

TITLE VII. PUBLIC UTILITIES

CHAPTER 700: WATER REGULATIONS

ARTICLE I. COMBINED WATERWORKS AND SEWERAGE SYSTEM

SECTION 700.010: COMBINED WATERWORKS AND SEWERAGE SYSTEM— ESTABLISHED

- A. It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Mount Vernon, Missouri, and its inhabitants that the waterworks and the sewerage system of the City of Mount Vernon, Missouri, and all future improvements and extensions thereto be combined and that they shall thenceforth be operated and maintained as a combined waterworks and sewerage system.
- B. Thenceforth, from and after the final passage of this Article, the waterworks and the sewerage system of the City of Mount Vernon, Missouri, and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system and all future improvements and extensions thereto as aforesaid thenceforth be operated and maintained as a combined waterworks and sewerage system. (Ord. No. 13.05 §§1–2, 3-10-53)

ARTICLE II. CROSS-CONNECTION CONTROL

SECTION 700.020: CROSS-CONNECTION CONTROL—GENERAL POLICY

- A. *Purpose.* The purpose of this Article is:
 - 1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
 - 2. To promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and industrial process systems.
 - 3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. *Application.* This Article shall apply to all premises served by the public potable water system of the City of Mount Vernon, Missouri, a municipal corporation.

C. Policy.

1. This Article will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
2. The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.
3. If, in the judgment of the water purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his/her own expense; and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. No. 2.45 §1, 6-11-91)

SECTION 700.030: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article:

AIR-GAP SEPARATION: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

AUXILIARY WATER SUPPLY: Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW: The flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION DEVICE: Any device, method or type of construction intended to prevent backflow into a potable water system.

CONSUMER: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT: Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

CONTAMINATION: An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION: Any physical link between a potable water supply and any other substance, fluid or source, which makes possible contamination of the potable water supply due to the reversal

of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF: An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- .1. *HAZARD, HEALTH:* Any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
- .2. *HAZARD, PLUMBING:* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
- .3. *HAZARD, POLLUTIONAL:* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- .4. *HAZARD, SYSTEM:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL PROCESS SYSTEM: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

ISOLATION: Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance or system.

POLLUTION: Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life.

PUBLIC POTABLE WATER SYSTEM: Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

SERVICE CONNECTION: The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

WATER PURVEYOR: The owner, operator or individual in responsible charge of a public water system. (Ord. No. 2.45 §2, 6-11-91)

SECTION 700.040: CROSS-CONNECTIONS PROHIBITED

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. No. 2.45 §3, 6-11-91)

SECTION 700.050: SURVEY AND INVESTIGATIONS

- A. The consumer's premises shall be open at all reasonable times to the water purveyor or his/her authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the water purveyor or his/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system. (Ord. No. 2.45 §4, 6-11-91)

SECTION 700.060: TYPE OF PROTECTION REQUIRED

The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:

- .1. An approved air-gap separation shall be installed where the public potable water system, may be contaminated with substances that could cause a severe health hazard.
- .2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
- .3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health. (Ord. No. 2.45 §5, 6-11-91)

SECTION 700.070: WHERE PROTECTION IS REQUIRED

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:
1. Premises have an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
 2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
 3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
 4. Premises having a repeated history of cross-connections being established or re-established.
 5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 6. Premises on which any substance is handled under pressure so as to permit entry in the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources:
1. Aircraft and missile plants.
 2. Automotive plants.
 3. Auxiliary water systems.
 4. Beverage bottling plants.
 5. Canneries, packing houses and reduction plants.

6. Car washing facilities.
7. Chemical manufacturing, processing, compounding or treatment plants.
8. Cold storage plants.
9. Dairies.
10. Film laboratories.
11. Fire protection systems.
12. Hazardous waste storage and disposal sites.
13. Hospitals, medical buildings, sanitariums, clinics, morgues, mortuaries, autopsy facilities.
14. Industries using toxic substances.
15. Irrigation and sprinkler systems, separate from domestic systems, such as parks, playgrounds, cemeteries, golf courses, schools, estates.
16. Laundries and dye works.
17. Lawn sprinkling systems adjunct to domestic systems.
18. Metal manufacturing, cleaning, processing and fabricating plants.
19. Nursing or convalescent homes and clinics.
20. Oil and gas production, storage or transmission properties.
21. Paper and paper products plants.
22. Plating plants.
23. Power plants.
24. Printing and publishing facilities.
25. Radioactive material processing plants or nuclear reactors.
26. Research and analytical laboratories.
27. Rubber plants, natural and synthetic.
28. Sewage and storm drainage facilities—pumping stations.
29. Stockyards.
30. Waterfront facilities and industries.
31. Water loading stations. (Ord. No. 2.45 §6, 6-11-91)

SECTION 700.080: BACKFLOW PREVENTION DEVICES

- A. Any backflow prevention device required by this Article shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
 2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the water purveyor and shall appear on the current list of approved backflow prevention devices established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention devices approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Article. (Ord. No. 2.45 §7, 6-11-91)

SECTION 700.090: INSTALLATION

- A. Backflow prevention devices required by this Article shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical and prior to any other connection.
- C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing and where no part of the device will be submerged or subject to flooding by any fluid. (Ord. No. 2.45 §8, 6-11-91)

SECTION 700.100: INSPECTION AND MAINTENANCE

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Article are installed to have inspection, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
 3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.

