~~Federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by the City or State.~~

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

Section 705.600. Status of Federal Categorical Pretreatment Standards. [CC 1979 §30-116; Ord. No. 1229 Ch. II §2, 7-17-1984; Ord. No. 92-1 §30-116, 1-7-1992]

~~Upon the promulgation of the Federal categorical pretreatment standard, if more stringent than limitations imposed under this Article for sources in that subcategory, the Federal standard shall immediately supersede the limitations imposed under this Article. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.~~

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

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Sections 705.600(A)(4) and 705.600(A)(5).
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 705.600(A)(4)(a)(1) through 705.600(A)(4)(a)(5) below.
 - a. To be eligible for equivalent mass limits, the Industrial User must:
 - (1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

- (2) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (5) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
 - (1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (3) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (A)(4)(a)(3) of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (A)(4)(a)(1) of this Section so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the Superintendent:
 - (1) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (2) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect

changed conditions at the facility; and

- (3) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 705.590.
5. The Superintendent 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 Superintendent.
6. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
7. 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.
8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent 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 Superintendent 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.

Section 705.610. Modification of Federal Categorical Pretreatment Standards. [CC 1979 §30-117; Ord. No. 1229 Ch. II §3, 7-17-1984; Ord. No. 92-1 §30-117, 1-7-1992]—

~~Where the City's Wastewater Treatment System achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The City may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.—~~

Section 705.620. State Requirements. [CC 1979 §30-118; Ord. No. 1229 Ch. II §5, 7-17-1984; Ord. No. 92-1 §30-118, 1-7-1992]

~~State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article.—~~

Users must comply with State of Missouri Pretreatment Standards codified at 10 CSR 20-6.100.

Section 705.630. City's Right of Revision. [CC 1979 §30-119; Ord. No. 1229 Ch. II §6, 7-17-1984; Ord. No. 92-1 §30-119, 1-7-1992]

~~The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 705.010.—~~

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

Section 705.640. Pretreatment. [CC 1979 §30-120; Ord. No. 1229 Ch. IV §7, 7-17-1984; Ord. No. 92-1 §30-120, 1-7-1992]

A. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to the City prior to the user's initiation of the changes.

~~B.—All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.—~~

Section 705.650. Interceptors. [CC 1979 §30-121; Ord. No. 1229 Ch. VII §7, 7-17-1984; Ord. No. 92-1 §30-121, 1-7-1992]

- A. Grease, oil or sand interceptors shall be provided by contributors when in the opinion of the approving authority they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters of dwelling units.
- B. All interceptors shall be of an approved type and capacity which meets City and State Code requirements and shall be readily and easily accessible for cleaning and inspection.
- C. Where installed, all grease, oil or sand interceptors shall be owned and maintained

in continuously efficient operation at all times by the contributor, at his/her expense.

Section 705.660. Monitoring Facilities. [CC 1979 §30-122; Ord. No. 1229 Ch. IV §5, 7-17- 1984; Ord. No. 92-1 §30-122, 1-7-1992]

- A. The City shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

Section 705.670. Inspection and Sampling. [CC 1979 §30-123; Ord. No. 1229 Ch. IV §6, 7-17- 1984; Ord. No. 92-1 §30-123, 1-7-1992]

City personnel shall inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the personnel or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City, approval authority and (where the NPDES State is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 705.680. Accidental Discharges. [CC 1979 §30-124; Ord. No. 1229 Ch. IV §8, 7-17- 1984; Ord. No. 92-1 §30-124, 1-7-1992]

- A. *Prevention.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the

facility. All existing users shall complete [should have completed] such a plan by January 1, 1985. No user who commences contribution to the POTW after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. *Written Notice.* Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report as described in Section 705.540(F)(2) of this Ordinance. ~~describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.~~

~~C. *Notice to Employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.~~

C. *Accidental Discharge/Slug Discharge Control Plans.* The Superintendent shall evaluate whether or not each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent 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 Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 705.540(F); and
4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, 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.

Section 705.681. Severability.

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

Section 705.682. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this ____ day of _____ 20 ____.

Attest:

City Clerk _____
Mayor



National Pretreatment Program

(40 CFR 403)



Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes

Do any of the Streamlining Rule changes require states or POTWs to modify their pretreatment regulations or program documents?

Yes, there are required changes in the Pretreatment Streamlining Rule. The majority of the regulatory changes made in the final Pretreatment Streamlining Rule, however, are not required. That is, for many of the changes (e.g., sampling for pollutants not present, general control mechanisms, and equivalent mass limits for concentration limits), the state Approval Authority (or Control Authority depending upon which role the state plays in the particular municipality) and POTW Control Authority may choose whether or not they wish to adopt these specific streamlining provisions. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If the state wishes to implement these less stringent requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

There are several streamlining-related changes that are more stringent than the previous Federal requirements and therefore are considered required modifications for the state and/or the POTW. Therefore, to the extent that existing state or POTW legal authorities are inconsistent with the required changes, they must be revised. Of course, where state or local authorities are already consistent with these required provisions, further changes would not be necessary.

Which changes are considered required?

EPA has identified the following 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate state or POTW authorities. States and POTWs should make the changes as soon as possible, and EPA and state NPDES permitting authorities should revise NPDES permits to require implementation of these required changes by POTWs. A general description of each change is included, along with a summary of what state or POTW follow-up actions are needed.

1. Updated removal credits provisions relating to Overflows [§ 403.7(h)]

Description of required change: This change provides updated references relating to requirements that POTWs must meet to adjust removal credits for combined sewer overflows (CSOs).

What follow-up actions are required? Before approving any removal credits, states that are currently delegated oversight of the pretreatment program must revise their regulations where state legal authorities include a provision similar to § 403.7(h). No change to POTW pretreatment programs is necessary based on this regulatory change.

2. Slug control requirements must be included in SIU control mechanisms [§ 403.8(f)(1)(iii)(B)(6)]

Description of required change: The Streamlining Rule requires that applicable slug control requirements be included in the SIU's control mechanism.

What follow-up actions are required? POTWs must incorporate slug control requirements into their SIU control mechanisms and must revise their approved program, if necessary, to ensure that they have the legal authority and procedures to modify control mechanisms as needed. Once the POTW's authority to include these requirements is established, EPA foresees them being incorporated into SIU control mechanisms when the control mechanisms are next reissued. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

3. SIUs must be evaluated for the need for a plan or other action to control slug discharges within a year from the final rule's effective date or from becoming an SIU [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule specifies that POTWs must evaluate all of their SIUs for the need for a slug control plan or other actions at least one time. If the POTW has not yet done so, it must complete the evaluations before October 14, 2006 or within a year of the Industrial User being designated as significant. Where the evaluation has been conducted and documented previously, even if conducted prior to publication of the Streamlining Rule, no new evaluation is required.

What follow-up actions are required? For this provision, the applicable state regulations must be revised to specify the October 14, 2006 date for existing SIUs, and the 'within one year' final rule change for Users designated as SIUs after October 14, 2005. While POTWs must conduct this evaluation, as described above, a pretreatment program modification may not be necessary.

4. SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge [§ 403.8(f)(2)(vi)]

Description of required change: The final Streamlining Rule requires SIUs to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a slug control plan or other actions to prevent such discharges.

What follow-up actions are required? POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

5. Significant Noncompliance (SNC) definition is expanded to include additional types of Pretreatment Standards and Requirements [§ 403.8(f)(2)(viii)(A-C)]

Description of required change: The final Streamlining Rule made several wording changes that expand the types of Standards and Requirements that are to be considered when determining whether an SIU's violations constitute SNC. These changes affect what EPA considers to be "chronic violations" (§ 403.8(f)(2)(viii)(A)), "Technical Review Criteria violations" (§ 403.8(f)(2)(viii)(B)), and "other" violations (§ 403.8(f)(2)(viii)(C)). Note that changes to the SNC requirements for late reports, for the type of newspapers must be used for publishing SNC violations, and for the application of SNC to SIUs only are optional revisions.

What follow-up actions are required? State regulations must be revised, if necessary, to reflect the expanded coverage of Standards and Requirements in the SNC definition. In addition, if necessary, POTWs need to revise their SNC definition in their legal authority, enforcement response plan, and/or program procedures to reflect expanded coverage of standards and requirements in the SNC definition.

6. SIU reports must include BMP compliance information [§ 403.12(b), (e), (h)]

Description of required change: The final Streamlining Rule requires SIUs to submit documentation as required by the Control Authority or applicable Pretreatment Standards and Requirements to determine compliance with BMP-based Standards or local limits.

What follow-up actions are required? State regulations must be revised, if necessary, to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits. In addition, POTWs must revise their legal authority, enforcement response plan, and program procedures as necessary to require SIUs to report on compliance with BMP-based categorical Pretreatment Standards or local limits, and to enforce those requirements where Users fail to submit the required information.

7. SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law
[403.8(f)(1)(iii)(B)(3)]

Description of recommended change: The final Streamlining Rule clarified that among the effluent limits that must be contained in all SIU control mechanisms are Best Management Practices (BMPs) that are required by a categorical Pretreatment Standard, local limit, state or local law.

What follow-up actions are recommended?

This revision merely clarifies that applicable BMPs would be required to be included in control mechanisms. It is EPA's expectation that most POTWs already have the authority to implement this requirement. POTWs, however, must ensure that they have the legal authority and procedures to implement this requirement, and to include appropriate BMPs in the control mechanism where appropriate. States should revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

8. Documentation of compliance with BMP requirements must be maintained as part of the SIU's and POTW's record-keeping requirements
[§ 403.12(o)]

Description of required change: The final Streamlining Rule clarified that the POTW and the SIU must maintain records of BMP compliance in the same way that other records are maintained as part of § 403.12(o).

What follow-up actions are required? States and POTWs must revise their requirements and program procedures, if necessary, to ensure that they have the authority to implement and enforce this requirement. SIU permits also should be revised to clearly require that this documentation be maintained by the User.

9. Control Authorities which perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation
[§ 403.12(g)(2)]

Description of required change: The final Streamlining Rule provides that where a Control Authority has assumed responsibility for sampling in lieu of the SIU, it is the Control Authority which must repeat sampling and analysis within 30 days of becoming aware of an exceedance. The only exception to this requirement is if the Control Authority specifically requires the Industrial User to perform the repeat analysis.

What follow-up actions are required? POTWs should generally have the ability to sample any time they determine it is appropriate, and therefore no POTW program revision may be necessary. However, POTWs must revise their approved program as necessary to ensure that they have the legal authority and procedures to implement this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

10. Require periodic compliance reports to comply with sampling requirements, require Control Authority to specify the number of grab samples necessary in periodic and non-categorical SIU reports, and require non-categorical SIUs to report all monitoring results [§ 403.12(g)(3), (4), (6)]

Description of required changes: SIUs are now required to follow sampling requirements in § 403.12 for periodic compliance reports (§ 403.12(e) and (h)), whereas they were previously only explicitly applicable to baseline monitoring reports and 90-day compliance reports. In addition, for the reports required in § 403.12(e) and (h), the final rule requires the Control Authority to indicate the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable categorical Pretreatment Standards and Requirements. Also, the final rule now requires that non-categorical SIUs report all monitoring results, whereas the previous regulations only made this requirement explicit for categorical SIUs.

