METROPOLITAN ST. LOUIS SEWER DISTRICT

ORDINANCE NO. 12559

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ORDINANCE NO. 12559

AN ORDINANCE repealing and superseding Ordinance No. 8472, adopted August 14, 1991, and enacting in lieu thereof an ordinance regulating the use of residential and non-residential, public and private sewers, drains, and wastewater pretreatment and treatment systems and the discharge of waters and wastes into the District's system; and providing penalties for the violation thereof.

WHEREAS, it is deemed necessary in the interest of public health and welfare to reasonably regulate the discharge of certain substances, and

WHEREAS, regulation and inspection are necessary because certain substances may damage or interfere with the operation of the District's wastewater and storm water systems and related appurtenances or interfere with the wastewater treatment processes or pose a hazard to the public or to District employees if discharged into the District's wastewater system, or pass through the treatment facilities and impair water quality of the waters of the State or contaminate the sludge, or impair air quality through emissions of air pollutants, it is deemed necessary, therefore, to preclude or limit certain substances from entering said wastewater and storm water systems.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT

ARTICLE I - PURPOSE AND OBJECTIVES

Section One - Purpose of Ordinance.

The purpose of this Ordinance is to comply with State and Federal laws and to protect the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of residential and nonresidential wastewater, industrial wastes, storm water, and other wastes discharged into the District's wastewater system, storm water system and watercourses.

Section Two - Objectives.

The objectives of this Ordinance are:

A. To prevent the introduction of pollutants into the wastewater and storm water systems which may damage or interfere with the operation of the systems.

B. To prevent the introduction of pollutants into the wastewater and storm water systems which may interfere with treatment and pollution control processes.

C. To prevent the introduction of pollutants into the wastewater and storm water systems which will pass through the systems inadequately treated into watercourses, or the atmosphere, or otherwise be incompatible with the systems.

D. To prevent the introduction of pollutants into the wastewater and storm water systems which will interfere with sludge and solids management options.

E. To prevent the introduction of pollutants into the wastewater and storm water systems which will create a hazard to District employees or the public, adversely affect public health and welfare or adversely impact the environment.

F. To prevent the introduction of pollutants into the storm water system and watercourses which will interfere with beneficial uses and/or achievement of applicable State and Federal water quality standards.

ARTICLE II - DEFINITIONS

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

1. ASTM means the American Society for Testing and Materials.

2. BOD_5 (Biochemical Oxygen Demand) means the quantity of oxygen utilized in 5 days in the biochemical oxidation of carbonaceous and nitrogenous compounds and certain inorganic materials in water or wastewater using the procedures in 40 CFR 136 and expressed in milligrams per liter.

3. BUILDING SEWER means a sewer extension from a building or an industrial process to the District sewer or other place of disposal.

4. BYPASS means the intentional diversion of waste streams from any portion of a user's sewer system, treatment facility or pretreatment facility or other control facility.

5. CATEGORICAL PRETREATMENT STANDARDS or CPS means any regulation containing pollutant discharge limits or requirements promulgated by the EPA at 40 CFR Chapter One, Subchapter N, Parts 405 through 471 (as amended), in accordance with Section 307(b) and (c) of the Clean Water Act, and which apply to a specific category of industrial user. Users subject to categorical standards are also subject to the general pretreatment standards.

6. CERCLA means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and all amendments thereto.

7. CFR means Code of Federal Regulations as published by the Office of the Federal Register, National Archives and Records Administration.

8. Clean Water Act or CWA means the Federal Water Pollution Control Act of 1972 and all amendments thereto.

9. COD (Chemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of organic and oxidizable inorganic matter in water or wastewater using the procedures in 40 CFR 136 and expressed in milligrams per liter.

10. COMBINED SEWER means a pipe or conduit designed and intended to receive and convey wastewater, storm water including roof and street drainage, unpolluted water and cooling water.

11. COMBINED SEWER OVERFLOW means a discharge that occurs from a combined sewer into waters of the State when the flow in the combined sewer exceeds the capacity of the combined sewer or flow regulation facility due to wet weather conditions.

12. COMMERCIAL CENTRALIZED WASTE TREATMENT FACILITY or CWT means a facility (other than a landfill or an incinerator) which treats or stores aqueous wastes generated by facilities not located on the site of the CWT and which disposes of these wastes by discharging them into the District's wastewater system.

13. COMPOSITE SAMPLE means a sample made up by combining individual grab samples collected within a 24 hour period. For all pollutants subject to composite sampling requirements, 24 hour flow proportional composite samples shall be obtained when feasible. If

the user demonstrates that a collection period less than 24 hours is representative of the user's daily operations, then the Director may allow collection of composite samples covering a representative period less than 24 hours. If the user demonstrates that flow proportional composite samples are not feasible, then the Director may allow collection of time proportional composite samples. In no case may a composite sample be made from fewer than four grab samples. In all cases the individual grab samples must be adequately spaced so as to ensure a sample that is representative of the user's daily operations.

14. COOLING WATER means the water discharged from any system of condensation, air conditioning, cooling, refrigeration, industrial cooling process, or other cooling system which uses or generates water during operation.

15. CSR means Code of State Regulations as published by the Missouri Secretary of State.

16. DAILY AVERAGE VALUE means the result of analysis for a particular pollutant in a composite sample of a discharge collected within a time period not greater than 24 hours, except that a grab sample may be used in place of a composite sample under circumstances as specified in Article X, Section Two, Subsection B.

17. DIRECTOR means the Executive Director of The Metropolitan St. Louis Sewer District, or his duly authorized representative.

18. DISCHARGE PERMIT means a permit issued by the District to a user for a discharge of wastewater or storm water into the District's system.

19. DISTRICT means The Metropolitan St. Louis Sewer District.

20. DISTRICT'S SYSTEM or SYSTEM means the entire system of

sewers, drainage facilities, combined sewers, sanitary sewers, separate storm sewers, storm water systems and wastewater systems owned and operated by the District.

21. DRAINAGE FACILITY means any system of artificially constructed drains, including open channels, whether lined or unlined, and separate storm sewers used to convey storm water, surface water or groundwater. A drainage facility may also convey effluent discharged pursuant to an NPDES permit when such use is approved by the Director.

22. EPA means the United States Environmental Protection Agency.

23. GARBAGE means any refuse accumulation of solid animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of food and from the handling, storage and sale of produce.