- B. Inspections, tests and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention device tester.
- C. Whenever backflow prevention devices required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the water purveyor upon request.
- E. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the water purveyor. (Ord. No. 2.45 §9, 6-11-91)

SECTION 700.110: VIOLATIONS

- A. The water purveyor shall deny or discontinue, after fifteen (15) days' notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested and maintained in a manner acceptable to the water purveyor or if it is found that the backflow prevention device has been removed or bypassed or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the water purveyor. (Ord. No. 2.45 §10, 6-11-91)

ARTICLE III. LEAD-FREE MATERIALS FOR USE IN WATER SYSTEMS

SECTION 700.120: LEAD-FREE MATERIALS FOR USE IN WATER SYSTEMS

- A. All customer water systems, including residential, commercial and industrial systems, within the corporate limits of the City of Mount Vernon, Missouri, shall be constructed, expended, modified or repaired by use of lead-free materials only. This Section shall not apply to leaded points necessary for the repair of cast-iron pipes.
- B. If any water system within the City limits of the City of Mount Vernon, Missouri, contains materials that are not lead-free, then in that event the system shall be disconnected and removed from the public water system of Mount Vernon, Missouri. (Ord. No. 2.42 §§1-4, 10-11-88)

ARTICLE IV. WATER RATES

SECTION 700.130: WATER RATES

- A. *Rates Within The Corporate Limits.* On and after August 1, 2003, water rates for residential, non-residential and industrial service within the corporate limits of the City of Mount Vernon, Missouri, shall be as follows:

Residential:

Minimum monthly charge per dwelling unit	\$3.51	
Usage	\$1.99	per 1,000 gallons up to 50,000 gallons
	\$1.05	per 1,000 gallons over 50,000 gallons

Commercial:

Minimum monthly charge per dwelling unit	\$10.17	
Usage	\$1.99	per 1,000 gallons up to 50,000 gallons
	\$1.05	per 1,000 gallons over 50,000 gallons

Industrial:

Minimum monthly charge per dwelling unit	\$49.10	
Usage	\$1.99	per 1,000 gallons up to 50,000 gallons
	\$1.05	per 1,000 gallons over 50,000 gallons

- B. *Rates Outside The City Limits.* On and after August 1, 2003, water rates for service outside the City limits of the City of Mount Vernon, Missouri, shall be the same as set out in Section 700.130(A) hereinabove plus a monthly fee of twenty-seven dollars (\$27.00). (Ord. No. 13.47 §§1–2, 12-18-86; Ord. No. 13.63 §§1–3, 8-12-03)

ARTICLE V. WATER TAP CHARGES

SECTION 700.140: WATER TAP CHARGES FOR CONNECTING TO CITY WATER SUPPLY

Any person, firm, partnership, association or corporation desiring to connect residential or commercial property to the City water supply and mains shall pay to the City Clerk the sum of one hundred fifty dollars (\$150.00) cash for each three-fourths (¾) inch water tap and the City shall make the necessary water tap and extend the water line to the property line of said residential or commercial property and install the necessary meter and cutoffs and furnish all materials and labor for same. The City shall retain title to all materials, lines, meters and cutoffs required for each water tap. (Ord. No. 2.17 §1, 1-4-72)

CHAPTER 705: ELECTRICITY

ARTICLE I. REGULATING ELECTRIC SERVICE

SECTION 705.010: ELECTRIC SERVICE

On and after the effective date of this Section (August 26, 2003), electric service installations within the City of Mount Vernon, Missouri, shall conform to the following specifications and regulations:

.1. General conditions.

- a. The cost of all entrance and service equipment and its installation to the point of contact with the City's service drop shall be borne by the customer.
- b. In installations where a number of meters are required, each enclosed switch shall be plainly marked indicating the location it serves.
- c. All installations in regards to materials and methods shall be in accordance with the National Electric Code as adopted by the City of Mount Vernon, Missouri, subject to the following provisions of this Section.

d. Location of meters.

- 1) All meters shall be installed outdoors unless for good cause the Director of Public Works or competent person delegated by him/her shall approve an indoor installation. Where the outdoor meter is attached to the customer's premises, it shall be not more than six and one-half (6½) feet nor less than five (5) feet above the grade level or floor and shall be readily accessible. The meter cabinet and/or terminal enclosure shall be rigidly attached to a surface such that the meter will remain in a perpendicular position.
- 2) If, due to special approval by the Director of Public Works or competent person delegated by him/her, a meter is placed indoors, the following conditions shall apply:
 - a) Meters and metering equipment enclosed in a metal cabinet shall be installed not more than six (6) feet above the floor. The cabinet shall be rigidly attached to the surface so the meter will maintain a perpendicular position.
 - b) Self-contained poly-phase meters and entrance switches shall be installed not more than seven (7) feet nor less than four (4) feet above the floor. Provisions shall be made by the customer for attaching the meter rigidly to the surface so that it will maintain a perpendicular position.
 - c) Meters shall not be installed in bathrooms, toilet rooms, attics, parts of buildings usually kept locked or other locations not readily accessible.
 - d) Meters shall not be installed in places subject to excessive fumes, heat, dampness or other conditions detrimental to the operation of the meter.

.2. *Residential, commercial and industrial installations.*

- a. *Location of entrance.* The point of entry must be located on the part of the building or premises nearest the City's service lines. When entrance wiring is contemplated before the City's distribution system is extended to the customer's premises, the City must be notified so that it may specify the point of entrance.
 - b. *Pole-mounted underground services.* All meters and loops for pole-mounted underground services shall be placed on City utility poles unless special approval is given by the Director of Public Works or competent person delegated by him/her to place elsewhere. All service entrance conductors from the point of service connection at the weather-head to the main circuit breaker/disconnect in the meter cabinet shall be copper and sized as per the National Electric Code. They shall be contained in an intermediate or rigid steel conduit of not less than two (2) inches trade diameter. All service entrance conductors from the meter to the distribution panel located on or in the structure shall be installed in conduit. Sizing of the underground conduits, conduit material and conductors shall be in accordance with the National Electric Code, but in no case shall conduits be less than two (2) inches in trade size diameter. Maintenance of all meter loops, underground conduits and cables contained within them, from the point of service connection to the distribution panel, on or in the structure, shall be the responsibility of the owner.
 - c. *Pad-mounted meter cabinets and transformers.* All service entrance conductors from the main circuit breaker/disconnect at the meter to the distribution panel, located on or in the structure, shall be installed in conduit. Sizing of the underground conduits, conduit material and conductors shall be in accordance with the National Electric Code, but in no case shall conduits be less than two (2) inches in trade size diameter.
 - d. *Overhead services.* All meters and meter loops for overhead service connection shall be rigidly installed on the exterior of the structure. The conductors shall be contained within an intermediate or rigid steel conduit and shall be fitted with approved joints and weather head unless otherwise designated by the City. Sizing of the conduit shall be in accordance with the National Electric Code, but in no case be less than two (2) inches minimum in trade size diameter. This conduit shall extend through the roof with conductor clearances in accordance with the National Electric Code. Alternate methods, when required, shall be approved by the Director of Public Works. Conductors shall be copper from the point of service connection to the main circuit breaker/disconnect. Distribution panels inside the building, located more than three (3) feet in conduit length from the meter cabinet outside the building, are considered offset services and require the main breaker disconnect be located on the exterior of the building.
 - e. *Building branch circuit wiring.* All branch circuits shall be in copper and installed in accordance with the National Electric Code.
- .3. *Grounding.* All domestic, commercial and industrial electrical services shall be grounded at the point of entry to the structure with materials that are in accordance with the National Electric Code. (Ord. No. 2.31 §1, 7-13-82; Ord. No. 2.89 §§1–2, 8-26-03)