What follow-up actions are required? State regulations must be revised to reflect these final rule changes. Many POTW pretreatment programs already include these requirements, but POTW legal authorities and program procedures must be revised as necessary to reflect this final rule change.

11. Non-Categorical SIUs are required to provide representative samples in their periodic monitoring reports [§ 403.12(g)(3)]

Description of required change: The final Streamlining Rule extends to the § 403.12(b), (d), and (h) monitoring reports the requirement that SIUs provide data which are representative of conditions during the reporting period.

What follow-up actions are required? Many POTW pretreatment programs already include this requirement, but POTWs must revise their approved program and SIU control mechanisms as necessary to ensure that they have the legal authority and procedures to enforce this requirement. States must revise their regulations, if necessary, to ensure that they have the authority to enforce this requirement.

12. Require notifications of changed discharge to go to the Control Authority and the POTW, where the POTW is not the Control Authority [§ 403.12(j)]

Description of required change: The pretreatment regulations now clarify that Industrial Users must notify the Control Authority, as well as the POTW, if the POTW is not the Control Authority. Prior to the Streamlining Rule, the regulations only specified that the notice go to the POTW.

What follow-up actions are required? State regulations must be revised to require changed discharge notifications to be submitted to the state where the POTW is not the Control Authority. POTWs are not required to make this change since they were already required to be notified in the previous version of § 403.12(j), and the revision brought about by the Pretreatment Streamlining Rule does not change this requirement.

13. How and when the POTW can designate a “duly authorized employee” to sign POTW reports [§ 403.12(m)]

Description of required change: The pretreatment regulations now specify that the POTW must, in writing by the principal executive officer or ranking elected official of the POTW, authorize the use of a “duly authorized employee”. In addition, the regulations require that the authorization be submitted to the Approval Authority prior to or together with the POTW report being submitted.

What follow-up actions are required? State regulations must be revised to require POTWs to follow the procedures for authorizing “duly authorized employees” to sign POTW reports and for submitting reports signed by such employees. POTWs are not required to make this change, although they will be required to follow the new state requirements relating to “duly authorized employee” signatures upon their adoption.



National Pretreatment Program

(40 CFR 403)



Fact Sheet 1.0: Pretreatment Streamlining Rule Summary of Changes Made Under the Streamlining Rule

What is the Streamlining Rule?

The Streamlining Rule revises several provisions of the General Pretreatment Regulations (40 CFR Part 403). The Pretreatment Program requires industrial dischargers to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers. The Streamlining Rule was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Control Authorities without adversely affecting environmental protection.

How does the Streamlining Rule reduce the burden on the Control Authority?

The Streamlining Rule provides the Control Authority with the flexibility to reduce the burden of technical and administrative requirements without undermining the environmental objectives of the Pretreatment Program. These changes, listed below, allow the Control Authority to focus oversight resources on IUs with the greatest potential for affecting Publicly Owned Treatment Works (POTW) operations or the environment.

- ◆ Control Authorities may authorize an IU subject to categorical Pretreatment Standards to reduce sampling of a pollutant if the IU demonstrates that a given pollutant is neither present nor expected to be present in the discharge. [§§ 403.8(f)(2)(v) and 403.12]
- ◆ Control Authorities may authorize the use of equivalent concentration limits in lieu of mass limits for Categorical Industrial Users (CIUs) in certain industrial categories. [§ 403.6(c)(6)]
- ◆ Control Authorities may issue general control mechanisms to groups of Significant Industrial Users (SIUs) that are substantially similar. [§ 403.8(f)(1)(iii)]
- ◆ Control Authorities may reduce oversight of certain Categorical Industrial Users based on percentage of contribution to the POTW.
- ◆ Control Authorities may reduce oversight of certain Industrial Users that may be reclassified as Non-Significant Categorical Industrial Users (NCSIUs).

What other significant changes were made under the Streamlining Rule?

In finalizing the Streamlining Rule, EPA is also working to improve the effectiveness of the Pretreatment Program. The Rule:

- ◆ Provides greater flexibility in the use of certain sampling techniques.
- ◆ Allows in certain circumstances Control Authorities to express CIUs' concentration-based categorical Pretreatment Standards as equivalent mass limits. [§ 403.6(c)(5)]

- ◆ Clarifies that POTWs may use Best Management Practices (BMPs) as alternatives to numeric limits that are developed to protect the POTW, water quality, and sewage sludge.
- ◆ Clarifies the definition of significant noncompliance (SNC) as it applies to violations of instantaneous and narrative requirements, and late reports.
- ◆ Makes other miscellaneous changes designed to maintain consistency with the NPDES regulations or to correct typographical errors.

Are any of the changes in the Streamlining Rule required?

Yes, there are required changes in the Streamlining Rule. The majority of the regulatory changes, however, are not required. As a general rule, those streamlining changes which are considered less stringent than the current regulations do not need to be adopted. If a State wishes to implement these requirements, it will need to formally revise its own regulations to provide the appropriate legal authority for such implementation.

Which changes are required changes?

EPA has identified the 13 rule changes that are more stringent than existing provisions in 40 CFR Part 403, and therefore may require changes to the appropriate State or POTW authorities. These required changes are outlined in the Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes. Available at: http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf.

How do Control Authorities and IUs implement these changes?

In order to implement any of the changes made under the Streamlining Rule, Control Authorities must submit a program modification to their Approval Authority in accordance with 40 C.F.R. § 403.18. In some cases, State laws must be changed before the Control Authority can incorporate streamlining changes. Industries must comply with requirements from the Streamlining Rule that are more stringent than existing requirements, but may not implement changes that result in less stringent requirements (e.g., reduced monitoring) unless the Control Authority has modified its individually approved pretreatment program and any associated control mechanisms to include the less stringent requirement.

Where can I get more information?

The Streamlining Rule was published in the Federal Register on October 15, 2005 (70 Fed. Reg. 60134). You can get a copy of the rule at EPA's Pretreatment Web site, http://cfpub.epa.gov/npdes/home.cfm?program_id=3. Information is also available from your State or from EPA.

REQUESTED COUNCIL MEETING DATE: February 7, 2023**ITEM:** Bill No. 2023-110: Airport Taxiway Construction Contract

ORIGINATING DEPARTMENT: Development Services Department**ATTACHMENT:**

1. Bill No. 2023-110 Emery Sapps Sons RE airport t-hangar taxilane
 2. EOS Taxilane & Hangar Project Budget (11-15-23)
 3. 00 CIP Project Summary EOS
 4. 2022-12-15 EOS Updated ASM Report
 5. Construction Contracts
 6. EOS Taxilane & Hangar Project Budget (11-15-23)
-

PURPOSE:

The purpose of this item is to gain council approval of a construction contract with changes for the taxiway construction project at the Hugh Robinson Airport.

BACKGROUND:

The city has been moving towards constructing five new T-Hangers and the necessary taxiways at the Hugh Robinson Airport. At this time, the planning and engineering has been completed and we are prepared to move forward with construction. Late last year, the project was put out for bid and the lowest bidder (Emery, Sapp, and Sons) was selected. However, all the bids were over budget. The engineers and construction firm met and determined cost-saving changes in the ground work that significantly reduced the project cost and brought it closer in line with budget expectations. We are asking the council to accept the construction bid of Emery, Sapp, and Sons and also approve the modification of that contract to reflect the change in specifications. It is anticipated that an engineer with Lochner will be present to explain the project changes and contract modifications.

RECOMMENDATION:

Staff recommends that council authorizes the mayor to sign the contract with Emery, Sapp, and Sons with the modifications.

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement for Construction Services with Emery Sapp & Sons, Inc., a Missouri Corporation, for the purpose of constructing a t-hangar taxilane at the Neosho Hugh Robinson Airport for the not to exceed price Four Hundred Fifty-Two Thousand Twenty-One and 50/100 Dollars (\$452,021.50); authorizing Change Order #1 for cost underrun in the amount of Forty Six Thousand Five Hundred Sixteen and 18/100 Dollars (\$46,516.18); and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That the Agreement for Construction Services by and between the City of Neosho, Missouri, and Emery Sapp & Sons, Inc., a Missouri Corporation, for the purpose of constructing a t-hangar taxilane at the Neosho Hugh Robinson Airport for the not to exceed price of Four Hundred Fifty-Two Thousand Twenty-One and 50/100 Dollars (\$452,021.50), a true and accurate copy of said Agreement being attached hereto and incorporated as Exhibit “A,” be and the same is hereby approved.

Section 2. That Change Order #1 for cost underrun in the amount of Forty Six Thousand Five Hundred Sixteen and 18/100 Dollars (\$46,516.18), a true and accurate copy of said Agreement being attached hereto and incorporated as Exhibit “B,” be and the same is hereby approved.

Section 3. That the Mayor of the City of Neosho, Missouri, is hereby authorized and directed to execute said Agreement and Change Order #1 by and on behalf of the City of Neosho.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this ____ day of _____, 2023, by a vote of _____.

Tyler DeWitt, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney

NEOSHO HUGH ROBINSON AIRPORT (EOS)

NEOSHO, MISSOURI

CITY OF NEOSHO

12/15/2022

AIRPORT DATA				
Est. FFY 2023 Project Fed. Share:	\$458,800	Noted 5010 Obstructions <u>Obstruction</u> <u>Height</u> <u>Distance & RW End</u> <u>Centerline Offset</u> Last Inspection:		
Beginning NPE Balance (FFY 2020 - 2023) (See Note 1):	\$714,356			
Beginning BIL Balance (FFY 2022 - 2023):	\$304,000			
Sponsor Control of RW 17 RPZ:		Sponsor Control of BRL:		
Sponsor Control of RW 35 RPZ:				

5-YEAR CAPITAL IMPROVEMENT PROGRAM										
Federal Fiscal Year	Project Description or N/A	Project Depicted on Approved ALD	Est. Total Project Cost	Sponsor Share (10%)	FAA Share (90%)	Available NPE Funds	Remaining NPE Funds	Available BIL Funds	Remaining BIL Funds	Total Remaining Funds
2024	Construct 5-Unit T-Hangar	☒	\$ 680,000	\$ 68,000	\$ 612,000	\$ 405,556	\$ 242,556	\$ 449,000	\$ -	\$ 242,556
2025	Rehabilitate Aircraft Parking Apron & Taxilanes	☒	\$ 480,000	\$ 48,000	\$ 432,000	\$ 392,556	\$ -	\$ 145,000	\$ 105,556	\$ 105,556
2026	N/A	☐		\$ -	\$ -	\$ 150,000	\$ 150,000	\$ 250,556	\$ 250,556	\$ 400,556
2027	AMP/ALP Update	☐	\$ 250,000	\$ 25,000	\$ 225,000	\$ 300,000	\$ 300,000	\$ 250,556	\$ 25,556	\$ 325,556
2028	N/A	☐	\$ 250,000	\$ 25,000	\$ 225,000	\$ 450,000	\$ 450,000	\$ 25,556	\$ 199,444	\$ 649,444