24. GENERAL PRETREATMENT STANDARDS means any regulations containing pollutant discharge limits or requirements applicable to all industrial users, promulgated by EPA in 40 CFR Chapter One, Subchapter N, Parts 401 through 403 (as amended), in accordance with Section 307(b) and (c) of the Clean Water Act.

25. GRAB SAMPLE means an individual sample collected in less than fifteen (15) minutes.

26. GROUNDWATER means any water pertaining to, formed, or occurring underneath the surface of the earth.

27. HAULED WASTE means any waters or liquid wastes which have been removed and transported from any pit, sump, holding tank, septic tank, sewage treatment plant or industrial facility for discharge to

discharge to the District at designated points as regulated by applicable Ordinances.

28. INDUSTRIAL USER means any person who discharges into the District's wastewater system from any source regulated under Section 307(b), (c) or (d) of the Clean Water Act or from any source listed in Division A, B, C, D, E or I of the Standard Industrial Classification Manual or from any solid waste disposal operation such as, but not limited to landfills, recycling facilities, solid or hazardous waste handling or disposal facilities, and CWTs.

29. INDUSTRIAL WASTE means the water-borne wastes, including contaminated cooling water, from industrial processes, as distinct from sanitary wastewater.

30. INFECTIOUS WASTE means any waste which contains pathogens with sufficient virulence and in sufficient quantity so that exposure to the waste by a susceptible host could result in an infectious disease. Such wastes include, but are not limited to:

(1) Isolation wastes generated by hospitalized patients who have communicable diseases capable of being transmitted via those wastes;

(2) Surgical, dialysis and laboratory wastes contaminated in the process of caring for hospital patients who have communicable diseases capable of being transmitted via those wastes;

(3) Cultures and stocks of infectious agents and associated biologicals;

(4) Blood and blood products known or suspected to be contaminated with a transmissible infectious agent;

(5) All pathology and autopsy wastes, including those from animals contaminated with infectious agents capable of being transmitted to humans; and

(6) All discarded sharps including hypodermic needles, syringes, and scalpel blades that have come in contact with material considered infectious.

31. INSTANTANEOUS VALUE means the result of analysis for a particular pollutant in a grab sample, except that the result of analysis for a particular pollutant in a grab sample shall be the Daily Average Value under circumstances as specified in Article X, Section Two, Subsection B.

32. INTERFERENCE means the inhibition or disruption of the District's wastewater system or operations or its processing, use or disposal of sludge, by a user's discharge which alone or in conjunction with other discharges, causes, or contributes to the inhibition or disruption and which: (a) causes a violation of any requirement of a District NPDES Permit (including an increase in the magnitude or duration of a violation); or (b) prevents the use or disposal of sludge by the District in compliance with any of the following Statutes and Regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act (TSCA) or any more stringent State or local regulations. A user may be deemed to have caused or contributed to interference as defined above, if the user:

(1) Directly prior to or during the interference discharged a pollutant concentration or a daily pollutant loading in excess

of that allowed by District Ordinance or permit or by Federal, State, or local law, or

(2) Directly prior to or during the interference discharged wastewater which substantially differed in nature and constituents from the user's normal average discharge; and

(3) Knew or had reason to know that its discharge, alone or in conjunction with discharges from other users, would result in interference, or

(4) Knew or had reason to know that the District was, due to interference, violating its final effluent limitations in its NPDES permit and that the user's discharge either alone or in conjunction with discharges from other users, would increase the magnitude or duration of the District's violations.

33. LONG TERM AVERAGE means an average volume or rate of discharge or average mass of pollutant discharge or average rate of production based on actual levels of production or operation over an extended period of time sufficient to capture the normal range of variations in production or operation. A long term average should be based on a minimum of one recent year's historical data, if available, or upon well documented projections if such data are not available.

34. NEW SOURCE means any new 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 CWA which will be applicable to the source if promulgated; or after an alternative date contained in the promulgated standards, provided:

provided:

(1) Construction is at a site where no other source is located; or

(2) Construction totally replaces a process or production equipment that caused a discharge of pollutants at an existing source; or

(3) The new production or wastewater generating processes are substantially independent of an existing source at the site.

Construction is deemed to have commenced if there has been any placement, assembly or installation of components, significant site preparation work, or entry into binding contractual obligations for the purchase of components which are intended to be used in the new operation within a reasonable period of time.

Construction at an existing site results in a modification, not a new source, if it alters, replaces, or adds to existing processes or production equipment, but does not totally replace them, or if the resulting production or wastewater generating processes are not substantially independent of the existing source.

35. NON-RESIDENTIAL means all property other than residential property, including but not limited to, industrial, commercial and semi-public.

36. NORMAL WASTEWATER means wastewater which, prior to any treatment, contains not more than 300 milligrams per liter of suspended solids and has a BOD_5 not greater than 300 milligrams per liter, and a COD not greater than 600 milligrams per liter.

37. NPDES PERMIT means a permit issued under the National Pollutant Discharge Elimination System pursuant to Section 402 of the

the Clean Water Act for a discharge into waters of the State.

38. OUTFALL means any point of discharge into a watercourse, or other body of surface or groundwater.

39. PASS THROUGH means a discharge of a pollutant from a District treatment plant into waters of the State when such discharge causes a violation of any requirement of the District's NPDES permit, or a violation of a State or Federal water quality standard or increases the magnitude or duration of any violation and which is the result of a user's discharge of the pollutant either alone or in conjunction with other user's discharges of the pollutant into the District's wastewater system. A user may be deemed to have caused or contributed to pass through as defined above, if the user:

(1) Directly prior to or during the pass through discharged a pollutant concentration or a daily pollutant loading in excess of that allowed by District Ordinance or permit or by Federal, State, or local law, or

(2) Directly prior to or during the pass through discharged wastewater which substantially differed in nature and constituents from the user's normal average discharge; and

(3) Knew or had reason to know that its discharge, alone or in conjunction with discharges from other users, would result in pass through, or

(4) Knew or had reason to know that the District was, due to pass through, violating its final effluent limitations in its NPDES permit and that the user's discharge either alone or in conjunction with discharges from other users, would increase the

the magnitude or duration of the District's violations.

40. PERSON means any individual, firm, proprietorship, partnership, company, association, public or private corporation, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the State or Federal government, or any other legal entity.

41. pH means the intensity of the basic or acidic condition of a solution using the procedures in 40 CFR 136 and expressed in standard units (s.u.). A standard unit is the negative logarithm (base 10) of the hydrogen ion activity in a solution at a given temperature.