ARTICLE II. ELECTRICAL AND WATER SERVICE DEPOSITS**SECTION 705.020: DEPOSITS FOR ELECTRICAL AND WATER SERVICE****A. Residential.**

1. Any person occupying rented property in the City of Mount Vernon, Missouri, the same being heated by electricity, desiring the use of electricity or water or both electricity and water, shall deposit with the City Clerk the sum of one hundred forty dollars (\$140.00). Such amount shall be deposited before any service of electricity or water is commenced. All other persons occupying rented property in the City of Mount Vernon, Missouri, desiring the use of electricity or water or both electricity and water shall deposit with the City Clerk the sum of one hundred dollars (\$100.00). Such amount shall be deposited before any service of electricity or water is commenced.
2. The City Clerk shall keep in a separate book the names of all such persons making deposits, the amount deposited, and whether the electricity or water or both electricity and water and issue a receipt for such deposit. Upon discontinuance of any service of electricity or water or both, such amount deposited shall be refunded to the person making such deposit or his/her heirs, assigns or personal representatives, providing such person is not in arrears on any electricity or water account. Should the consumer be in arrears for any electricity or water account, such deposit shall be applied to such delinquent account. Any excess above such delinquent account shall be refunded to the consumer.

B. Commercial.

1. Any person, firm or corporation applying to the City of Mount Vernon, Missouri, for electrical and water service for commercial use, being the lessee and not the owner of the premises to be served, shall first deposit with the City Clerk a sum equal to twice the average monthly statement for electrical and water service for the preceding twelve (12) months, but in no event shall the amount deposited be less than eighty dollars (\$80.00).
2. If, for any reason, the City Clerk is unable to compute the average monthly statement for electrical and water service for the preceding twelve (12) months, then in that event the sum to be paid to the City Clerk shall be determined by comparing the commercial use to similar uses within the City limits of Mount Vernon, Missouri.
3. The City Clerk shall keep in a separate book the names of all such commercial users making deposits and the amount deposited; and the City Clerk shall issue a receipt for such deposit. Upon discontinuance of any service of electricity or water or both, such amount deposited shall be refunded to the commercial user providing such commercial user is not in arrears on any electricity or water account. Should the commercial user be in arrears for any electricity or water account, such deposit shall be applied to such delinquent account. Any excess above such delinquent account shall be refunded to the commercial user.
4. The term "*commercial user*" in this Article is defined as a user for commercial or business purposes, rather than wholly domestic purposes. (Ord. No. 13.59 §1, 2-9-99)

SECTION 705.030: COLLECTION OF ACCOUNTS, PENALTY FOR LATER PAYMENT, TERMINATION OF SERVICE FOR NON-PAYMENT AND ASSESSING A SERVICE CHARGE FOR RECONNECTION AND RESUMPTION OF SERVICE

- A. All electric and water accounts shall be due and payable on the first (1st) day of each month and shall become delinquent on the fifteenth (15th) day of the month, at which time a penalty of ten percent (10%) shall be added to the delinquent account.
- B. It shall be the duty of the City Collector, or other representative of the City charged with duly collecting or receiving payment for service, to notify each delinquent electric or water user that service will be discontinued within five (5) days. It shall also be the duty of the City Collector or other representative of the City to notify the Public Works Director of all electric and water accounts which are delinquent on the twentieth (20th) day of the month and it shall be the duty of the City Administrator to discontinue or cause to be discontinued all such delinquent accounts.
- C. Any person, firm or corporation having had service discontinued for non-payment of account for the second (2nd) time during any twelve (12) month period shall not again receive service until an additional deposit of one hundred dollars (\$100.00) has been paid to the City Collector or other representative of the City in addition to all payments due pursuant to paragraph (C) hereinabove; and any person, firm or corporation having had service discontinued for a third (3rd) time during any twelve (12) month period shall not again receive service until an additional deposit of two hundred dollars (\$200.00) has been paid to the City Collector or other representative of the City in addition to all payments due pursuant to paragraph (C) hereinabove. (Ord. No. 13.59 §2, 2-9-99; Ord. No. 13.61 §§1-2, 10-9-01)

ARTICLE III. ELECTRICAL ENERGY RATES

SECTION 705.040: ELECTRICAL ENERGY RATES

On and after May 1, 2003, electrical energy rates for residential, non-residential with demand, non-residential without demand to include those who use their home for a business and industrial service within the corporate limits of the City Of Mount Vernon, Missouri, shall be divided into the following schedules:

Residential:

Minimum per meter	\$10.00
Usage rate	
First 1,000 kwh	.0578/kwh
November through February all over 1,000 kwh	.0358/kwh

Non-Residential:

(without demand meters)

Minimum per meter	\$10.00
Usage rate	.0578/kwh

(with demand meters)

Minimum per meter	\$10.00
Demand charge	\$7.70
Usage rate	.0468/kwh

Industrial:

Minimum per meter	\$10.00
Demand charge	\$7.70
Usage rate:	