LONG-RANGE NEEDS ASSESSMENT				
Federal Fiscal Year	Project Description	Est. Total Project Cost	Sponsor Share (10%)	FAA Share (90%)
2030	Reconstruct Runway 1-19	\$5,000,000	\$500,000	\$4,500,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0

NOTES	
1.	Includes costs associated with construction of hangar taxilanes in FFY 2023.
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

Capital Improvement Program Report

Missouri Department of Transportation
NEOSHO HUGH ROBINSON
Report Filter - Types: All, Statuses: All

Year	Project Name	Status	FAA	State	Local	Other	Total
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All Projects

(No Year)							
	Acquire Hangar	Sponsor CIP	0.00	0.00	0.00	420,000.00	\$420,000.00
	AWOS Installation	Sponsor CIP	0.00	0.00	0.00	250,000.00	\$250,000.00
	Construct Taxilane - Private Lease Hangars	Sponsor CIP	0.00	0.00	0.00	1,000,000.00	\$1,000,000.00
	Construct Taxiway	Sponsor CIP	0.00	0.00	0.00	800,000.00	\$800,000.00
	Environmental Study	Sponsor CIP	0.00	0.00	0.00	100,000.00	\$100,000.00
	Land Acquisition & Obstruction Removal	Sponsor CIP	0.00	0.00	0.00	355,000.00	\$355,000.00
	ODO - CONSTRUCT RWY 14/32	Sponsor CIP	0.00	0.00	0.00	6,450,000.00	\$6,450,000.00
	T-hangar Taxilanes	Sponsor CIP	0.00	0.00	0.00	500,000.00	\$500,000.00
	Wildlife Hazard Assessment	Sponsor CIP	0.00	0.00	0.00	120,000.00	\$120,000.00
	Wildlife Perimeter Fencing	Sponsor CIP	0.00	0.00	0.00	800,000.00	\$800,000.00
	SubTotal:		\$0.00	\$0.00	\$0.00	\$10,795,000.00	\$10,795,000.00

2019							
	CONSTRUCT BOX HANGAR	Under Grant	458,691.00	0.00	0.00	0.00	\$458,691.00
	SubTotal:		\$458,691.00	\$0.00	\$0.00	\$0.00	\$458,691.00

2020							
	CARES ACT FUNDING	Under Grant	0.00	0.00	0.00	0.00	\$0.00
	SubTotal:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

2021							
	ARPA	T.A.	0.00	0.00	0.00	0.00	\$0.00
	CONSTRUCT T-HANGAR AND TAXILANES	Under Grant	210,285.00	0.00	0.00	0.00	\$210,285.00
	CRRSAA FUNDING	Under Grant	0.00	0.00	0.00	0.00	\$0.00
	SubTotal:		\$210,285.00	\$0.00	\$0.00	\$0.00	\$210,285.00

2024							
	Construct 5-Unit T-Hangar	Sponsor CIP	0.00	0.00	0.00	680,000.00	\$680,000.00
	SubTotal:		\$0.00	\$0.00	\$0.00	\$680,000.00	\$680,000.00

2025							
	Rehabilitate Aircraft Parking Apron & Taxilanes	Sponsor CIP	0.00	0.00	0.00	480,000.00	\$480,000.00

Year	Project Name	Status	FAA	State	Local	Other	Total
SubTotal:			\$0.00	\$0.00	\$0.00	\$480,000.00	\$480,000.00
2027							
	AMP/ALP Update	Sponsor CIP	0.00	0.00	0.00	250,000.00	\$250,000.00
SubTotal:			\$0.00	\$0.00	\$0.00	\$250,000.00	\$250,000.00
2030							
	Reconstruct Runway 1-19	Sponsor CIP	0.00	0.00	0.00	5,000,000.00	\$5,000,000.00
SubTotal:			\$0.00	\$0.00	\$0.00	\$5,000,000.00	\$5,000,000.00
All Projects			\$668,976.00	\$0.00	\$0.00	17,205,000.00	\$17,873,976.00

PROPOSAL FORM
CITY OF NEOSHO, MISSOURI
NEOSHO HUGH ROBINSON AIRPORT
MoDOT Project No. 21-096A-2

TO: City Clerk, City of Neosho, Missouri

The undersigned, in compliance with the request for bids for construction of the following Project:

Base Bid

Construct T-Hangar Taxilane

hereby proposes to furnish all labor, permits, material, machinery, tools, supplies and equipment to faithfully perform all work required for construction of the Project in accordance with the project manual, project drawings and issued Addenda within the specified time of performance for the following prices:

BID ITEM	FAA SPEC.	ITEM DESCRIPTION	APPROX. QTY. AND UNITS	UNIT PRICE		EXTENSION	
				DOLLARS	CTS	DOLLARS	CTS
PROJECT 1							
CONSTRUCT T-HANGAR TAXILANE							
1	C-100	Contractor Quality Control Program (CQCP)	1 L.S.	12,950	00	12,950	00
2	C-102	Erosion Control Barrier (Straw Wattle)	16 L.F.	64	00	1,024	00
3	C-105	Mobilization (NTE 10% of Total Bid Amount)	1 L.S.	35,200	00	35,200	00
4	TEMP	Temporary Marking, Lighting, and Barricades	1 L.S.	9,000	00	9,000	00
5	P-101	Remove Existing Concrete Sidewalk	13 S.Y.	9	00	117	00
6	P-101	Saw Cut	3 L.F.	6	00	18	00
7	P-152	Unclassified Excavation	1,680 C.Y.	21	50	36,120	00
8	P-152	Unsuitable Subgrade Removal and Replacement	80 C.Y.	129	50	10,360	00
9	P-208 P-209 P-219	Aggregate Base Course (4")	1,578 S.Y.	13	00	20,514	00
10	P-154 P-208 P-209 P-219	Aggregate Subbase Course (20")	1,578 S.Y.	54	00	85,212	00
11	P-501	P.C.C. Pavement (6")	1,513 S.Y.	110	50	167,186	50
12	P-620	Reflectorized Pavement Marking (Yellow)	199 S.F.	24	00	4,776	00
13	P-620	Non-Reflectorized Pavement Marking (Black)	398 S.F.	18	00	7,164	00

14	D-705	Conventional Underdrain (4")	386 L.F.	70	00	27,020	00
15	D-705	Non-Perforated Outlet Pipe (4")	70 L.F.	42	00	2,940	00
16	D-705	French Drain (18" Wide)	30 L.F.	108	00	3,240	00
17	D-705	Underdrain Cleanout Riser	4 EA.	1,900	00	7,600	00
18	T-901	Temporary Seeding	1 L.S.	2,500	00	2,500	00
19	T-901	Permanent Seeding	1 L.S.	6,000	00	6,000	00
20	T-908	Hydro-Mulch	1 L.S.	6,000	00	6,000	00
21	TREC	Erosion Control Blanket, Type 2C	1,180 S.Y.	6	00	7,080	00
PROJECT 1 TOTAL						452,021	50

ACKNOWLEDGEMENTS BY BIDDER

- a. By submittal of a proposal, the BIDDER acknowledges and accepts that the quantities established by the OWNER are an approximate estimate of the quantities required to fully complete the Project and that the estimated quantities are principally intended to serve as a basis for evaluation of bids. The BIDDER further acknowledges and accepts that payment under this contract will be made only for actual quantities and that quantities will vary in accordance with the General Provisions subsection entitled "Alteration of Work and Quantities".
- b. The BIDDER acknowledges and accepts that the Bid Documents are comprised of the documents identified within the General Provisions. The BIDDER further acknowledges that each the individual documents that comprise the Bid Documents are complementary to one another and together establishes the complete terms, conditions and obligations of the successful BIDDER.
- c. As evidence of good faith in submitting this proposal, the undersigned encloses a bid guaranty in the form of a certified check, cashier's check or bid bond in the amount of 5% of the bid price. The BIDDER acknowledges and accepts that refusal or failure to accept award and execute a contract within the terms and conditions established herein will result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- d. The BIDDER acknowledges and accepts the OWNER'S right to reject any or all bids.
- e. The BIDDER acknowledges and accepts the OWNER'S right to hold all Proposals for purposes of review and evaluation and not issue a notice of award for a period not to exceed **ninety (90)** calendar days from the stated date for receipt of bids.
- f. The undersigned agrees that upon written notice of award of contract, he or she will execute the contract within thirty (30) days of the notice of award, and furthermore, and provide executed payment and performance bonds within fifteen (15) days from the date of contract execution. The undersigned accepts that failure to execute the contract and provide the required bonds within the stated timeframe shall result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- g. Time of Performance: By submittal of this proposal, the undersigned acknowledges and agrees to commence work within ten (10) calendar days of the date specified in the written "Notice to Proceed" as issued by the OWNER. The undersigned further agrees to complete the Project within **forty-five (45) calendar days** from the commencement date specified in the Notice to Proceed. **thirty (30) calendar days for Phase 1 and fifteen (15) calendar days for Phase 2. Shifting construction time between phases will not be permitted.**

- h. The undersigned acknowledges and accepts that for each and every Calendar day the project remains incomplete beyond the contract time of performance, the Contractor shall pay the non-penal amount of **\$1,500** per Calendar day as a liquidated damage to the OWNER for the Total Project and Phase 2 construction.
- i. The undersigned prime contractor, if not a MoDOT certified DBE, hereby assures that they will subcontract **0.00** percent of the dollar value of the prime contract to DBE firms or make good faith efforts to meet the DBE contract goal. In addition, the prime contractor will include the DBE clauses (see Supplementary Provision No. 6 of the Federal and State Provisions) required by the DBE Program adopted by MoDOT and the Sponsor in all contracts and subcontracts relating to this project. The undersigned will complete the DBE Participation information included herein when a DBE goal has been established, including a demonstration of good faith efforts if the DBE goal is not met. If the undersigned prime contractor is a MoDOT certified DBE firm, then the prime contractor must perform at least thirty percent (30%) of the total contract value work with its own forces, and will receive DBE credit for all work which the prime contractor and any other MoDOT certified DBE firm performs directly.
- j. The BIDDER, by submission of a proposal, acknowledges that award of this contract is subject to the provisions of the Davis-Bacon Act and the Missouri Prevailing Wage Law. The BIDDER accepts the requirement to pay prevailing wages for each classification and type of worker as established in the attached wage rate determinations as issued by the United States Department of Labor and the Missouri Division of Labor Standards. The BIDDER further acknowledges and accepts their requirement to incorporate the provision to pay the established prevailing wages in every subcontract agreement entered into by the Bidder under this project. The highest rate between the two (Federal and State) for each job classification shall be considered the prevailing wage.
- k. Compliance Reports (41 CFR Part 60-1.7): Within 30 days after award of this contract, the Contractor/Subcontractor shall file a compliance report (Standard Form 100) if s/he has not submitted a complete compliance report within 12 months preceding the date of award. This report is required if the Contractor/Subcontractor meets all of the following conditions:
 - 1. Contractors/Subcontractors are not exempt based on 41 CFR 60-1.5.
 - 2. Has 50 or more employees.
 - 3. Is a prime contractor or first tier subcontractor.
 - 4. There is a contract, subcontract, or purchase order amounting to \$50,000 or more

- l. The undersigned acknowledges receipt of the following addenda:

Addendum No. _____, dated _____	Date Received _____
Addendum No. _____, dated _____	Date Received _____
Addendum No. _____, dated _____	Date Received _____
Addendum No. _____, dated _____	Date Received _____
Addendum No. _____, dated _____	Date Received _____

REPRESENTATIONS BY BIDDER

By submittal of a proposal (bid), the BIDDER represents the following:

- a. The BIDDER has read and thoroughly examined the bid documents, including all authorized addenda.
- b. The BIDDER has a complete understanding of the terms and conditions required for the satisfactory performance of project work.
- c. The BIDDER has fully informed themselves of the project site, the project site conditions and the surrounding area.
- d. The BIDDER has familiarized themselves with the requirements of working on an operating airport and understands the conditions that may in any manner affect cost, progress or performance of the work.