42. POINT SOURCE means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged.

43. POLLUTANT means any substance which, alone or in combination with other substances, if discharged to waters of the State in sufficient quantities, causes or is reasonably certain to cause any alteration of the physical, chemical or biological properties of such waters; or to create a nuisance; or to 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 any organism, aquatic life, plant or animal.

44. PRETREATMENT means the reduction or elimination of pollutants or the alteration of the nature of pollutant properties in

in wastewater to a more acceptable state prior to discharge to the District's wastewater system.

45. PRIVATE SEWER means a sewer within the boundaries of the District but not owned or controlled by the District.

46. PROBLEM DISCHARGE means any upset, slug discharge, bypass, spill or accident which does or may result in a discharge into the District's system or into a watercourse of a prohibited substance as listed in Articles IV and V; or of a regulated substance in excess of limitations as listed in Article V; or of a regulated substance in excess of limitations established in any permit issued to the user by the District or any NPDES permit issued to the user, and which may: (a) cause interference or pass through; or (b) contribute to a violation of any requirement of the District's NPDES permit; or (c) cause violation of any State or Federal water quality standard.

47. PRODUCTION BASED DISCHARGE LIMITATION means a pollutant limitation which is expressed in terms of allowable mass discharge of pollutant per unit of production. In order to determine compliance with such a limitation, the actual discharge rate and the actual production rate at the time of sampling must be known.

48. RCRA means the Federal Resource Conservation and Recovery Act of 1976 and all amendments thereto.

49. RESIDENTIAL means property used only for human residency and shall include subdivisions, single family dwellings, two family dwellings, and multifamily dwellings.

50. RESPONSIBLE CORPORATE OFFICER means a president, secretary, treasurer or vice president in charge of a principal business function, or any other person who performs similar policy or decision

or decision making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

51. SANITARY SEWER means a pipe or conduit designed and intended to receive and convey wastewater as defined herein.

52. SANITARY WASTEWATER means wastewater emanating from the sanitary conveniences, including toilet, bath, laundry, lavatory, and/or kitchen sink, of residential and non-residential sources, as distinct from industrial waste.

53. SEMI-PUBLIC means a governmental, institutional, educational or municipal property.

54. SEPARATE STORM SEWER means a pipe, conduit, conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) designed and intended to receive and convey storm water, as defined herein and which discharges to waters of the State and which is not part of the combined sewer system. A separate storm sewer may also convey effluent discharged pursuant to an NPDES permit when such use is approved by the Director.

55. SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

56. SEWER means a pipe or conduit for conveying wastewater,

storm water or cooling water or other disposed wastes.

57. SHALL is mandatory; MAY is permissive.

58. SIGNIFICANT NEW OR INCREASED DISCHARGE means:

(1) Any discharge from a new process or facility or a new source.

(2) Any increase in volume or rate of discharge from an existing process or facility when the new long term average daily volume or rate of discharge will exceed the previous long term average by 20% or more.

(3) Any addition of a priority pollutant or a toxic pollutant not previously present or suspected in the user's discharge.

(4) Any addition of a hazardous waste subject to, but not previously reported under the reporting requirements in Article VIII, Section Nine of this Ordinance.

(5) Any increase in mass of an existing regulated pollutant when the new long term average daily mass discharge of that pollutant will exceed the previous long term average by 20% or more.

(6) Any addition of a new pollutant or any increase in mass of an existing pollutant when the discharge of such pollutant may cause or contribute to interference or pass through.

(7) Any new batch discharges when previous discharges from an existing source occurred on a continuous basis.

59. SIGNIFICANT NONCOMPLIANCE means that violations of this Ordinance by a user subject to pretreatment standards meet one or more of the following criteria:

(1) Chronic Violation: 66% or more of all measurements taken

for the same pollutant during a six month period exceeded (by any magnitude) the applicable limit, standard or requirement, including instantaneous limits;

(2) Technical Review Criteria (TRC) Violation: 33% or more of all measurements taken for the same pollutant during a six month period equaled or exceeded the product of the applicable limit, standard or requirement, including instantaneous limits times the applicable TRC. (For categorical pretreatment limitations the TRC equals 1.4 for BOD_5, TSS and Oil and Grease; and 1.2 for all other pollutants except pH. For District limitations, the same TRCs apply except there is no TRC for BOD_5 and TSS.);

(3) An effluent violation caused interference or pass through or endangered the health of District personnel or the general public;

(4) A discharge caused imminent endangerment to human health, welfare or to the environment and resulted in the District exercising its emergency authority under Article IX, Section Three of this Ordinance;

(5) Failure to meet a compliance schedule milestone or action item date within ninety (90) days after the scheduled date;

(6) Failure to submit a required report within thirty (30) days of its due date;

(7) Failure to perform required self-monitoring;

(8) Failure to accurately report noncompliance; or

(9) Any other violation or group of violations which the Director determines may cause interference or pass through or

will adversely affect implementation of the District's pretreatment program.

60. SLUG DISCHARGE means a discharge of a non-routine, occasional nature of any pollutant released at a flow rate and/or concentration which may cause interference as defined herein. A slug discharge may occur as the result of a pollutant release from a batch operation or a spill or any accidental discharge.

61. STANDARD INDUSTRIAL CLASSIFICATION MANUAL or SIC MANUAL means the latest edition of said publication issued by the Executive Office of the President, Office of Management and Budget.

62. STATE means the state of Missouri.

63. STORM WATER means rainfall runoff, snow melt runoff and surface runoff and drainage.

64. STORM WATER SYSTEM means the entire system of combined sewers and separate storm sewers, operated by the District, for the collection, storage and treatment of storm water to serve the needs of the District and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements made thereto or as may be acquired by the District.

65. SURFACE WATER means all water appearing on the land surface as distinguished from groundwater and including water appearing in watercourses, lakes, and ponds.

66. SYSTEM (See definition of District's System).

67. TOTAL OIL AND GREASE means the total of all materials recoverable in a sample as a substance soluble in the procedure solvent using the procedures in 40 CFR 136 and expressed in

milligrams per liter. These materials include the Solvent-Extractable-Materials (Polar-Materials) and the Silica-Gel-Treated-Solvent-Extractable-Materials (Non-Polar-Materials). Total Oil and Grease is synonymous with the terms "Oil and Grease-Total Recoverable" and "n-hexane extractable material (HEM)" as used in 40 CFR 136. Oil and grease includes fatty acids, soaps, fats, oils, waxes and petroleum products.