0 to 70,000 kwh	.0468/kwh
70,001 to 80,000 kwh	.0429/kwh
80,001 to 90,000 kwh	.0418/kwh
90,001 to 100,000 kwh	.0407/kwh
100,001 to 110,000 kwh	.0396/kwh
110,001 to 200,000 kwh	.0385/kwh
200,001 to 600,000 kwh	.0374/kwh
All in excess of 600,000 kwh	.0363/kwh

Industrial:

Minimum per meter	\$ 10.00
Demand charge	7.70
Usage rate:	

0 to 70,000 kwh	.0468/kwh
70,001 to 80,000 kwh	.0429
80,001 to 90,000 kwh	.0418
90,001 to 100,000 kwh	.0407
100,001 to 110,000 kwh	.0396
110,001 to 200,000 kwh	.0385
200,001 to 600,000 kwh	.0374
All in excess of 600,000 kwh	.0363

(Ord. No. 13.60 §1, 7-10-01; Ord. No. 13.62 §1, 4-22-03)

ARTICLE IV. MISCELLANEOUS PROVISIONS

SECTION 705.050: COMPLY WITH FEDERAL ENERGY REGULATORY COMMISSION REGULATIONS

- A. The City of Mount Vernon hereby undertakes to comply with all lawful regulations of the FERC codified in Subpart C of 18 CFR Part 292 dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of PURPA.
- B. The Public Works Director and the City Attorney are jointly and severally authorized and directed to file with the FERC a copy of this Article reflecting the City's compliance with 18 CFR Section 292.401(c). (Ord. No. 2.33 §§1-2, 10-11-83)

CHAPTER 710: SEWERS AND SEWAGE DISPOSAL

ARTICLE I. USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS

SECTION 710.010: DEFINITIONS

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

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C) expressed in milligrams per liter. The test procedure shall not utilize nitrification inhibitors.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (one and one-half (1.5) meters) outside the inner face of the building wall.

BUILDING OFFICIAL: The designated inspection official of the City or his/her authorized representative.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

CITY: The City of Mount Vernon, Missouri.

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

DIRECT DISCHARGES: The discharge of treated or untreated sewage directly to the waters of the State of Missouri.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of foods and from the handling, storage and sale of produce.

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.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INTERFERENCE: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both 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 any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions

and regulations or permits issued thereunder (or more stringent State or local regulations). Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT: Any dredged soil, 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 sanitary sewers.

ppm: Parts per million, the concentration of a material in pounds per million pounds of water (one (1) ppm = one (1) milligram/liter, mg/l).

PRIVATE SEWAGE DISPOSAL SYSTEM: A self-contained system which provides both treatment and disposal of sewage on an individual lot.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch (one and twenty-seven hundredths (1.27) centimeters) in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled by control authority.

RECEIVING STREAM: Any natural watercourse into which water, treatment plant effluent, combined sewer overflow or stormwater is discharged.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SEWER: A pipe or conduit for carrying sewage.

SHALL: Is mandatory; *MAY:* Is permissive.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED STORM SEWER): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

STORM SEWER: A sewer which carries storm and service waters and drainage, but excludes wastes or sewage and industrial waste, other than non-contact cooling water.

SUPERINTENDENT: The Superintendent of the Wastewater Treatment Plant of the City of Mount Vernon or his/her authorized deputy, agent or representative.

SUSPENDED SOLIDS: Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 2.48 §1, 12-8-92)

SECTION 710.020: USE OF PUBLIC SEWER REQUIRED

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Mount Vernon, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City of Mount Vernon, or in any area under the jurisdiction of the City, any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this Article and upon approval of the Missouri Department of Natural Resources.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provision of this Article within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. (Ord. No. 2.48 §2, 12-8-92)

SECTION 710.030: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 710.020(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Official. 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 are deemed necessary by the Building Official. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the City at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Official. 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 Building Official when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twelve (12) hours of the receipt of notice by the Building Official.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Missouri Department of Natural Resources (MDNR) and any requirements of the Plumbing Code adopted by the City. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 710.020(D), a direct connection shall be made to the public sewer in compliance with this Article and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal systems in a sanitary manner at all times at no expense to the City.
- G. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 2.48 §3, 12-8-92)

SECTION 710.040: BUILDING SEWERS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Official.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Building Official. A permit and inspection fee of twenty-five dollars (\$25.00) for a residential or commercial building sewer permit and one hundred dollars (\$100.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne

by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Official, to meet all requirements of this Article.
- F. The size, slope and alignment 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 Plumbing Code or other applicable rules and regulations of the City. The building sewer shall be ductile or cast iron or polyvinyl chloride (PVC) having a wall thickness no less than that of SDR 35 class pipe.
- G. 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.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.
- I. The connection of the building sewer into public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Building Official before installation.
- J. The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Official or his/her representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. No. 2.48 §4, 12-8-92)

SECTION 710.050: USE OF THE PUBLIC SEWERS

- A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any public sewer.
- B. Stormwater 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 Building Official and MDNR. Industrial cooling water of unpolluted process waters may be discharged, on approval of the Superintendent and MDNR, to a storm sewer or natural outlet.

- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
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, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in quantities sufficient to exceed limitations(s) set forth in a pretreatment standard, including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
 3. Any pollutant in a quantity which either singularly or by interaction with other wastes may cause acute worker health and safety problems, create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 4. Any waters or wastes having a pH lower than five and one-half (5.5) or exceeding nine and one-half (9.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 6. Any waters or wastes having (a) a five (5) day BOD greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%) of the average sewage flow of the City shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment plant or equipment, cause the City to violate its NPDES permit, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factor as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage

treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (sixty-five degrees Centigrade (65°C)) at the point before entering the public sewer or any sewage having a temperature which will result in a waste with a temperature at the introduction into the sewage works which exceeds one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade (40°C)) or which would cause interference at the sewage treatment plant.
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (zero degrees Centigrade (0°C) and sixty-five degrees Centigrade (65°C)).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (seventy-six hundredths (0.76) hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. 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.
8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment plant employed or are amenable to treatment only to such degree that the

sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters, such as NPDES permit requirements.