- e. The BIDDER has correlated their observations with that of the project documents.
- f. The BIDDER has found no errors, conflicts, ambiguities or omissions in the project documents, except as previously submitted in writing to the owner that would affect cost, progress or performance of the work.
- g. The BIDDER is familiar with all applicable Federal, State and local laws, rules and regulations pertaining to execution of the contract and the project work.
- h. The BIDDER has complied with all requirements of these instructions and the associated project documents.

CERTIFICATIONS BY BIDDER

- a. The undersigned hereby declares and certifies that the only parties interested in this proposal are named herein and that this proposal is made without collusion with any other person, firm or corporation. The undersigned further certifies that no member, officer or agent of OWNER'S has direct or indirect financial interest in this proposal.
- b. **Trade Restriction Certification (49 U.S.C. § 50104, 49 CFR Part 30)**
The submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror:
 - 1. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (U.S.T.R.);
 - 2. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the U.S.T.R.; and
 - 3. has not entered into any subcontract for any product to be used on the project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1. who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R. or
- 2. whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such U.S.T.R. list or
- 3. who incorporates in the public works project any product of a foreign country on such U.S.T.R. list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by U.S.T.R., unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

c. Certification of Offeror/Bidder Regarding Debarment (2 CFR Part 180 (Subpart C), 2 CFR Part 1200, DOT Order 4200.5)

By submitting a bid/proposal under this solicitation, the Bidder or Offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

d. Certification of Lower Tier Contractors Regarding Debarment (2 CFR Part 180 (Subpart C), 2 CFR Part 1200, DOT Order 4200.5)

The successful Bidder, by administering each lower tier subcontract that exceeds \$25,000 as a "covered transaction", must verify each lower tier participant of a "covered transaction" under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>;
2. Collecting a certification statement similar to the Certificate of Offeror/Bidder Regarding Debarment and Suspension, above;
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the FAA and/or MoDOT later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA and/or MoDOT may pursue any available remedies, including suspension and debarment of the non-compliant participant.

f. Certification Regarding Lobbying (31 U.S.C. § 1352, 2 CFR § 200 Appendix II(J), 49 CFR Part 20, Appendix A)

The Bidder or Offer certifies by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employer of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under

grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

g. Buy American Certification: (Title 49 U.S.C. § 50101)

The bidder agrees to comply with 49 U.S.C. § 50101, which provides that Federal funds may not be obligated unless all steel and manufactured goods used in AIP-funded projects are produced in the United States, unless the FAA has issued a waiver for the product; the product is listed as an Excepted Article, Material Or Supply in Federal Acquisition Regulation subpart 25.108; or is included in the FAA Nationwide Buy American Waivers Issued List.

A bidder or offeror must submit the appropriate Buy America certification included herein with their bid or offer. The Owner will reject as nonresponsive any bid or offer that does not include a completed Certificate of Buy American Compliance.

Type of Certification is based on Type of Project:

There are two types of Buy American certifications.

- For projects for a facility, the Certificate of Compliance Based on Total Facility (Terminal or Building Project) must be submitted.
- For all other projects, the Certificate of Compliance Based on Equipment and Materials Used on the Project (Non-building construction projects such as runway or roadway construction; or equipment acquisition projects) must be submitted.

Certificate of Buy American Compliance for Manufactured Products
(Non-building construction projects, equipment acquisition projects)

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with their proposal. The bidder or offeror must indicate how they intend to comply with 49 USC § 50101 by selecting one of the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (i.e. not both) by inserting a checkmark (✓) or the letter "X".



Bidder or offeror hereby certifies that it will comply with 49 USC 50101 by:

- a) Only installing steel and manufactured products produced in the United States;
- b) Installing manufactured products for which the FAA has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
- c) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

1. To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
2. To faithfully comply with providing U.S. domestic product.
3. To furnish U.S. domestic product for any waiver request that the FAA rejects.
4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.



Bidder or offeror hereby certifies it cannot comply with the 100% Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:

1. To submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that support the type of waiver being requested.
2. That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination which may result in rejection of the proposal.
3. To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

Required Documentation

Type 3 Waiver – The cost of the item components and subcomponents produced in the United States is more than 60% of the cost of all components and subcomponents of the “item”. The required documentation for a Type 3 waiver is:

- a) Listing of all product components and subcomponents that are not comprised of 100% U.S. domestic content (excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).
- b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
- c) Percentage of non-domestic component and subcomponent cost as compared to total “item” component and subcomponent costs, excluding labor costs associated with final assembly and at place of manufacture.

Type 4 Waiver – Total cost of project using U.S. domestic source product exceeds the total project cost using non-domestic product by 25%. The required documentation for a Type 4 waiver is:

- d) Detailed cost information for total project using U.S. domestic product.
- e) Detailed cost information for total project using non-domestic product.

False Statements: Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

9-7-22
Date

Paul Moody
Signature Paul Moody

Emery Supp & Sons Inc
Company Name

Assistant Vice President
Title

h. Compliance with the Work Authorization Law (as required by Section 285.530, Revised Statutes of Missouri)

For all contracts where the total bid amount is in excess of \$50,000 (local match in excess of \$5,000), the Bidder, by submission of an offer and by signing the Worker Eligibility Verification Affidavit for All Contract Agreements in Excess of \$50,000, certifies that it:

1. does not knowingly employ any person who is an unauthorized alien in connection with the contracted services;
2. has enrolled and actively participates in a federal work authorization program;

A general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of this section, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of subsection 1 of this section and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

**WORKER ELIGIBILITY VERIFICATION AFFIDAVIT FOR ALL CONTRACT
AGREEMENTS IN EXCESS OF \$50,000 (Local match in excess of \$5,000)**
(for joint ventures, a separate affidavit is required for each business entity)

STATE OF MO)
) ss
COUNTY OF Greene)

On this 7th day of September, 2022, before me appeared Hannah Painter, personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, deposed as follows:

My name is Paul Moody, and I am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the state or any of its political subdivisions to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities:

I am the AVP of Emergy Saps & Sons, Inc., and I am duly authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

I hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security, and the aforementioned business entity shall participate in said program to verify information (employment eligibility) of newly hired employees working in connection to work under the within contract agreement. I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

In addition, I hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection to work under the within contract agreement, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

I am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 through 285.550, RSMo, for subcontractors that knowingly employ or continue to employ any unauthorized alien to work within the state of Missouri.

I acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

(Affiant Signature)

Paul Moody
Paul Moody

Subscribed and sworn to before me this 6 day of September, 2022.

Hannah Painter
(Notary Public)
Hannah Painter

My commission expires: 02.04.2025



[Documentation of enrollment/participation in a federal work authorization program is attached. Acceptable enrollment and participation documentation consists of the following two pages of the E-Verify Memorandum of Understanding: (1) A valid, completed copy of the first page identifying the business entity; and (2) A valid copy of the signature page completed and signed by the business entity, the Social Security Administration, and the Department of Homeland Security – Verification Division.]

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

The information shown in this section must be completed when a DBE contract goal has been established. The percentage must equal or exceed the DBE contract goal. If the percentage is below the contract goal, then the bidder must submit complete written documentation of good faith efforts taken to meet the DBE contract goal.

- a. The undersigned submits the following list of DBEs to be used in accomplishing the work of this contract. The work, supplies or services, applicable value and percent of total federal contract each DBE is to perform or furnish is as follows:
- b. Joint venture with a DBE. The undersigned submits the following list of bid items the DBE prime is responsible for and any items that will be subcontracted out are noted with an asterisk or a similar notation. The work, applicable value and percentage of total federal contract the DBE prime is responsible for are as follows:

(A) DBE Name and Address	(B) Bid Item Number(s) Or Work Performed	(C) Dollar Value of DBE Work **	(D) Percent Applicable to DBE Goal (100%, 60%)	(E) Dollar Amount Applicable to DBE Goal (C x D)	(F) Percent of Total Contract (C / Total Contract Amount)
N/A	N/A	0	0	0	0
TOTAL DBE PARTICIPATION				\$ 0	0 %

**Cannot exceed contract amount for given item of work.

Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm

Merchant wholesalers (supply) are credited at 60%.

Brokered services will only receive credit for fees.

(Please reproduce the above sheet if additional space is needed.)

**THE OFFICIAL PROPOSAL FORM MUST BE EXECUTED TO BE
CONSIDERED RESPONSIVE AND RESPONSIBLE.**

SIGNATURE OF BIDDER

The undersigned states that the correct LEGAL NAME AND ADDRESS of (1) the individual bidder, (2) each partner or joint venturer (whether individuals or corporations, and whether doing business under a fictitious name), or (3) the corporation (with the state in which it is incorporated) are shown below; that (if not signing with the intention to bind themselves to become responsible and sole bidder) they are the agent of, and they are signing and executing this (as indicated in the proper spaces below) as the bid of a

() sole individual

() partnership

() joint venture

☒ corporation, incorporated under the laws of state of Missouri

Executed by bidder this 7th day of September 20 22.

Name of individual,
all partners
or joint venturers:

Address of each:

doing business under the name of:

Address of principal place of business in
Missouri:

(If using a fictitious name, show this name
above in addition to legal names)

Emery Sapp & Sons, Inc
(If a corporation, show its name above)

5350 E State Hwy AA
Springfield, Mo 65803

ATTEST: (SEAL)

Keith A. Bennett CFO
(Signature) (Title)

Paul Moody AVP
(Signature) (Title)

Keith Bennett
Please print name

Paul Moody
Please print name

NOTE: If bidder is doing business under a fictitious name, the bid shall be executed in the legal name of the individual partners, joint ventures, or corporation, with the legal address shown, and registration of fictitious name filed with the secretary of state, as required by sections 417.200 to 417.230 RSMo. If the bidder is a corporation not organized under the laws of Missouri, it shall procure a certificate of authority to do business in Missouri, as required by section 351.572 et seq RSMo.