68. TOTAL SUSPENDED SOLIDS (TSS) means all matter in water, wastewater, or other liquids; that is retained on a filter using the procedures in 40 CFR 136 and expressed in milligrams per liter. Total Suspended Solids is also known as Nonfilterable Residue (NFR).

69. TOTAL TOXIC ORGANICS (TTO) means the summation of all quantifiable values greater than .01 mg/l for the applicable toxic organics included in the listing in 40 CFR 401.15 of toxic pollutants identified pursuant to Section 307(a)(1) of the Clean Water Act as determined using the analytical techniques specified in 40 CFR 136 and expressed in milligrams per liter. For discharges subject to categorical pretreatment standards, the list of organics to be included in the TTO is contained in the applicable standard. For the local TTO limit specified in Article V, Section Two, Subsection C of this Ordinance, the organics to be included in the TTO are all of those from the list in 40 CFR 401.15 which are or may be present in the discharge.

70. TOXIC SUBSTANCE means any substance which alone or in combination with other substances, when discharged to a wastewater system, storm water system or watercourse in sufficient quantities, interferes with any biological wastewater treatment process, or,

either through direct exposure or through indirect exposure by ingestion through the food chain, interferes with the normal life processes of any organism, aquatic life, plant or animal or causes adverse human health impacts. Toxic substances include, but are not limited to pollutants listed as toxic in 40 CFR 401.15 pursuant to section 307(a)(1) of the CWA and those listed as toxic in sludge pursuant to section 405(d)(2) of the CWA.

71. TREATMENT means the reduction or elimination of pollutants in wastewater or storm water prior to discharge to waters of the State.

72. UNPOLLUTED WATER means any water that may be discharged under NPDES regulations into waters of the State without having to be authorized by a NPDES permit and which will not cause any violations of State or Federal water quality standards.

73. UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment or treatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment or treatment facilities, lack of preventive maintenance, or careless or improper operation.

74. USER means any person who discharges, or causes the discharge of wastewater into the District's wastewater system or who discharges or causes the discharge of storm water or any NPDES permit regulated effluent or any other waste into the District's storm water system or any person served by the District's system.

75. WASTE means any material other than unpolluted water which

is accidentally or purposely discarded into the District's system.

76. WASTEWATER means the water-borne wastes, industrial waste and/or sanitary wastewater as defined herein, emanating from residential and non-residential sources together with such groundwater, surface water, or storm water as cannot be avoided.

77. WASTEWATER SYSTEM means the entire sanitary sewer system, including combined sewers, owned and operated by the District for the collection, storage and treatment of wastewater to serve the needs of the District and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto made or acquired by the District. The District's wastewater system is a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Part 122 and is therefore subject to all provisions of State and Federal regulations applicable to POTWs.

78. WATERCOURSE means a natural or manmade surface drainage channel or body of water (including a lake or pond) in which a flow of water occurs, either continuously or intermittently.

79. WATERS OF THE STATE means all rivers, streams, lakes and other bodies of surface water and groundwater lying within or forming a part of the boundaries of the State which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the State.

ARTICLE III - DISTRICT AND NON-DISTRICT

WASTEWATER AND STORM WATER SYSTEMS

Section One - Approval Required.

Except as hereinafter provided, no person shall make any connection to the District's system or install any residential or nonresidential wastewater treatment facility, pretreatment facility or other facility intended or used for treatment, pretreatment or control of wastewater or storm water, without the approval of the Director and subject to the provisions of Article VII of this Ordinance.

Section Two - Connection of New Premise.

Unless prohibited or exempted by other provisions of this Ordinance, any person who develops within the District a property or structure which will produce any wastewater or storm water which must be disposed of, shall discharge such wastewater or storm water into the District's system in compliance with this Ordinance and with all rules, regulations and specifications of the District as filed in the office of the Secretary-Treasurer of the District.

Section Three - Connection of Existing System.

Within ninety (90) days after a District sanitary sewer becomes available to a property served by an existing residential or non-residential wastewater system a direct connection shall be made to the District sewer in compliance with this Ordinance and with all rules, regulations and specifications of the District as filed in the office of the Secretary-Treasurer of the District. A sanitary sewer shall be considered available if it is within two hundred (200) feet of any legal boundary of the property to be connected to the sewer and if the sewer and receiving treatment plant can, by design,

design, properly convey and treat the wastes to be discharged. Any septic tank, cesspool, lagoon, or other residential, or non-residential wastewater treatment facility shall be abandoned and filled with suitable material as per applicable District Ordinances and/or State or local regulations or shall be removed unless such system is to be used for pretreatment or control of wastewater prior to discharge to the District's wastewater system.

Section Four - Non-District System Required.

When connection to a District sanitary sewer is prohibited by other provisions of this Ordinance or when the Director determines that connection to a sanitary sewer is not feasible or when a District sanitary sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to a residential, or non-residential pollution control system approved by the Director and complying with the provisions of this Ordinance and with applicable local, State and Federal regulations.

ARTICLE IV - CONTROL OF POLLUTANT DISCHARGES TO SEPARATE STORM SEWERS AND WATERCOURSES

Discharges to the District's separate storm sewers enter waters of the State directly or after conveyance through the District's system and are subject to NPDES permit regulations. All users shall comply with the provisions of this article to ensure that discharges from the District's separate storm sewers do not violate conditions of any of the District's NPDES permits or of any NPDES permit regulations, including storm water discharge regulations, or cause any violations of State or Federal water quality standards.

Section One - Prohibited Discharges to Separate Storm Sewers and Watercourses.

A. No person shall discharge any wastewater treatment plant effluent, cooling water, unpolluted water or any other water that is not composed entirely of storm water as defined in Article II into any separate storm sewer or watercourse unless such discharge is authorized by an NPDES permit or is exempt from NPDES permit regulations, is not otherwise prohibited by this Ordinance, and the discharge is in compliance with all provisions of any NPDES permit authorizing the discharge, and does not cause or contribute to a violation of water quality standards or cause or contribute to a violation of any of the District's NPDES permit conditions or constitute a nuisance or hazard to the public.

B. No person shall discharge or cause to be discharged into any separate storm sewer or watercourse any storm water associated with industrial activity as defined in 40 CFR 122.26(b)(14) or any storm water associated with small construction activity as defined in 40 CFR 122.26(b)(15) or any other wastewater discharge subject to NPDES permit regulations unless the discharge is in compliance with all applicable provisions of the NPDES storm water regulations in 40 CFR 122.26 and any applicable State regulations and is in compliance with the terms and conditions of any system-wide storm water discharge permit issued to the District pursuant to those regulations or the terms and conditions of any other NPDES permit issued to the District.