10. Any wastewater containing petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
 11. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.
- E. If any waters or wastes are discharged or are proposed to be discharged into the City's sewers which contain any quantity of substance having the characteristics described in this Section and/or are in violation of the standards of pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 403 - Pretreatment Standards, Federal Register Volume 46, No. 18, Wednesday, January 26, 1981, and any amendments thereto and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise may create hazard to life or constitute a public nuisance, the Superintendent may:
1. Reject the wastes, or
 2. Require, at the owner's expense, pretreatment facilities to reduce objectionable characteristics or constituents to within the maximum limits provided for in Subsection (D) of this Section and/or Federal or State pretreatment standards, and/or
 3. Require control over the quantities and rates of discharge by developing discharge limitations, and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (J) of this Section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

- I. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American, Public Health Association, the American Water Works Association and the Water Pollution Control Federation and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)
- J. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern. (Ord. No. 2.48 §5, 12-8-92)

SECTION 710.060: PRETREATMENT

Users shall provide necessary wastewater treatment as required to comply with all Federal categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations. Any State requirements and limitations on discharges shall apply to any case where they are more stringent than Federal requirements and limitations. 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 meeting Federal categorical pretreatment standards. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes. (Ord. No. 2.48 §6, 12-8-92)

SECTION 710.070: PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of damaging public property. (Ord. No. 2.48 §7, 12-8-92)

SECTION 710.080: POWERS AND AUTHORITY OF INSPECTORS

- A. The Superintendent, Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent, Building Official or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other

industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for water treatment.

- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Superintendent, Building Official or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 710.050(H).
- C. The Superintendent, Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 2.48 §8, 12-8-92)

SECTION 710.090: PENALTIES

- A. Any person found to be violating any provision of this Article except Section 710.070 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection (A) above, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violations shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. No. 2.48 §9, 12-8-92)

SECTION 710.100: APPLICABILITY

This Article shall apply to the City of Mount Vernon, Missouri, and to persons outside the City who are, by contract or agreement with the City, users of the City's sewage works. Except as otherwise provided within this Article, the Superintendent shall administer, implement and enforce the provisions of this Article. (Ord. No. 2.48 §10, 12-8-92)

ARTICLE II. COST FOR CONNECTION TO AND USE OF PUBLIC SEWER SYSTEM

SECTION 710.110: COST FOR CONNECTION TO AND USE OF PUBLIC SEWER SYSTEM

- A. No person living outside the City limits of the City of Mount Vernon, Missouri, shall be allowed

to connect to the public sewer system thereof until a hook-up fee in the amount of twenty-five dollars (\$25.00) is paid to the City of Mount Vernon, Missouri.

- B. Any person living outside the City limits of the City of Mount Vernon, Missouri, and not otherwise being served by the public water system thereof shall be required to pay a monthly fee in the amount of ten dollars (\$10.00) for continued use of the public sewer system. (Ord. No. 2.49 §§1–3, 5-11-93)

ARTICLE III. SEWER RATES

SECTION 710.120: SEWER RATES

On or after August 1, 2003, sewer rates for residential, commercial and industrial services within the corporate limits of the City of Mount Vernon, Missouri, shall be as follows:

Minimum monthly charge	\$4.08
Usage rate	\$1.94 per 1,000 gallons of metered water

(Ord. No. 13.54 §1, 12-10-91; Ord. No. 13.64 §§1–2, 8-12-03)

CHAPTER 715: SEWER SERVICE CHARGE

SECTION 715.010: PURPOSE

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the wastewater treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works. (Ord. No. 13.57 §1, 12-8-92)

SECTION 715.020: DEFINITIONS

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C) expressed in milligrams per liter (mg/l). (Test shall not utilize nitrification inhibitor.)

NORMAL DOMESTIC WASTEWATER: Wastewater that has a BOD concentration of not more than three hundred (300) mg/l and a suspended solids concentration of not more than three hundred (300) mg/l.

OPERATION AND MAINTENANCE: All expenditures during the useful life of the treatment works for materials, labor, utilities, billing, equipment replacement and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

RESIDENTIAL CONTRIBUTOR: Any contributor to the City's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

SHALL: Is mandatory; *MAY:* Is permissive.

SS (DENOTING SUSPENDED SOLIDS): Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TREATMENT WORKS: Any devices or systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions or alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the

storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

USEFUL LIFE: The estimated period during which a treatment works will be operated.

USER CHARGE: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

WATER METER: A water volume measuring and recording device furnished and/or installed and approved by the City of Mount Vernon. (Ord. No. 13.57 §2, 12-8-92)

SECTION 715.030: USER CHARGE ACCOUNTS

- A. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this Chapter.
- B. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in Section 715.040, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
 1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
 2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of twenty-four thousand dollars (\$24,000.00) annually.
- C. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustments of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. No. 13.57 §3, 12-8-92)

SECTION 715.040: ACTUAL USE RATE STRUCTURE

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meters acceptable to the City.
- B. For all contributors (residential, non-residential or industrial), monthly user charges will be based on water used during the current month.

If a commercial or industrial contributor has a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or a separate water meter installed and maintained at the contributor's expense and in a manner acceptable to the City.

- C. (Reference is made to Appendix A of this Chapter, on file in the City offices, and a report entitled "Proposed Sewer User Charge Ordinance—Mount Vernon, Missouri"; April 1992; Allgeier, Martin and Associates, Inc.)