PF-11

PERFORMANCE BOND	BOND NUMBER 39S225066
PRINCIPAL (Legal Name and Business Address) Emery Sapp & Sons, Inc. 5350 E. State Highway AA Springfield, MO 65863	
SURETY (Legal Name and Business Address) Liberty Mutual Insurance Company 175 Berkeley Street Boston, MA 02116	STATE OF INCORPORATION Missouri
PENAL SUM OF BOND (Expressed in words and numerals) Four Hundred Fifty-Two Thousand Twenty-One Dollars and Fifty Cents (\$452,021.50)	CONTRACT DATE

OBLIGATION

KNOW ALL PERSONS BY THESE PRESENTS, that the above named PRINCIPAL, hereinafter referred to and called CONTRACTOR, and the above named SURETY hereby bind themselves unto the **City of Neosho, 203 East Main Street, Neosho, Missouri 64850**, as OBLIGEE, hereinafter referred to and called OWNER, in the penal sum stated above, in lawful money of the United States of America to be paid to OWNER. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS,

CONTRACTOR has entered into the written contract agreement identified hereinabove with the OWNER for the following project:

Base Bid
Construct T-Hangar Taxilane

Project Location: Neosho Hugh Robinson Airport (EOS), City of Neosho, Missouri

which said contract and associated contract documents, including any present or future amendment thereto, is incorporated herein by reference and is hereinafter referred to as the Contract.

CONDITION

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if CONTRACTOR shall promptly and faithfully perform all undertakings, covenants, terms, conditions and agreements of the Contract during the original term of the Contract and any extensions thereof that are granted by the OWNER, with or without notice to the SURETY, and during the period of any guarantee or warranties required under the Contract, and if CONTRACTOR shall perform and fulfill all undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of the Contract that hereafter are made, then this obligation shall be void; otherwise it shall remain in full force and effect subject to the following additional conditions:

1. SURETY, for value received, hereby stipulates and agrees that no change, extension of time, modification, omission, addition or change in or to the Contract, or the work performed thereunder or the specifications accompanying the same, shall in any way affect the SURETY'S obligation on this bond; and SURETY hereby agrees to waive notice of any and all such extensions, modifications, omissions, alterations, and additions to the terms of the Contract, work or specifications.
2. Whenever CONTRACTOR shall be and declared by the OWNER to be in default under the Contract, the Surety shall promptly and at the SURETY'S expense remedy the default by implementing one or more of the following actions:
 - a. Arrange for the CONTRACTOR, with consent of the OWNER, to perform and complete the Contract; or
 - b. Undertake to perform and complete the Contract itself, through its agents or through independent contractors; or

- c. Obtain bids or negotiated proposals from qualified contractors acceptable to the OWNER for a contract for performance and completion of the Contract; arrange for a contract to be prepared for execution by the OWNER and the contractor selected with the OWNER'S concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the Bonds issued on the Contract; and make available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the penal sum of the bond. The term "balance of the contract price", as used in this paragraph, shall mean the total amount payable by OWNER to CONTRACTOR under the Contract and any amendments thereto, disbursed at the rate provided in the original contract, less the amount properly paid by OWNER to CONTRACTOR.
- d. With written consent of the OWNER, SURETY may waive its right to perform and complete, arrange for completion or obtain a new contractor and with reasonable promptness, investigate and determine the amount the SURETY is liable to the OWNER and tender payment therefor to the OWNER.
3. CONTRACTOR and SURETY agree that if in connection with the enforcement of this Bond, the OWNER is required to engage the services of an attorney, that reasonable attorney fees incurred by the OWNER, with or without suit, are in addition to the balance of the contract price.
4. No right of action shall accrue on this bond to or for the use of any person or corporation other than the OWNER named herein or the successors or assigns of the OWNER.

WITNESS

In witness whereof, this instrument is executed this the 9th day of December, 2022.

INDIVIDUAL PRINCIPAL:

Company Name: _____

Signature: _____

Name and Title: _____

CORPORATE PRINCIPAL:

ATTEST:

Signature:

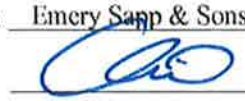
Name and Title:


Senior Estimator
(Affix Corporate Seal)

Corporate Name: Emery Sapp & Sons, Inc.

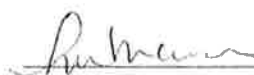
Signature:

Name and Title:


CHRIS LANDWEHR MVP

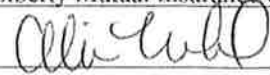
SURETY:

ATTEST:

Signature: 

Name and Title: Sara McMinn, Account Manager
(Affix Seal)

Surety Name: Liberty Mutual Insurance Company

Signature: 

Name and Title: Allison Madrid, Attorney-in-Fact
(Attach Power of Attorney)

OWNER ACCEPTANCE:

The OWNER approves the form of this Performance Bond.

ATTEST:

Signature: _____

Name and Title: _____
(Affix Seal)

Date: _____

Signature: _____

Name and Title: _____

PAYMENT BOND	BOND NUMBER 39S225066
PRINCIPAL <i>(Legal Name and Business Address)</i> Emery Sapp & Sons, Inc. 5350 E. State Highway AA Springfield, MO 65863	
SURETY <i>(Legal Name and Business Address)</i> Liberty Mutual Insurance Company 175 Berkeley Street Boston, MA 02116	STATE OF INCORPORATION Missouri
PENAL SUM OF BOND <i>(Expressed in words and numerals)</i> Four Hundred Fifty-Two Thousand Twenty-One Dollars and Fifty Cents (\$452,021.50)	CONTRACT DATE

OBLIGATION

KNOW ALL PERSONS BY THESE PRESENTS, that the above named PRINCIPAL, hereinafter referred to and called CONTRACTOR, and the above named SURETY hereby bind themselves unto the **City of Neosho, 203 East Main Street, Neosho, Missouri 64850**, as OBLIGEE, hereinafter referred to and called OWNER, in the penal sum stated above, in lawful money of the United States of America to be paid to OWNER. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS,

CONTRACTOR has entered into the written contract agreement identified hereinabove with the OWNER for the following project:

Base Bid

Construct T-Hangar Taxilane

Project Location: Neosho Hugh Robinson Airport (EOS), City of Neosho, Missouri

which said contract and associated contract documents, including any present or future amendment thereto, is incorporated herein by reference and is hereinafter referred to as the Contract.

CONDITION

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if CONTRACTOR shall promptly make payment to all employees, persons, firms or corporations for all incurred indebtedness and just claims for labor, supplies, materials and services furnished for or used in connection with the performance of the Contract, then this obligation shall be void; otherwise it shall remain in full force and effect subject to the following additional conditions:

1. CONTRACTOR and SURETY indemnify and hold harmless the OWNER for all claims, demands, liens or suits that arise from performance of the Contract
2. SURETY, for value received, hereby stipulates and agrees that no change, extension of time, modification, omission, addition or change in or to the Contract, or the work performed thereunder or the specifications accompanying the same, shall in any way affect the SURETY'S obligation on this bond; and SURETY hereby agrees to waive notice of any and all such extensions, modifications, omissions, alterations, and additions to the terms of the Contract, work or specifications.
3. No final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.
4. The amount of this bond shall be reduced by and to the extent of any payments made in good faith hereunder.
5. Amounts owed by the OWNER to the CONTRACTOR under the Contract shall be used for the performance of the Contract and to satisfy claims, if any, under any Performance Bond. By the CONTRACTOR furnishing and the OWNER accepting this Bond, they agree that all funds earned by the CONTRACTOR in the performance of the Contract are dedicated to satisfy obligations of the CONTRACTOR and the SURETY under this Bond, subject to the OWNER'S priority to use the funds for the completion of the project.

WITNESS

In witness whereof, this instrument is executed this the 9th day of December, 20 22.

INDIVIDUAL PRINCIPAL:

Company Name: _____

Signature: _____

Name and Title: _____

CORPORATE PRINCIPAL:

ATTEST:

Signature: _____

Name and Title: Senior Estimator
(Affix Corporate Seal)

Corporate Name: Emery Sapp & Sons, Inc.

Signature: _____

Name and Title: CHRIS LANDWEHR VAP

SURETY:

ATTEST:

Signature: _____

Name and Title: Sara McMinn, Account Manager
(Affix Seal)

Surety Name: Liberty Mutual Insurance Company

Signature: _____

Name and Title: Allison Madrid, Attorney-in-Fact
(Attach Power of Attorney)

OWNER ACCEPTANCE:

The OWNER approves the form of this Payment Bond.

ATTEST:

Signature: _____

Name and Title: _____
(Affix Seal)

Date: _____

Signature: _____

Name and Title: _____



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8198110**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Kris Copra, Louis A. Landwehr, Allison Madrid, Darla A. Veltrop

all of the city of Jefferson City state of MO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 5th day of December, 2018.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 5th day of December, 2018 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 9th day of December, 2022.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

**FORM OF
CONTRACT AGREEMENT
CITY OF NEOSHO, MISSOURI
NEOSHO HUGH ROBINSON AIRPORT
State Block Grant Project No. 21-096A-2**

THIS AGREEMENT, made as of this _____ day of _____, 20____, is

BY AND BETWEEN

the OWNER: Name: **City of Neosho, Missouri**
 Address: **203 East Main Street**
 City/State/Zip Code: **Neosho, MO 64850**

And the CONTRACTOR: Name: **Emery Sapp & Sons, Inc.**
 Address: **5350 E. State Highway AA**
 City/State/Zip Code: **Springfield, MO 65863**

WITNESSETH:

WHEREAS it is the intent of the Owner to make improvements at the **Neosho Hugh Robinson Airport**, generally described as follows;

Base Bid
Construct T-Hangar Taxilane

hereinafter referred to as the Project.

NOW THEREFORE in consideration of the mutual covenants hereinafter set forth, OWNER and CONTRACTOR agree as follows:

Article 1 – Work

It is hereby mutually agreed that for and in consideration of the payments as provided for herein to the CONTRACTOR by the OWNER, CONTRACTOR shall faithfully furnish all necessary labor, equipment, and material and shall fully perform all necessary work to complete the Project in strict accordance with this Contract Agreement and the Contract Documents.