C. No user shall discharge storm water from a storm water management facility approved by the District that the Director

determines is not installed, operated or maintained according to the property's District-approved agreement or plan for that storm water management facility.

D. No user shall initiate a significant new or increased discharge above the levels contained in the authorization to discharge to any separate storm sewer or watercourse without first complying with the reporting provisions of Article VIII, Section Six and until having received approval from the Director subject to the provisions of Article VI, of this Ordinance.

E. A user shall report to the Director, in accordance with the provisions of Article VIII, Section Eight of this Ordinance, any problem discharges as defined in this Ordinance or any other discharges to a separate storm sewer or watercourse that are not in compliance with NPDES or District permit conditions.

Section Two - Flow Obstruction and Illegal Dumping Prohibited.

A. No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained approval from the Director.

B. No person shall place or deposit into any outfall, drainage facility, separate storm sewer or watercourse within the District any garbage, trash, yard waste, animal waste, soil, rock or similar material, or any other substance which obstructs flow in the system or damages the system or interferes with the proper operation of the system or which negatively impacts water quality or constitutes a nuisance or a hazard to the public or which causes or contributes to a violation of water quality standards or is a violation of

applicable State, Federal or local regulations. In the event that such an obstruction or illegal dumping occurs, the Director may cause such obstruction or waste to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of Article IX, Section Six of this Ordinance.

ARTICLE V - CONTROL OF POLLUTANT DISCHARGES TO SANITARY AND COMBINED SEWERS

Pollutants which are discharged to the District's sanitary or combined sewers enter waters of the State from District treatment plant outfalls or combined sewer overflow outfalls after conveyance through the District's system and are therefore subject to NPDES permit regulations. All users of the system shall comply with the prohibitions and standards of this article to ensure that discharges from the District's outfalls do not violate conditions of the District's NPDES permits, or cause any violations of State or Federal water quality standards.

Section One - Prohibited Substances.

A. No person shall discharge or cause to be discharged into any sanitary or combined sewer any of the following substances:

1. Any substance in a quantity or concentration which may cause interference or pass through as those terms are defined in Article II of this Ordinance, or cause violations of State or Federal water quality standards in a receiving watercourse, or may otherwise endanger life, limb, or property or constitute a public nuisance.
2. Any flammable or explosive substance which creates an

atmosphere within the wastewater system which exceeds ten percent of the Lower Explosive Limit (LEL) as designated by the National Fire Protection Association except for excursions allowed pursuant to the continuous monitoring provisions in Article X, Section Two, Subsection C; or which causes the discharge into the District's sewer to have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius). Closed cup flashpoints shall be determined using the test methods specified in 40 CFR 261.21.

3. Any wastes which can create corrosive conditions capable of causing damage or hazard to structures, equipment or personnel of the wastewater system. Such wastes include, but are not limited to:

(1) Those which cause the pH of a discharge to be less than 5.5 , unless the user can show that all parts of the District's system which will be subject to the lower pH are designed to accommodate such discharge and the discharge will not cause violations of other prohibitions in this section and except for excursions allowed pursuant to the continuous monitoring provision in Article X, Section Two, Subsection C); and

(2) Those wastes which contain oxidizable chemical compounds (such as sulfide, sulfite and nitrite) in sufficient quantities to create corrosive conditions in the system.

4. Any solids or any substances that will solidify or become

discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius) or any other substances in quantities capable of causing obstruction to flow within the District's treatment plants or sewers, including any obstruction within the combined sewer system which causes or contributes to a combined sewer overflow.

5. Any garbage containing particles larger than one-half inch in any dimension or particles which will not be carried freely under the flow conditions of the sewer.
6. Any wastewater or any pollutant released at a flow rate and/or concentration which will cause interference with the operation of the wastewater system.
7. Heat in amounts which will cause interference with the operation or maintenance of the wastewater system, but in no case heat in such quantities that the temperature at the headworks of the District's treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit).
8. Any water or waste which by itself or by interaction with other materials, emits toxic gases, vapors or fumes into the atmosphere of any area of the wastewater system at levels in excess of Permissible Exposure Limits (PEL) established for air-borne contaminants by the Occupational Safety and Health Administration (OSHA) or Threshold Limit Values (TLV) established by the American Conference of Governmental Industrial Hygienists (ACGIH).
9. Any trucked or hauled wastes except as authorized by District Ordinance, and in compliance with the provisions

of this Ordinance. In no case may trucked or hauled wastes include any hazardous wastes as defined in 40 CFR Part 261 or in 10 CSR 25-4.261.

10. Any wastes which are highly colored, such as, but not limited to concentrated dye wastes, tannin or spent tanning solutions at concentrations which cause discoloration of District equipment or which cause the effluent from the District's plant to have an objectionable color.

11. Any petroleum based oil or grease, nonbiodegradable cutting oil or product of mineral oil origin except those which unavoidably enter the user's waste stream as a normal constituent of wastewater from processes or equipment which use or process such materials or through contact with areas contaminated with such materials. In no case may such materials be discharged in quantities or concentrations which will cause interference or pass through.

12. Any infectious wastes, except those wastes which are authorized for disposal into sanitary sewers under State regulations 10 CSR 80-7.010 and 19 CSR 30-20.011 or more stringent local regulations.

13. Any radioactive material, except those wastes which are authorized for disposal into sanitary sewers under applicable State and Federal regulations and which the District finds acceptable and is specifically authorized by the Director. Excreta from individuals undergoing medical

medical diagnosis or treatment with radiological materials shall be exempt from this prohibition. Any radioactive material discharged to the wastewater system must be readily soluble (or readily dispersible biological material) in water. Radioactive materials discharged from each user to the sewers tributary to each of the District's treatment plants shall be limited as follows:

(1) For users subject to licensing by the Nuclear Regulatory Commission:

5 curies Hydrogen-3

1 curie Carbon-14

1 curie for all other radioactive materials combined

(2) For all other users:

1 curie for all radioactive materials combined

14. Any substance in quantities which either alone or in combination with other wastes results in the formation within the wastewater system of any malodor, foam, or other condition which is capable of creating a public nuisance or hazard to life or interferes with operation and maintenance of the system.

15. Any wastewater resulting from activities involving regulated asbestos containing materials as defined in 40 CFR 61.141 unless first filtered prior to discharge using filters of appropriate pore size, as directed by State or local asbestos control agencies, or as authorized by the Director.