Users within the corporate limits of the City of Mount Vernon, with the exceptions of the Missouri Rehabilitation Center, for whom service is available shall pay a user charge rate according to the following schedule:

Residential:

Minimum per dwelling unit	\$3.10	per month
Usage rate	\$0.93	per 1,000 gallons of metered water

Commercial:

Minimum	\$6.00	per month
Usage rate	\$0.93	per 1,000 gallons of metered water

Municipal:

Minimum	\$6.00	per month
Usage rate	\$0.93	per 1,000 gallons of metered water

Industrial:

Minimum	\$12.10	per month
Usage rate	\$0.93	per 1,000 gallons of metered water

- D. For the Missouri Rehabilitation Center, the sewer service charge shall be as set out in a separate agreement between the City and the Center, however, the charge shall in no case generate less than the amount generated by the rate established in Subsection (C) above for industrial users.
- E. The rates for sewerage services specified in Subsection (C) above shall be applicable solely to premises located within the corporate limits of the City. As to premises located outside the corporate limits of the City and serviced by the City's sewerage system, the rates hereinbefore specified shall be increased by an amount of seven dollars sixty-nine cents (\$7.69) per month per user.
- F. (Reference is made to Appendix A of this Chapter, on file in the City offices). For those users who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance

including replacement is:

\$0.093 per pound BOD in excess of three hundred (300) mg/l.

\$0.093 per pound SS in excess of three hundred (300) mg/l.

- G. Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user who discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.
- H. The user charge rates established in this Section apply to all users of the City's treatment works, regardless of their location. (Ord. No. 13.57 §4, 12-8-92)

SECTION 715.050: BILLING

- A. All water meters shall be read and bills for both water and sewerage services shall be rendered monthly or quarterly as such services accrue. The Superintendent shall calculate the amount of each bill for water service for the preceding period and shall add thereto the amount of such customer's bill for sewerage service computed as hereinbefore specified and shall render to each customer a single combined bill for such water and sewerage services.
- B. For persons liable for payment of a sewer service charge who obtain any water from any source other than the City's water system, the Superintendent shall each month obtain the total amount of water furnished such person or the preceding monthly period and shall calculate what would be the bill of the City for such water and shall then determine the amount of the sewerage service charge for such person, computed as aforesaid, and render a bill therefor.
- C. As used herein, the terms "*monthly*" or "*quarterly*" shall mean a preceding period of approximately one (1) month or three (3) months, respectively, beginning and ending as near the same day of the month as is practicable for the water meters of the City to be read. In reading said meters and in calculating the water bills and sewerage service charges aforesaid, the monthly or quarterly period shall extend from the time such meter was read for the preceding month or quarter to the date the same meter is read for a current month or quarter.
- D. A late payment penalty of ten percent (10%) of the user charge bill will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is thirty (30) days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. (Ord. No. 13.57 §5, 12-8-92)

SECTION 715.060: CITY TO REVIEW USER CHARGE SYSTEM

- A. The City will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the treatment works. (Ord. No. 13.57 §6, 12-8-92)

CHAPTER 720: WASTEWATER COLLECTION AND TREATMENT SYSTEM

ARTICLE I. GENERAL PROVISIONS

SECTION 720.010: DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

ACT OR THE ACT: The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

APPROVAL AUTHORITY: The Missouri Department of Natural Resources.

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 originates.

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 Centigrade (20°C) expressed in terms of concentration (e.g., mg/l).

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

CATEGORICAL STANDARDS: National Categorical Pretreatment Standards.

CITY: The City of Mount Vernon or the Board of Aldermen of the City of Mount Vernon.

CONTROL AUTHORITY: The term "control authority" shall refer to the City of Mount Vernon.

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.

ENVIRONMENT 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.

GRAB SAMPLE: A sample that 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.

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

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

INDUSTRIAL USER: A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, both 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 any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

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.

NATIONAL CATEGORICAL PRETREATMENT STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD: Any regulation containing prohibitive discharge limits established pursuant to 40 CFR, Section 403.5.

NEW SOURCE: 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 the building, structure, facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or 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.

- .1. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the preceding criteria, but otherwise alters, replaces or adds to existing process or production equipment.
- .2. Construction of a new source, as defined herein, has commenced if the owner or operator has begun or caused to begin as part of a continuous on-site construction program any placement, assembly or installation of facilities or equipment; or 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 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 definition.

PASS THROUGH: A discharge that exits the POTW into waters of the State in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, 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.

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

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

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

PRETREATMENT 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 or other means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PRETREATMENT STANDARD OR STANDARDS: Prohibited discharge standards, categorical pretreatment standards and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) that is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

SEPTIC TANK WASTE: Any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

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

SHALL: Is mandatory; *MAY:* Is permissive.

SIGNIFICANT INDUSTRIAL TRIAL USER:

- .1. A user subject to categorical pretreatment standards; or
- .2. A user that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent (5%) 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. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8 (f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NON-COMPLIANCE: An industrial user whose violation meets one (1) or more of the following criteria:

- .1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- .2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = one and four-tenths (1.4) for BOD, TSS, fats, oil and grease and one and two-tenths (1.2) for all other pollutants except pH);
- .3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- .4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 720.080 of this Chapter to halt or prevent such a discharge;

- .5. Failure to meet, within ninety (90) days after the schedule 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) days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- .7. Failure to accurately report non-compliance;
- .8. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD OR SLUG: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 720.040 of this Chapter.

STATE: State of Missouri.

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, 1987.

STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT: The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Chapter 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.

TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency 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.

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

WASTEWATER CONTRIBUTION PERMIT OR WASTEWATER DISCHARGE PERMIT: As set forth in Section 720.180 of this Chapter.

WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations 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. (Ord. No. 2.51 §1.2, 11-14-95)

SECTION 720.020: PURPOSE AND POLICY

- A. This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Mount Vernon 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 Chapter are:
1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the 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;
 4. To provide for equitable distribution of the cost of the municipal wastewater system.
 5. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.
- C. This Chapter 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 Chapter shall apply to the City of Mount Vernon and all users of the POTW, including all persons outside the City who are, by contract or agreement with the City, users of the City POTW. This Chapter is a supplement to Ordinance No. 248 as amended. Except as otherwise provided herein, the General Superintendent of the City of Mount Vernon POTW shall administer, implement and enforce the provisions of the ordinance. (Ord. No. 251 §1.1, 11-14-95)

SECTION 720.030: ABBREVIATIONS

The following abbreviations shall have the designated meanings:

<i>BOD</i>	Biochemical Oxygen Demand
<i>CFR</i>	Code of Federal Regulations
<i>COD</i>	Chemical Oxygen Demand
<i>EPA</i>	Environmental Protection Agency
<i>l</i>	Liter
<i>mg</i>	Milligrams
<i>mg/l</i>	Milligrams per liter
<i>NPDES</i>	National Pollutant Discharge Elimination System
<i>POTW</i>	Publicly Owned Treatment Works
<i>SIC</i>	Standard Industrial Classification

SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC United States Code
TSS Total Suspended Solids

(Ord. No. 2.51 §1.3, 11-14-95)

ARTICLE II. REGULATIONS

SECTION 720.040: GENERAL DISCHARGE PROHIBITIONS

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operation 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 any other national, State or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
1. Any liquids, solids or gases that, 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, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21. 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.
 2. Solid or viscous substances that 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 hobs, waste paper, wood, plastics, gas, tar, asphalt 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 five (5.0) 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 singly 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 to 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 that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 6. Any substance that 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. 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; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

7. Any substances that 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 that 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 that exceeds forty degrees Centigrade (40°C) (one hundred four degrees Fahrenheit (104°F)).
 10. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities 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 that causes a hazard to human life or creates a public nuisance.
 13. Any wastewater containing petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
 14. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.
- B. When the Superintendent determines that a user(s) 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 may:
1. Advise the user(s) of the impact of the contribution on the POTW; and/or
 2. Develop a program for user compliance that will accomplish the objectives of the ordinance as stated in Section 720.020 (B)(1), (2) and (3).

Users contributing prohibited substances to the POTW in violation of this Section shall be subject to enforcement action, whether or not the Superintendent advises the user of the impact of the contribution and develops a compliance program. (Ord. No. 2.51 §2.1, 11-14-95)

SECTION 720.050: NATIONAL CATEGORICAL PRETREATMENT STANDARDS

- A. The National Categorical Pretreatment Standards, located in 40 CFR, Chapter I, Subchapter N, Parts 405–471 are hereby incorporated into this Chapter.

- B. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. No. 2.51 §2.2, 11-14-95)

SECTION 720.060: MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS

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 as demonstrated 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 then 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. (Ord. No. 2.51 §2.3, 11-14-95)

SECTION 720.070: STATE REQUIREMENTS

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 Chapter. (Ord. No. 2.51 §2.4, 11-14-95)

SECTION 720.080: LOCAL DISCHARGE STANDARDS

In addition to the prohibitions of Section 720.040, no user shall discharge any wastewater containing toxic pollutants that exceed specific local standards to the extent that said local standards are more stringent than State or Federal standards, requirements or limitations. Specific local standards shall be developed for all SIUs and other users, as appropriate, by the Superintendent by allocating between those users the total allowable industrial pollutant loads as determined by a plant headworks calculations. (Ord. No. 2.51 §2.5, 11-14-95)

SECTION 720.090: CITY'S RIGHT OF REVISION

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 720.020 of this Chapter. (Ord. No. 2.51 §2.6, 11-14-95)

SECTION 720.100: EXCESSIVE DISCHARGE

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 any Federal, State or local pretreatment standard or requirement. (Ord. No. 2.51 §2.7, 11-14-95)

SECTION 720.110: ACCIDENTAL DISCHARGES—SLUG LOADS

- A. Each user shall provide protection from slug loads, as defined in Section 720.040(A)(10) of this Chapter, and from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent slug loads and 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 for construction of the facility. No user who commences contribution to the POTW after the effective date of this Chapter shall be permitted to introduce pollutants into the system until accidental discharge/slug load 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 the requirements of this Chapter. In the case of an accidental discharge or a slug load, 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 or a slug load, the user shall submit to the Superintendent a detailed written report 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 that 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 that may be imposed by this Chapter or other applicable law. (Ord. No. 2.51 §2.8, 11-14-95)

SECTION 720.120: NOTIFICATION OF CHANGED DISCHARGE

All users of the POTW shall provide the Superintendent of notification prior to any planned introduction of new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced to the POTW. (Ord. No. 2.51 §2.9, 11-14-95)

SECTION 720.130: NOTIFICATION OF HAZARDOUS WASTE DISCHARGE

All users shall notify in writing the City, the State and EPA of any discharge that would be considered a hazardous waste if it were disposed of in a different manner. (Ord. No. 2.51 §2.10, 11-14-95)

SECTION 720.140: 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 insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 2.51 §2.11, 11-14-95)

ARTICLE III. FEES**SECTION 720.150: PURPOSE**

It is the purpose of this Chapter 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 set forth in the City's schedule of charges and fees. (Ord. No. 2.51 §3.1, 11-14-95)

SECTION 720.160: CHARGES AND FEES

- A. 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;
 3. Fees for reviewing accidental discharge procedures and construction;
 4. Fees for permit applications;
 5. Fees for filing appeals;
 6. Fees for consistent removal by the City for pollutants otherwise subject to Federal pretreatment standards;
 7. Other fees as the City may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the City. (Ord. No. 2.51 §3.2, 11-14-95)

ARTICLE IV. ADMINISTRATION**SECTION 720.170: WASTEWATER DISCHARGERS**

It shall be unlawful to discharge without a City permit to any natural outlet within the City of Mount Vernon or any area under the jurisdiction of said City and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Chapter. (Ord. No. 2.51 §4.1, 11-14-95)

SECTION 720.180: WASTEWATER CONTRIBUTION PERMITS

- A. *General Permits.* All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) (optional) days after the effective date of this Chapter.

- B. *Permit Application.* Users required to obtain a wastewater contribution permit shall complete and file with the City an application in the form prescribed by the City. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this Chapter 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 a baseline monitoring report containing the following information, in units and terms appropriate for evaluation:
1. Name, address and location (if different from the address);
 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
 3. Wastewater constituents and characteristics, including, but not limited to, those mentioned in Article II of this Chapter, 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. Measured average and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams;
 - b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
 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 that are or could be discharged;
 8. Where known, the nature and concentration of any pollutants in the discharge that are limited by any City, State or Federal pretreatment standards and a statement reviewed by an authorized representative of the user and certified by a qualified professional, indicating whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 9. If additional pretreatment and/or O and M 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) 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 to construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
10. Each product produced by type, amount, process or processes and rate of production;
 11. Type and amount of raw materials processed (average and maximum per day);
 12. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 13. A list of any environmental control permits held by or for the facility;
 14. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

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.