Article 2 – Contract Documents

CONTRACTOR agrees that the Contract Documents consist of the following: this Agreement, General Provisions, Supplementary Provisions, Specifications, Drawings, all issued addenda, Notice to Bidders, Instructions to Bidders, Proposal and associated attachments, Performance Bond, Payment Bond, Wage Rate Determinations, Insurance certificates, documents incorporated by reference, documents incorporated by attachment, and all OWNER authorized change orders issued subsequent to the date of this agreement. All documents comprising the Contract Documents are complementary to one another and together establish the complete terms, conditions and obligations of the CONTRACTOR. All said Contract Documents are incorporated by reference into the Contract Agreement as if fully rewritten herein or attached thereto.

Article 3 – Contract Price

In consideration of the faithful performance and completion of the Work by the CONTRACTOR in accordance with the Contract Documents, OWNER shall pay the CONTRACTOR an amount equal to:

Four Hundred Fifty-Two Thousand Twenty-One Dollars and Fifty Cents
(Amount in Written Words)

(\$ 452,021.50)
(Amount in Numerals)

CA-1

subject to the following;

- a. Said amount is based on the schedule of prices and estimated quantities stated in CONTRACTOR'S Bid Proposal, which is attached to and made a part of this Agreement;
- b. Said amount is the aggregate sum of the result of the CONTRACTOR'S stated unit prices multiplied by the associated estimated quantities;
- c. CONTRACTOR and OWNER agree that said estimated quantities are not guaranteed and that the determination of actual quantities is to be made by the OWNER'S ENGINEER;
- d. Said amount is subject to modification for additions and deductions as provided for within the Contract General Provisions.

Article 4 – Payment

Upon the completion of the work and its acceptance by the OWNER, all sums due the CONTRACTOR by reason of faithful performance of the work, taking into consideration additions to or deductions from the Contract price by reason of alterations or modifications of the original Contract or by reason of "Extra Work" authorized under this Contract, will be paid to the CONTRACTOR by the OWNER after said completion and acceptance.

The acceptance of final payment by the CONTRACTOR shall be considered as a release in full of all claims against the OWNER, arising out of, or by reason of, the work completed and materials furnished under this Contract.

OWNER shall make progress payments to the CONTRACTOR in accordance with the terms set forth in the General Provisions. Progress payments shall be based on estimates prepared by the ENGINEER for the value of work performed and materials completed in place in accordance with the Contract Drawings and Specifications. Progress payments are subject to retainage requirements as set forth in the General Provisions.

Article 5 – Contract Time

The CONTRACTOR agrees to commence work within ten (10) calendar days of the date specified in the OWNER'S Notice to Proceed. CONTRACTOR further agrees to complete said work within **forty-five (45) calendar days** of the commencement date stated within the Notice to Proceed. **thirty (30) calendar days for Phase 1 and fifteen (15) calendar days for Phase 2. Shifting construction time between phases will not be permitted.**

It is expressly understood and agreed that the stated Contract Time is reasonable for the completion of the Work, taking all factors into consideration. Furthermore, extensions of the Contract Time may only be permitted by execution of a formal modification to this Contract Agreement in accordance with the General Provisions and as approved by the OWNER.

Article 6 – Liquidated Damages

The CONTRACTOR and OWNER understand and agree that time is of the essence for completion of the Work and that the OWNER will suffer additional expense and financial loss if said Work is not completed within the authorized Contract Time. Furthermore, the CONTRACTOR and OWNER recognize and understand the difficulty, delay, and expense in establishing the exact amount of actual financial loss and additional expense. Accordingly, in place of requiring such proof, the CONTRACTOR expressly agrees to pay the OWNER as liquidated damages the non-penal sum of **One Thousand Five Hundred Dollars (\$ 1,500)** per day for each calendar day required in excess of the authorized Contract Time for each phase.

Furthermore, the CONTRACTOR understands and agrees that;

- a. the OWNER has the right to deduct from any moneys due the CONTRACTOR, the amount of said liquidated damages;
- b. the OWNER has the right to recover the amount of said liquidated damages from the CONTRACTOR, SURETY or both.

Article 7 – CONTRACTOR’S Representations

The CONTRACTOR understands and agrees that all representations made by the CONTRACTOR within the Proposal Form shall apply under this Agreement as if fully rewritten herein.

Article 8 – CONTRACTOR’S Certifications

The CONTRACTOR understands and agrees that all certifications made by the CONTRACTOR within the Proposal shall apply under this Agreement as if fully rewritten herein. The CONTRACTOR further certifies the following;

a. Certification of Eligibility (29 CFR Part 5.5)

- i. By Entering into this contract, the CONTRACTOR certifies that neither he or she nor any person or firm who has an interest in the CONTRACTOR’S firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1);
- ii. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1);
- iii. The penalty for making false statements is prescribed in the U.S. Criminal Code 18 U.S.C.

b. Certification of Non-Segregated Facilities (41 CFR Part 60-1.8)

The federally-assisted construction CONTRACTOR certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user restrooms or necessary dressing or sleeping areas provided to assure privacy between the sexes. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

Article 9 – Miscellaneous

- a. CONTRACTOR understands that it shall be solely responsible for the means, methods, techniques, sequences and procedures of construction in connection with completion of the Work;
- b. CONTRACTOR understands and agrees that it shall not accomplish any work or furnish any materials that are not covered or authorized by the Contract Documents unless authorized in writing by the OWNER or ENGINEER;
- c. The rights of each party under this Agreement shall not be assigned or transferred to any other person, entity, firm or corporation without prior written consent of both parties;
- d. OWNER and CONTRACTOR each bind itself, their partners, successors, assigns and legal representatives to the other party in respect to all covenants, agreements, and obligations contained in the Contract Documents.

Article 10 – OWNER’S Representative

The OWNER’S Representative, herein referred to as ENGINEER, is defined as follows:

Lochner
16105 W. 113th Street
Suite 107
Lenexa, KS 66219

Said ENGINEER will act as the OWNER’S representative and shall assume all rights and authority assigned to the ENGINEER as stated within the Contract Documents in connection with the completion of the Project Work.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have executed five (5) copies of this Agreement on the day and year first noted herein.

OWNER

Name: _____

Address: _____

By: _____

Signature

Title of Representative

ATTEST:

By: _____

Signature

Title

CONTRACTOR

Name: ENERGY SAPP & SONS, INC

Address: 5350 E. STATE HWY AA

SPRINGFIELD, MO 65803

By: _____

Signature

AMP
Title of Representative

ATTEST

By: _____

Signature

Senior Estimator
Title

CHANGE ORDER

SHEET NO. 1 of 2

SEQUENCE NO.: 1

TO Emery Sapp & Sons, Inc. CONTRACTOR

COUNTY: Newton

AIRPORT: Neosho Hugh Robinson Airport

PROJECT NO.: MoDOT 21-096A-2

YOU ARE HEREBY DIRECTED TO MAKE THE FOLLOWING CHANGES FROM THE CONTRACT

1. DESCRIPTION AND REASON FOR CHANGE: (ATTACH SUPPLEMENTAL SHEETS IF REQUIRED)

After the time of bidding, a few areas were identified where cost savings could be realized. The typical section has been revised from 6" PCCP / 4" Aggregate Base / 20" Aggregate Subbase to 6" PCCP / 8" Aggregate Base / 16" Lime-Treated Subgrade. In addition, the D-705 specification has been expanded to allow all types of pipe material allowed by the FAA.

2. ESTIMATE OF COST OF WORK AFFECTED BY THIS CHANGE ORDER.

(A) EST. LINE NO.	(B) CONTRACT ITEM NO.	(C) ITEM DESCRIPTION	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENT	UNIT	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN OR PLUS CONTINGENT	(I) AMOUNT OF UNDERRUN OR MINUS CONTINGENT
1	7	Unclassified Excavation	1,680	789	891	C.Y.	\$21.50		\$19,156.50
2	9	Lime - Treated Subgrade (16")	0	1,578	1,578	S.Y.	\$34.21	\$53,983.38	
3	9	Aggregate Base Course (4")	1,578	0	1,578	S.Y.	\$13.00		\$20,514.00
4	10	Aggregate Subbase Course (20")	1,578	0	1,578	S.Y.	\$54.00		\$85,212.00
5	10	Aggregate Base Course (8")	0	1,578	1,578	S.Y.	\$23.14	\$36,514.92	
6	14	Conventional Underdrain (4")	386	0	386	L.F.	\$70.00		\$27,020.00
7	14	Conventional Underdrain (4")	0	386	386	L.F.	\$38.57	\$14,888.02	
TOTALS								\$105,386.32	\$151,902.50

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:

1. CONTRACT AMOUNT 2. OVERRUN OR UNDERRUN THIS ORDER (H-I) 3. OVERRUN PREVIOUS (LINE 4 ON PREV. ORDER) 4. TOTAL OVERRUN TO DATE (2+3) 5. TOTAL (1+4)		\$452,021.50 (\$46,516.18) \$0.00 (\$46,516.18) \$405,505.32	4. COMMENTS: THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO. Emery Sapp & Sons, Inc. CONTRACTOR (Company Name) 2/28/2022 SIGNATURE (Authorized Representative) DATE
 SUBMITTED - LOCHNER		DATE	
APPROVED - SPONSOR		DATE	
APPROVED - MoDOT AVIATION		DATE	

FILENAME: C:\Project\WiseDrive\Lochner\000018618\01 - TAXILANES\CEI08 - CHANGE ORDER\Change Order #1 - Neosho, MO.xls\CO1

DESCRIPTION AND REASON FOR CHANGE TO PLAN QUANTITIES

SHEET NO. 2 of 2

(A) EST. LINE NO.	(B) CONTRACT ITEM NO.	(C) ITEM DESCRIPTION	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENT
1	7	Unclassified Excavation This change order was due to the revision of the Typical Section	1,680	789	(891)
2	9	Lime - Treated Subgrade (16") This change order was due to the revision of the Typical Section	0	1,578	1,578
3	9	Aggregate Base Course (4") This change order was due to the revision of the Typical Section	1,578.0	0.0	(1,578.0)
4	10	Aggregate Subbase Course (20") This change order was due to the revision of the Typical Section	1,578	0	(1,578)
5	10	Aggregate Base Course (8") This change order was due to the revision of the Typical Section	0	1,578	1,578
6	14	Conventional Underdrain (4") The unit cost for this item was reduced.	386	0	(386)
7	14	Conventional Underdrain (4") The unit cost for this item was reduced.	0	386	386

TOTAL PROJECT BUDGET
NEOSHO HUGH ROBINSON AIRPORT
NEOSHO, MISSOURI

PROJECT 1
CONSTRUCT T-HANGAR TAXILANE

PROJECT 2
CONSTRUCT 5-UNIT T-HANGAR

February 6, 2023

c:\pw_working\lochner-pw-01\dms33432\EOS Taxilane Master PayItems.xlsx\BUDGET (T-Lane w Low Bid)

PROJECT 1 FUNDING (Construct Taxilane)