16. Any wastewater released at a flow rate which will surcharge

surcharge any part of the District's system or other user's sewer systems to the extent that the surcharge interferes with the proper operation or maintenance of the District's system or causes or has the potential to cause wastewater to flow into other user's premises.

17. Any non-biodegradable wastes, such as, but not limited to metal, glass, plastic or expanded polystyrene whether shredded or whole, in a quantity or form which is capable of creating a public nuisance or hazard to life or interferes with operation or maintenance of the system.

Section Two - Discharge Limitations.

A. Applicability.

(1) The limitations for quantities and/or concentrations of pollutants contained in this section apply to all users who discharge to the District's wastewater system.

(2) The limitations contained in this section or derived pursuant to the provisions of this section, are "not to exceed" values. Any analytical result, obtained using the methods prescribed in Article X, section Two of this Ordinance, is a violation of the limitation, subject to the reporting provisions in Article VIII, Section Four, Paragraph F if the result exceeds the limitation by any amount. If a result is reported as "less than" a detection limit, where the detection limit is greater than the limitation, the result is subject to the reporting provisions of Article VIII, Section Four, Paragraph G.

B. Categorical Pretreatment Standards: Any industrial user having

process waste streams which are subject to any Federal categorical pretreatment standards either currently in effect or promulgated or modified after the effective date of this Ordinance shall comply with the requirements of such standards. All categorical pretreatment standards established pursuant to 40 CFR Chapter One, Subchapter N, are hereby incorporated by reference and are fully enforceable under this Ordinance the same as if fully set out herein. Limitations established in such standards shall apply to the treated effluents or, if no treatment is provided, to the untreated effluents from the processes regulated by the standard, unless otherwise specified by the standard. When the limits in a categorical pretreatment standard are production based, the Director may convert the limits to equivalent mass or concentration for purposes of calculating effluent limitations applicable to individual users. Where regulated process effluents can not be sampled prior to mixing with other waste streams, alternative limits for the mixed effluent may be established by the Director using the combined waste stream formula subject to the provisions of 40 CFR 403.6(e). All users subject to categorical pretreatment standards are also obligated under Federal law to comply with the District's discharge limitations specified in subsection C of this section. When a pollutant in a user's discharge is subject to both a limit from a categorical pretreatment standard and a District limit at the same sampling point, the most strict limit shall apply.

C. District Limitations: At the point of discharge from the user's property to the District's wastewater system, all users shall comply

with the following limitations. Separate limitations apply for discharges to the District's plants with outfalls to the Mississippi and Missouri Rivers (Large Rivers) and for plants with outfalls to all other streams (Small Rivers).

Parameter*	Daily Average Limit**		Instantaneous Limit**	
	Large Riv.	Small Riv.	Large Riv.	Small Riv.
Antimony	0.5	0.5	1.5	1.5
Arsenic	0.4	0.3	1.2	0.9
Barium	10.0	10.0	30.0	30.0
Beryllium	0.4	0.1	1.2	0.3
Cadmium	0.7	0.07	1.2	0.21
Chromium	5.0	5.0	15.0	15.0
Copper	2.7	0.7	4.5	2.1
Cyanide, Amenable	0.4	0.1	1.2	0.3
Iron	150.0	25.0	450.0	75.0
Lead	0.4	0.2	0.6	0.6
Mercury	0.01	0.01	0.03	0.03
Nickel	2.3	1.0	4.1	3.0
Total Oil & Grease	200	200	200	200
Phenolic Compounds	7.0	7.0	21.0	21.0
Selenium	0.2	0.2	0.6	0.6
Silver	0.5	0.5	1.5	1.5
Zinc	3.0	3.0	9.0	9.0

Total Toxic Organics Shall not exceed 5.844 mg/l at any time.
Temperature Shall not exceed 140°F (60°C) at any time.***
pH Shall be in the range of 5.5 to 11.5 s.u. at all times.***

* Total substance (dissolved plus suspended).
** All units are milligrams per liter unless otherwise noted.
*** Excursions may be allowed pursuant to the continuous monitoring provisions of Article X, Section Two, Subsection D.

D. More Restrictive Standards: The Director shall establish limits on the volume and concentration of contributions from users which are more strict than or in addition to those specified in this Section

Section when the Director determines such action is necessary to ensure that the aggregate discharges to the sewers tributary to any segment of the District's system do not cause:

(1) Interference or pass through,

(2) Violations of the District's NPDES permit conditions,

(3) Violations of any State or Federal water quality standards,

(4) Danger to life, limb or property,

(5) Local nuisance conditions, or

(6) Air emissions or any other environmental releases from the District's system in excess of the limits and requirements of applicable State, Federal and local regulations.

When the Director determines it is necessary to establish more strict or additional limits under the provisions of this subsection, the Director shall advise the users affected by the change and shall require the users to develop within a reasonable period of time, compliance schedules or management plans or to take such other action as may be necessary to achieve the goals of this subsection.

Section Three - Restrictions.

A. New or Increased Discharges: A user shall not initiate a significant new or increased discharge without first complying with the reporting provisions of Article VIII, Section Six and until having received approval from the Director subject to the provisions of Article VI, of this Ordinance.

B. Upsets: In the event of an upset, as defined in this Ordinance, the user shall take all feasible steps to control production or discharges so as to minimize the extent or duration of any

noncompliance until the condition causing the upset is mitigated or an alternative method of maintaining compliance approved by the Director is provided. The user shall also comply with the reporting requirements of Article VIII, Section Eight of this Ordinance.

C. Dilution Prohibited: Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no user shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for pretreatment required to comply with the provisions of this Ordinance.

D. Bypassing: No industrial user may bypass any portion of its pretreatment facilities except when necessary to perform essential maintenance and then only if the bypass will not result in a violation of applicable pretreatment standards or requirements. Any other pretreatment facility bypass is prohibited unless:

(1) The bypass is unavoidable to prevent loss of life, personal injury or severe property damage;

(2) There are no feasible alternatives to the bypass; and

(3) In the event of an anticipated bypass, advance notice is provided to the Director.

Any pretreatment facility bypass shall be reported to the Director in accordance with the provisions of Article VIII, Section Eight of this Ordinance.