- C. *Permit Modifications.* Within ninety (90) days of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users 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, the user shall apply for a wastewater contribution permit in accordance with Section 720.180(B) within ninety (90) 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 ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Section 720.180(B)(8) and (9).
- D. *Permit Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this Chapter 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 tests and reporting schedule;
 6. Compliance schedules;
 7. Requirements for submission of technical reports or discharge reports (see Section 720.190);
 8. Requirements for maintaining and retaining plant records relating to the requirements of this Chapter for a minimum of three (3) years or as may be extended by the City;
 9. Requirements for prior notification of the City of 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 loads per Section 720.110 of this Chapter;
 11. Statement of duration pursuant to Section 720.180(E) of this Chapter;
 12. Statement of non-transferability pursuant to Section 720.180(F) of the Chapter;
 13. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines;
 14. Other conditions as deemed appropriate by the City to ensure compliance with this Chapter.
- E. *Permit Duration.* Permits 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 one hundred eighty (180) 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 Article II 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.
- F. *Permit Transfer.* 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. (Ord. No. 2.51 §4.2, 11-14-95)

SECTION 720.190: REPORTING REQUIREMENTS FOR PERMITTEE

- A. *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not,

what additional O and M and/or pretreatment is necessary to bringing the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

B. *Periodic Compliance Reports.*

1. All significant industrial users shall, at a frequency determined by the Superintendent, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows of the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 720.190(C) of this Chapter. At the discretion of the Superintendent and in consideration of such factors as local high and 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 who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitation is appropriate. In such cases, the report required by subparagraph (1) of this Subsection 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 that are limited by the applicable pretreatment standards.

C. *Signatory Requirements.* The reports required in Section 720.180 and Section 720.190 of this Chapter shall be signed by an authorized representative of the user and certified by a qualified professional. All reports shall include the certification statement set forth in 40 CFR, Part 403.6(a)(2)(ii).

D. *Resampling Requirement.* If sampling and analysis performed by the user indicates a violation of pretreatment standards, the user shall notify the City 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 City within thirty (30) consecutive calendar days after becoming aware of the violation. The City is authorized to undertake enforcement action if a user fails to comply with this requirement. (Ord. No. 2.51 §4.3, 11-14-95)

SECTION 720.200: MONITORING FACILITIES

- A. *Monitoring Facilities.* 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. (Ord. No. 2.51 §4.4, 11-14-95)

SECTION 720.210: INSPECTION AND SAMPLING

The City shall inspect the facilities of any user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and reproduction of records required by this Chapter or for the performance of any of its duties. The City 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 that would require proper identification and clearance before entry onto the 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 EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. No. 2.51 §4.5, 11-14-95)

SECTION 720.220: PRETREATMENT

- A. Users shall provide necessary wastewater treatment as required to comply with this Chapter 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 Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- B. The City shall annually publish in the largest daily newspaper published in the municipality a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements.
- C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Ord. No. 2.51 §4.6, 11-14-95)

SECTION 720.230: COMPLIANCE SCHEDULES

The City shall have the authority to require users to develop a compliance schedule pursuant to Section 720.180(B)(9) of this Chapter where installation of pretreatment facilities or additional O and M is required to meet applicable pretreatment standards or requirements. (Ord. No. 2.51 §4.7,

SECTION 720.240: TEST PROCEDURES

All analyses related to the requirements of this Chapter shall be performed in accordance with

procedures established by the Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutants in question or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutants in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Superintendent or other parties, approved by the Administrator. (Ord. No. 2.51 §4.8, 11-14-95)

SECTION 720.250: CONFIDENTIAL INFORMATION

- 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 or production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report that 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 Chapter, the national pollutant discharge elimination system (NPDES) permit, State disposal system permit and/or the pretreatment programs; provided however, that 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. (Ord. No. 2.51 §4.9, 11-14-95)

ARTICLE V. ENFORCEMENT

SECTION 720.260: HARMFUL CONTRIBUTIONS

- 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 that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, threatens to interfere with the operation of 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 and endangerment to any individuals. The City shall reinstate the wastewater contribution 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. (Ord. No. 2.51 §5.1, 11-14-95)

SECTION 720.270: REVOCATION OF PERMIT

The City is authorized to revoke a user's permit in order to end all undesirable new or increased discharges. Furthermore, any user who violates the following conditions of this Chapter or applicable State and Federal regulations is subject to having his/her permit revoked in accordance with the procedures of Article V of this Chapter.

- .1. Failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;
- .2. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- .3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
or
- .4. Violation of conditions of the permit. (Ord. No. 2.51 §5.2, 11-14-95)

SECTION 720.280: NOTIFICATION OF VIOLATION

Whenever the City finds that any user has violated or is violating this Chapter, wastewater contribution permit or any prohibition, limitation of 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. (Ord. No. 2.51 §5.3, 11-14-95)

SECTION 720.290: SHOW CAUSE HEARING

- A. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:
 1. Issue in the name of the Board of Aldermen 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 Board of Aldermen for action thereon.

- C. At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded stenographically. 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 Board of Aldermen 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 are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. No. 2.51 §5.4, 11-14-95)

SECTION 720.300: LEGAL ACTION

If a user in any way violates provisions of this Chapter, pretreatment standards or 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. (Ord. No. 2.51 §5.5, 11-14-95)

ARTICLE VI. PENALTY COSTS

SECTION 720.310: CIVIL PENALTIES

Any user who is found to have violated an order of the Board of Aldermen or who failed to comply with any provision of this Chapter and the orders, rules, regulations and permits issued hereunder shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each 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 Chapter or the orders, rules, regulations and permits issued hereunder. (Ord. No. 2.51 §6.1, 11-14-95)

SECTION 720.320: FALSIFYING INFORMATION

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 Chapter or wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or both. (Ord. No. 2.51 §6.2, 11-14-95)