2018 NPE	\$	141,309.00
Local Matching Funds for 2018 NPE	\$	15,701.00
Total Grant - 2018 NPE	\$	157,010.00
2019 NPE	\$	150,000.00
Local Matching Funds for 2019 NPE	\$	16,666.00
Total Grant - 2019 NPE	\$	166,666.00
2020 NPE	\$	166,666.00
Total Grant - 2020 NPE	\$	166,666.00
2021 NPE	\$	149,113.00
Total Grant - 2021 NPE	\$	149,113.00
Project 1 Funding (Est.)	\$	639,455.00

Project 1 Local Match (Est.) (5.06%) \$ 32,367.00
Project 1 Federal Funding (Est.) (94.94%) \$ 607,088.00

PROJECT 2 FUNDING (Construct T-Hangar)

2021 NPE	\$	17,553.00
Total Grant - 2021 NPE	\$	17,553.00
2022 NPE	\$	150,000.00
Local Matching Funds for 2022 NPE	\$	16,666.00
Total Grant - 2022 NPE	\$	166,666.00
2023 NPE	\$	150,000.00
Local Matching Funds for 2023 NPE	\$	16,666.00
Total Grant - 2023 NPE	\$	166,666.00
2022 BIL	\$	159,000.00
Local Matching Funds for 2022 BIL	\$	17,666.00
Total Grant - 2022 BIL	\$	176,666.00
2023 BIL (\$145,000 Available)	\$	137,204.00
Local Matching Funds for 2023 BIL	\$	15,245.00
Total Grant - 2023 BIL	\$	152,449.00
Project 2 Funding (Est.)	\$	680,000.00

Project 2 Local Match (Est.) (9.74%) \$ 66,243.00
Project 2 Federal Funding (Est.) (90.26%) \$ 613,757.00

PROJECT 1 COSTS (Construct Taxilane)

Total Cost

Administrative		
Independent Fee Analysis	\$	3,200.00
Legal and Advertising (Est.)	\$	299.68
Subtotal	\$	3,499.68
Engineering		
Basic Services	\$	93,800.00
Special Services	\$	38,900.00
Construction Services	\$	97,750.00
Subtotal	\$	230,450.00
Construction		
Construction Bid (Emery Sapp & Sons)	\$	452,021.50
Change Order #1	\$	(46,516.18)
Subtotal	\$	405,505.32

TOTAL PROJECT 1 COSTS (Low Bid + Change Order) \$ 639,455.00

PROJECT 2 COSTS (Construct T-Hangar)

Engineering		
Bidding Services (Est.)	\$	20,000.00
Construction Services (Est.)	\$	90,000.00
Subtotal	\$	110,000.00
Construction		
Construction Costs (Est.)	\$	570,000.00
Subtotal	\$	570,000.00

TOTAL PROJECT 2 COSTS (Est.) \$ 680,000.00

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Bill No. 2023-111: Retention of Records

ORIGINATING DEPARTMENT: City Clerk

ATTACHMENT:

1. Bill No. 2023-111 Amending Section 100.120 Records Manual Adopted

PURPOSE:

Staff requests Council amend Section 100.120 records retention schedule.

BACKGROUND:

While staff was looking into the code for record retention, they came across an old code that stated they would follow the record retention policy from the 1980s set by the Missouri Secretary of State's office. This amendment will change the language to accept the Missouri Secretary of State's changes to the record retention schedule.

RECOMMENDATION:

Staff asks Council to approve Bill No. 2023-111 and authorize the Mayor to sign.

AN ORDINANCE amending Section 100.120 Records Manual Adopted by repealing Section 100.120 and enacting a new Section 100.120 in lieu thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That Section 100.120 Records Manual Adopted is hereby repealed and a new Section 100.120 is enacted in lieu thereof as follows:

“Section 100.120 Records Manual Adopted.

The City’s Records Manual shall be the current Municipal Records Retention Schedule promulgated by the Missouri Secretary of State’s Local Records Board pursuant to §§ 109.230 and 109.255, RSMo.”

Section 2. That this ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this ____ day of _____, 2022, by a vote of _____.

Tyler DeWitt, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Fuel Wood Sale Agreement

ORIGINATING DEPARTMENT: City Manager

ATTACHMENT:

1. FUELWOOD CUTTING AND SALE AGREEMENT

PURPOSE:

To approve the fuel wood sale agreement.

BACKGROUND:

The City of Neosho has finished logging a section of airport property and wishes to authorize additional timber management. This would allow citizens to sign an agreement with the City of Neosho authorizing them to cut dead wood (tree tops) in the same area that was recently logged.

RECOMMENDATION:

Approve the agreement as submitted and authorize the Mayor to execute it.

**CITY OF NEOSHO, MISSOURI
FUELWOOD SALE AGREEMENT**

This Agreement is entered into this ____ day of _____, _____, between the City of Neosho, Missouri, hereinafter called “the seller,” and _____, hereinafter called “the buyer.”

W I T N E S S E T H :

Article I. The seller agrees to sell to the buyer, subject to the terms listed below, fuelwood in the amount of ____ cord(s) on a tract owned by the seller, located at the Neosho Hugh Robinson Airport (location shown on the attached map), hereinafter referred to as “the Property.”

Article II. It is mutually understood and agreed by and between the parties:

1. All hauling will be performed between: _____ to _____.
This Agreement shall automatically terminate on the following day.

2. The hauling may be terminated at the discretion of the seller’s City Manager should operations, in his opinion, be such as are detrimental to the Property, airport operations, wildlife, the forest, or to the best interest of the City of Neosho, Missouri.

3. Entry to the Property shall be at a time, place, and manner specified by the seller’s City Manager. Additionally, the buyer shall provide the Airport Manager with at least 24 hours’ notice prior to any work at the Property.

Article III. The buyer agrees to:

1. Remove only such material marked or designated by the seller’s City Manager as follows: **downed dead wood**.

2. Have this permit on his person and displaying it upon request of the seller’s representatives.

3. Waive all rights to any fuelwood not removed from this area by the expiration date of this contract.

Article IV. The buyer further agrees to remove said fuelwood in strict accordance with these conditions:

1. To protect all timber from damage not designated for removal.
2. To be extremely careful with fire and to assist in fighting wild fires on the Property.
3. To keep roads and existing trails free of tops and debris at all times.

4. Not to construct any trails without consent of the seller's City Manager.
5. To operate motor vehicles on roads or designated trails only and in such a manner as to minimize soil and wildlife disturbance.
6. To pile unused limbs and tops away from area roads and trails.
7. That all work shall be accomplished in a reasonable and safe manner. The buyer shall use equipment and perform work in a manner to prevent damage to the Property. Any debris, including dirt, mud, grass, and wood, shall be immediately removed from all runways, taxiways, flight lines, and the runway protection zone.

Article V. Subordination. This Agreement shall be subordinate to all (i) agreements between the seller and the United States government regarding the operation of the Property and (ii) agreements for the use and lease of the seller's facilities at the Property between the seller and third-parties, such as hanger tenants.

Article VI. Hold Harmless and Indemnification. The buyer shall hold and save the City of Neosho, Missouri, its City Council, officers, agents, and employees, harmless from any and all liability on account of any claim whatsoever, for wages, supplies, equipment, damage, and injury to persons or property arising in connection with any activity conducted or undertaken by the buyer, buyer's agents, or employees under the terms of this contract.

By his signature, the buyer understands and agrees to the terms of his contract:

BUYER'S SIGNATURE _____ DATE _____

CITY OF NEOSHO, MISSOURI

(BY) _____ DATE _____

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: Region M Grant Authorization

ORIGINATING DEPARTMENT: Public Works Department

ATTACHMENT: None

PURPOSE:

To seek grant monies that would benefit the City of Neosho Regional Recycling Center.

BACKGROUND:

Region M is a solid waste management district that covers the counties of Newton, McDonald, Vernon, Barton, and Jasper. Annual grant funding is based on allocation to the district by the DNR-SWMP (Solid Waste Management Program).

Use of grant monies (if approved by Region M) can go towards labor costs, and fringe benefits. Last year we were able to secure \$68,832.95 through this grant.

RECOMMENDATION:

The City Staff recommends that the council authorize staff to submit an application to Region M.

REQUESTED COUNCIL MEETING DATE: February 7, 2023**ITEM:** Region M Grant Application

ORIGINATING DEPARTMENT: Public Works Department**ATTACHMENT:****1. Region M Grant Application FY2024**

PURPOSE:

To seek grant monies that would benefit the City of Neosho Regional Recycling Center.

BACKGROUND:

Region M is a solid waste management district that covers the counties of Newton, McDonald, Vernon, Barton, and Jasper. Annual grant funding is based on allocation to the district by the DNR-SWMP (Solid Waste Management Program).

Use of grant monies (if approved by Region M) can go towards salaries and fringe benefits for two staff members.

FTE Salary total	\$54,870.90
FTE Fringe total	\$24,563.00
 Total	 \$79,433.90

RECOMMENDATION:

City Staff recommends that the council authorize the Mayor to sign application documents.



Region M Waste Management District

1801 W 32nd Street, Suite C.212 – Joplin, MO 64804

Tel-417.317.5021 | www.RegionM.org

FY2024 Grant Application - Entity / Contact Information

Name of Business or Organization	
Name of Project	
Project Manager	
<i>Project Manager Title</i>	
<i>Mailing Address</i>	
<i>Telephone</i>	
<i>Email</i>	
Website	
Other Authorized Official	
<i>Title</i>	
<i>Telephone</i>	
<i>Email</i>	
MO Vendor # and Federal Tax ID #	
Location of Project <i>If different than mailing address.</i>	
Type of Applicant <i>Place an X in your response.</i>	☐ Individual ☐ City/County ☐ Public Entity or Institution ☐ School ☐ For-Profit Business # of years in Business ☐ Non-Profit Organization ☐ Other (Describe)



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FY2024 Grant Application - Project Information

Project Description	
Amount of Funding Requested	
Partial Funding – <i>Place an X in your response.</i>	☐ Able to accept partial funding for project to be completed ☐ Not able to accept partial funding for project. (Without full funding, the project will not be able to be completed)
Estimated Total Tonnage to be Diverted During Project	
Types of Materials to be Diverted During Project	
Cities/Counties to be Served or Districtwide/Statewide	
Qualifications of Key Personnel	Include resumes of Project Manager and other staff who will be directly involved with this project along with this application.

Previous Funding - Has your organization received funding from Region M, EI ERA, or other Solid Waste Districts in the past five years? If yes, please list the grant awarded, grant/project number, amount of grant award.

Year	Project Number	Project Name	Amount Awarded



FY2024 Grant Application - Executive Summary (page 1 of 2)

Summarize your project by including the (1)managing entity, (2)location of, (3)why there is a need, (4)what items/materials will be recycled, (5)what partnerships will be utilized, (6)what areas will be served, (7) involvement, (8)how success will be measured, (9)why the costs are reasonable for this type of project, and (10)other procedures and activitiesyou feel would be beneficial for the Region M Board and Review Committee to be made aware of.



FY2024 Grant Application - Executive Summary (page 2 of 2)

Executive Summary Continued.



FY2024 Grant Application - Project Evaluation

Describe how the project will be evaluated to measure successes and/or benefits of the project.