E. Prohibited Discharges to Sanitary Sewers: No person shall discharge or cause to be discharged into any sanitary sewer any:

(1) Storm water, surface water, or groundwater,

(2) Roof runoff,

(3) Excessive infiltration or inflow,

(4) Cooling water which is from a non-contact once-through operation and which is not treated prior to or during use, or

(5) Unpolluted water,

except that; (a) any water listed above which contains pollutants regulated by this Ordinance may be discharged when approved by the Director subject to any pretreatment, flow control or other control measures and monitoring procedures as determined by the Director, and, (b) small volumes of otherwise excluded cooling water may be discharged provided such discharge does not violate any other provisions of this Ordinance.

F. Open Connections Prohibited: No person constructing or repairing a sanitary sewer, or any building sewer connected to a sanitary sewer shall leave such sewer open, unsealed, or incomplete in a manner which will permit storm water, groundwater, or surface water to enter any District sanitary sewer. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection.

ARTICLE VI - AUTHORITY TO PROHIBIT OR REGULATE DISCHARGES

Section One - Control Alternatives.

A. If any wastewater or storm water is discharged, is proposed to be discharged or could be discharged into the District's system, the Director, in order to ensure compliance with the provisions of this Ordinance or with State or federal regulations, may take one or more of the following actions:

1. Prohibit the discharge,

2. Require pretreatment to a condition acceptable for discharge into the wastewater system,
3. Require treatment to a condition acceptable for discharge into a separate storm sewer, drainage facility or watercourse.
4. Require controls on the quantities and rates of discharge,
5. Require payment to cover added costs of handling and treating the wastes not covered by existing fees or user charges,
6. Require the development of compliance schedules for meeting any applicable treatment or pretreatment standard, or storm water discharge standard or any requirement of this Ordinance,
7. Require the submission of reports necessary to assure compliance with any applicable treatment or pretreatment standard, or storm water discharge standard, or any requirement of this Ordinance,
8. Require the user to obtain a discharge permit from the District.
9. Carry out all inspections, surveillance, and monitoring necessary to determine compliance with any applicable treatment or pretreatment standard, storm water discharge standard or any requirement of this Ordinance,
10. Require submission of management plans for the control of accidental discharges or slug discharges,
11. Require submission of management plans to control pollutants entering the wastewater and/or separate storm

water system,

12. Require sampling and analysis of discharges and reporting of the results,

13. Seek remedies for noncompliance by any user as provided in Article IX of this Ordinance, and/or

14. Terminate service.

B. When considering the above alternatives, the Director shall ensure that the District is in compliance with all State and Federal requirements and limitations. The Director shall also take into consideration the cost effectiveness, economic impact of each alternative on the user and the District, and any other factors relevant to the situation.

Section Two - Variances.

A. Categorical Pretreatment Standards: Requests for variances from categorical pretreatment standards shall be made directly to the Missouri Department of Natural Resources (MDNR) in accordance with the provisions of 40 CFR 403.13. One copy of such a variance application and its supporting documentation shall be provided to the Director no later than the date of submittal to MDNR.

B. District Standards: Requests for variances from the District's limitations or requirements contained in this Ordinance shall be made in writing to the Director on a form provided by the Director. The Director may approve or deny a variance application in full or in part and shall set time limits for the duration of the variance. No variance may be approved for a time period longer than five (5) years. Variances shall contain such conditions as the Director determines necessary to ensure compliance with this Ordinance and

with any State or Federal regulations. The Director will notify the applicant in writing of his decision within sixty (60) days of receipt of a completed application. Variances from District standards may be approved only where:

(1) The alternative limit or requirement is no less stringent than justified by the factors presented for consideration; and

(2) The alternative limit or requirement will not result in a violation of the prohibitions in Article V, Section One; and

(3) The alternative limit or requirement will not result in an adverse non-water quality environmental impact; and

(4) The alternative limit or requirement will not violate any applicable State, Federal or local regulations; and

(5) Compliance with the standard would result in either (a) a removal cost that can not be justified for the size and/or nature of the discharge, or (b) an adverse non-water quality environmental impact.

C. Hauled Wastes: When a variance from a District limitation is sought for discharge of a hauled waste subject to the provisions of applicable District Ordinances, the Director may approve or deny the request solely on the basis of the information contained in the application for special discharge and an analysis of the waste to be hauled using the criteria in subsection B above.

D. Variance Modification or Revocation: The Director may revoke a variance after thirty (30) days notice to the user for cause including, but not limited to, the following causes:

(1) A violation of any term or condition of the variance.

(2) A misrepresentation or failure to fully disclose all

relevant facts in obtaining a variance.

(3) A determination by the Director based upon additional information, that a variance is no longer appropriate.

The Director may modify a variance after thirty (30) days notice to the user following a determination by the Director that the circumstances under which the variance was granted have changed and a modification is necessary to ensure compliance with the conditions stated in subsection B of this Section.

E. Variance Renewal: A user may request renewal of a variance from District standards by submitting a new variance application at least 180 days prior to the expiration date of the existing variance. The application for renewal must meet the same criteria as set forth in Subsection B of this Section for an original application and must be based on conditions at the time of re-application.

Section Three - Discharge Permits.

A. Permit Required: The Director may require that a user obtain a permit to discharge into the District's wastewater system or storm water system. Such judgment shall be made based upon data contained in the User Questionnaire or in other reports required pursuant to Article VIII of this Ordinance or resulting from sampling or investigations performed by the District or as required by State or Federal regulations.

1. Within 60 days of being notified by the Director that a permit is required, the user shall submit a permit application on a form provided by the Director complete with all supplementary information as specified on the application form and as specified in the Director's notification. The Director shall promptly review the

application and shall advise the applicant of any deficiencies. The Director shall issue or deny the permit within 90 days of receipt of a complete application, including all supplementary information required. Should the applicant fail to correct application deficiencies within a reasonable period of time, the Director may proceed to issue or deny the permit within 90 days of his last request for information.

2. Any user who has been issued a discharge permit shall apply for renewal of that permit at least 180 days prior to the expiration date contained therein. The District shall process permit renewal applications on the same basis as a first time application. Any user who fails to submit a timely application for permit renewal will be subject to enforcement action as provided in Article IX of this Ordinance.

3. No user who has been required to submit a permit application may continue to discharge into the District's system after the date of a permit denial.

4. The terms and conditions of a permit are automatically continued past its expiration date and remain fully enforceable pending issuance of a new permit if: (a) The permittee has submitted a timely and sufficient application for renewal; and (b) The District is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit; and (c) The permittee is not in significant noncompliance with the terms and conditions of the previous permit on its expiration date.