>Measurements should include estimated weight in tonnages or volume of waste recycled or diverted.

>If tonnages are not relevant to the project, then measurement should include, for example the number of schools or assemblies reached, businesses participating, etc.

>If applicable, describe the evaluation procedures that will be used to qualitatively measure the success of the project. For example, community surveys that will determine quality of service.



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FY2024 Grant Application – Budget Document

Line Item	Category	Qty	Price	Total
Total Budget (Should Match Total Funding Requested)				\$

Attach quotes or sources of reasonable pricing along with this application. Quotes are required for line items \$1,000.00 or more.



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FY2024 Grant Application - Timetable/Work Plan

List tasks involved (Example: request bids, place equipment, community survey, etc.).

Task #1 _____

Task #2 _____

Task #3 _____

Task #4 _____

Task #5 _____

Task #6 _____

Task #7 _____

Task #8 _____

Place a X in the timetable cells showing when tasks would be active and completed.

Month:	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024
Task #1													
Task #2													
Task #3													
Task #4													
Task #5													
Task #6													
Task #7													
Task #8													
Task #9: Request Reimbursements		X	X	X	X	X	X	X	X	X	X	X	X
Task #8: Submit Quarterly & Final Reports				X			X			X			X



FY2024 Grant Application - Signature Page

Project Reporting Requirements:

If approved for funding as a FY2024 Region M Grantee, we subsequently agree to furnish Waste Diversion, Waste Reduction, Quarterly Reports, and/or any other information relevant to the project objective for the length of the project or other dates as specified by Region M Waste Management District Board of Directors and/or staff.

Region M FY2024 Grant Cycle – 5 Year Reporting Requirement:

The Grantee hereby agrees that any equipment purchased pursuant to this agreement shall be used for the performance of services under the agreement during the term of this agreement, and for four years thereafter. The Grantee shall annually submit a statement as provided by the District certifying the use(s) of said equipment is for project activities.

Project Income:

We agree that if there is any project income, it is to be reinvested in the project.

Security Interest Agreement:

The Grantee will grant to Region M and/or its successors a security interest in all equipment purchased by the Region M Grantee for \$5,000 or more, in whole or in part, with grant funds received from Region M. Region M staff will file UCC-1 with the state of Missouri.

The security interest in equipment owned by the Region M Grantee shall be equivalent to the amount of funding provided by Region M for the purchase of the equipment.

Unless the MDNR Waste Management Program or Region M notifies the Grantee in writing of a material breach of the FAA or any documents incorporated herewith, the Region M security interest in the equipment shall remain in effect for a period of five years, beginning one year from the date of purchase shown on the equipment purchase invoice. For this five-year period, the Region M security interest shall remain 100% of the amount of funding provided by Region M for the purchase of equipment.

This replaces Missouri Department of Natural Resources Solid Waste Management Program General Terms & Conditions Section 1.M.3.b.ii. Refer to the Department of Natural Resources' (DNR) Waste Management Program (WMP) General Terms and Conditions (G.T. & C.) sections 1.M.3. and 1.N.3. for security interest details.

I (We) hereby certify that the information provided in this FY2024 Grant Application is true and correct. We agree to the 5-Year Reporting Requirement and the Security Interest Agreement.

Signature of Authorized Official

Date

Printed Name



FY2024 Grant Application – Final Checklist

Contact Region M	If you plan to apply, contact Patty Overman at 417.317.5021 or patty@regionm.org by January 31, 2023 to discuss potential project.
Grantee Workshop	Please use the FY2024 Region M Sample Timetable & Work plan and update accordingly.
Time Table/Work Plan	Please use the FY2024 Region M Sample Timetable and update accordingly.
Line Item Budget	Please use FY2024 Region M Sample Line Item Budget and update accordingly. • The total must match requested amount. • These line items will be used when requesting reimbursements.
Price Quotes	Please provide price quote(s) on vendor letterhead for any budget line item purchase in excess of \$1,000.00
Executive Summary & Project Evaluation	Executive summary must include responses to all 10 items requested. Include measurable outcomes that will determine the success of the project.
Signature Page	Full read and understand the signature page before submitting application.
Other Attachments	• Year 1-3. ○ Entity certification and/or business license. ○ Certifications or permits (or waivers) necessary to carry out this project. ○ Letters of support/recommendation. • Year 4-6. ○ Certifications or permits (or waivers) necessary to carry out this project (if not already on file). ○ Explanation of how this project may be duplicated and beneficial for other communities. • Year 7+. ○ Certifications or permits (or waivers) necessary to carry out this project (if not already on file). ○ If this particular project has received funding for multiple years, please explain intentions of becoming financially independent in the future, should funding become scarce.
Other Information	Please submit any other items you would like to include that you feel would be beneficial for the Review Committee and Executive Board while determining funding. If this is a new venture or first time applying for funding from Region M, you must provide letters of support with your application.
Email application and documents to Patty Overman patty@regionm.org. You may mail or deliver to: Region M Waste Management District – 1801 W 32nd Street, Suite C.212, Joplin, MO 64804. Under authority of RSMo. Subject to pertinent legislation, regulations, and policies applicable to RSMo 260.330 & 260	

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: T-37 Jet Static Display Confirmation

ORIGINATING DEPARTMENT: Development Services Department

ATTACHMENT:

1. T-37 Verify Documents

PURPOSE:

The purpose of this item is to obtain council authorization for the mayor to sign a document confirming the status of the T-37 jet on display at the airport and the city's desire to keep the display.

BACKGROUND:

The city has a T-37 jet on loan from the National Museum of the U.S. Air Force that is mounted in static display at the Hugh Robinson Airport for the past several years. this document verifies the condition of the display and the city's desire to maintain the display.

RECOMMENDATION:

Staff recommends that council authorizes the mayor to sign the document.

2022 POINT OF CONTACT INFORMATION SHEET

ACCOUNT NUMBER	SDA0356
CITY/ORGANIZATION NAME	CITY OF NEOSHO
MAILING ADDRESS	203 EAST MAIN
CITY	NEOSHO
STATE/COUNTRY	MO
ZIP CODE	64850
PHYSICAL LOCATION OF ITEM	1400 TERRY JOHNSON DRIVE
HISTORICAL PROPERTY CUSTODIAN:	
FIRST NAME:	WILLIAM TYLER
LAST NAME:	DOUBEK DEWITT
TITLE, HISTORICAL PROPERTY CUSTODIAN	MAYOR OF NEOSHO
PRIMARY POINT OF CONTACT	MR. RICHARD LEAVENS MR.
TITLE PRIMARY POINT OF CONTACT	Development Services Director
PRIMARY PHONE NUMBER	417-451-8050
ALTERNATE PHONE NUMBER	
EMAIL ADDRESS	rleavens@neoshomo.org

**NATIONAL MUSEUM of the U.S. AIR FORCE
INVENTORY REPORT**

25-Jan-23

Loan Account Number SDA0356

RCS: HAF-HO(A) 8801

ACCESSION #	NOMENCLATURE	Value
SD-2003-0001	AIRCRAFT, T-37B, 58-1888	\$10,000

I certify that the above listed items shown on Pages 1 through 1 are being used for their approved purpose, are being maintained and protected according to the agreement and attachments, that this organization still desires to retain this property, and with any discrepancies so noted.

Signature: _____
(Historical Property Custodian) (Date)

TYLER DEWITT
Typed or Printed Name

MAYOR
Typed or Printed Title

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: CDBG Mitigation Gant Authorized Signatures Form

ORIGINATING DEPARTMENT: Development Services Department

ATTACHMENT:

1. Authorized Signatures for CDBG Request for Funds

PURPOSE:

The purpose of this item is to gain council approval for the mayor to sign a "Authorized Signatures for CDBG Request for Funds" form to update a grant that the city has for CDBG funds.

BACKGROUND:

The CDBG Mitigation grant was previously granted and received by the city to establish a Disaster Mitigation Plan for the city. This form authorizes the City Manager and Development Services Director to sign Request for Funds (RFF) documents to seek reimbursement of expenses.

RECOMMENDATION:

Staff recommends that the city council authorizes the mayor to sign the "Authorized Signatures for CDBG Request for Funds".



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
AUTHORIZED SIGNATURES FOR CDBG REQUESTS FOR FUNDS (SFM01)

NAME OF RECIPIENT City of Neosho		PROJECT # 18-DP-MIT28	
PERIOD OF CONTRACT 10/01/2022 to 12/31/2022		RECIPIENT FISCAL YEAR END DATE 09/30/2023	
THE INDIVIDUALS NAMED BELOW ARE AUTHORIZED TO SIGN ALL REQUESTS FOR FUNDS (RFF) DOCUMENTS.		CONTRACT # B-18-DP-29-0002	
TYPED NAME	TITLE	SIGNATURE EXACTLY AS IT APPEARS IN TYPED FORM	
Richard Leavens	Development Services Director		
David Kennedy	City Manager		
CERTIFICATION: I certify that the above signatures are of the individuals authorized to co-sign requests for funds. (Note: This person must be the highest ranking elected official whose name is not listed above.)			
TYPED NAME: Tyler Dewitt	TITLE Mayor	SIGNATURE	TELEPHONE () DATE
ADMINISTRATIVE CONTRACTS:			
PROJECT ADMINISTRATOR: (person responsible for over-all supervision of the CDBG grant)			
TYPED NAME Carrie Campbell	TELEPHONE () (417) 540-2281	ACCOUNTING SYSTEM USED: ☒ CDBG ☐ OWN	
ADDRESS 107 N Jefferson St	CITY Neosho	ZIP CODE 64850	FEDERAL EMPLOYER ID #: 44-6000230
FINANCIAL ASSISTANT: (person responsible for submitting requests for funds)			
TYPED NAME Carrie Campbell	TELEPHONE () (417) 540-2281	STATE USE ONLY	
ADDRESS 107 N Jefferson St	CITY Neosho	ZIP CODE 64850	FIELD STAFF FISCAL

NOTE: Recipient should retain one copy and send two originally signed copies free of erasures or corrections to DED.

MO 419-1458 (03-88)

0842-1/101P

REQUESTED COUNCIL MEETING DATE: February 7, 2023

ITEM: CDBG Vendor Input/ACH-EFT Application

ORIGINATING DEPARTMENT: Development Services Department

ATTACHMENT: None

PURPOSE:

The purpose of this item is to gain council approval for the mayor to sign a "CDBG Vendor Input/ACH-EFT Application" to permit the State of Missouri to deposit reimbursement of expenses for the CDBG Mitigation grant to develop a disaster response plan for the City of Neosho.

BACKGROUND:

The CDBG Mitigation grant was previously approved by the council. The "CDBG Vendor Input/ACH-EFT Application" provides banking information and authorizes the state to deposit reimbursement funds into the city's account.

RECOMMENDATION:

Staff recommend that the council authorizes the mayor to sign the CDBG Vendor Input/ACH-EFT Application.