5. Any user who has been issued a discharge permit shall comply with all of the terms and conditions of that permit until the

effective date of any changes in those terms or conditions as contained in a permit modification, revision, renewal or termination in accordance with the provisions of this article.

B. Change in or Termination of Discharge:

1. A permittee shall not significantly increase the average daily volume, or flow rate of discharge or add any significant new pollutants or significantly increase the discharge of existing pollutants set forth in a permit without first having secured an amendment to the permit unless the permit conditions authorize such increase or additions without an amendment. A permittee shall notify the Director of any proposed significant new or increased discharge in accordance with the provisions of Article VIII, Section Six. If required by the Director, the permittee shall submit a new permit application for the discharge and shall not commence the new or increased discharge until a revised permit has been issued.

2. Whenever any discharge covered by a permit is permanently eliminated, or when it has been determined, using the criteria in Subsection A of this Section, that a permit no longer is required, the existing permit will be terminated or modified upon verification by the Director.

C. Permits not Transferable: A permit may not be transferred or reassigned. When a property covered by a discharge permit is sold or otherwise transferred to a new owner, the new owner shall apply for a new permit at least ten (10) days prior to the transfer and shall agree to abide by all of the conditions and terms of the previous owner's permit until the Director issues a new permit or denies the application.

D. Permit Conditions: The Director shall include conditions and terms in each permit to ensure compliance with the provisions of this Ordinance and with applicable State and federal regulations. Conditions may include, but are not limited to:

1. Limits on rate, time, and characteristics of discharge or requirements for flow regulation and equalization;
2. Installation and maintenance of inspection, flow measurement, and sampling facilities, including access to such facilities;
3. Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, recording of data, and reporting schedule;
4. Treatment or pretreatment standards and requirements;
5. Schedules for development and/or implementation of management plans, drawings and specifications, construction of necessary facilities or process changes, including schedules for reporting progress toward meeting these requirements;
6. Submission of self-monitoring reports and other reports as required pursuant to this Ordinance;
7. Effective date and termination date. No permit will be issued for a time period longer than five (5) years.
8. Special service charges or fees pursuant to applicable Ordinances;
9. Any other conditions to ensure compliance with this Ordinance and with applicable requirements of State and Federal regulations.

10. Authority to revoke for cause.

E. Permit Revocation: The Director may revoke a permit after thirty (30) days notice to the user for cause including, but not limited to, the following causes:

(1) A violation of any term or condition of the permit.

(2) A misrepresentation or failure to fully disclose all relevant facts in obtaining a permit.

F. Permit Modifications: In addition to other provisions in this Section the Director may modify a permit:

(1) After thirty (30) days notice to the user following promulgation of new State, Federal or local regulations to ensure compliance with the effective dates contained in any such new regulations.

(2) After thirty (30) days notice to the user following receipt of information which the District determines requires additional or more strict limitations or permit conditions. The permittee may waive the 30 day notice in writing.

(3) Without prior notice to make technical corrections or modifications which do not result in more strict limitations or conditions for the permittee.

Section Four - Special Agreements.

When necessary to provide for proper treatment of wastewater or storm water, the Director may enter into special agreements or arrangements with a user to accept wastewater or storm water into the District's system at other than the usual discharge points or to accept wastewater or storm water of unusual strength or character for special treatment, subject to any special discharge conditions or

or payments or user charges as may be applicable.

ARTICLE VII - TREATMENT, PRETREATMENT AND DISCHARGE CONTROL FACILITIES

Section One - Facilities Required.

A. Treatment, pretreatment or discharge control facilities shall be provided for discharges to the District's system when required by State or Federal regulations or when, in the judgement of the Director, such facilities are necessary to ensure compliance with the provisions of Articles III through VI of this Ordinance or for the control of pollutants which are contained or may be contained in any of the user's discharges or for the prevention or control of slug discharges or spills. All such facilities shall be located so as to be readily accessible for maintenance and inspection.

B. Interceptors or traps for oil, grease, grit, or other harmful or flammable substances which can be trapped, shall be provided when required by the Director. Such interceptors or traps shall not be required for private dwelling units. (1) All interceptors and traps shall be operated and maintained in a manner which prevents the trapped substances from being discharged into the wastewater system, storm water system, or any watercourse.

(2) Degreasers, enzymes and similar substances which act to temporarily emulsify or suspend oil or grease shall not be introduced into any interceptor or trap designed to capture and retain oil or grease.

(3) Products or processes which do not act to temporarily

emulsify or suspend oil or grease may be used as long as the discharge from the facility using the products or processes complies with the oil and grease limitations contained in Article V, Section Two of this Ordinance as documented by appropriate sampling and analyses.

C. Spill containment facilities shall be provided when required by State or Federal regulations or when, in the judgement of the Director, such facilities are necessary for the containment of any raw materials, products, wastes or other potential pollutants used or stored on the user's premises in such locations that a spill of the material may enter into the District's system or a watercourse and cause interference or pass through or cause violations of the District's NPDES permit or cause violations of State or Federal water quality standards.

D. Storm water treatment or control facilities shall be provided when required by State or Federal regulations or when, in the judgment of the Director, such facilities are necessary for the treatment or control of storm water which has or may come into contact with any raw materials, products, wastes or other potential pollutants used or stored on the user's premises in such locations that storm water flowing through or running off the user's premises may contact such materials and may convey pollutants therefrom into the District's system or a watercourse and cause interference or pass through or cause violations of the District's NPDES permit or cause violations of State or Federal water quality standards.

Section Two - Drawings and Specifications.

Drawings, specifications, and any other pertinent engineering data

relating to proposed wastewater treatment or pretreatment facilities, holding tanks, grease, oil and grit interceptors, spill control or containment facilities or other facilities to be utilized in the treatment, pretreatment, or control of wastewater or storm water discharged to any sewer or watercourse within the District, shall be submitted to the Director for approval. All plans and specifications shall be prepared by a registered professional engineer, licensed in the State of Missouri, except this requirement may be waived on a case by case basis by the Director for facilities which will not become part of the system owned or operated by the District. Construction of facilities shall not be started until said drawings and specifications have been approved by the Director through issuance of a construction permit or other written approval.

Section Three - Construction Approvals.

A. Construction Permit: Before starting construction of any residential, or non-residential wastewater system, treatment facility, or drainage facility or any connection to the District's system, the owner thereof shall first obtain a construction permit from the Director. The application for such permit shall be made on a form furnished by the Director. Fees for plan review, connection, permits and inspections shall be paid to the District in accordance with applicable Ordinances. The Director shall either issue or deny the requested permit within 90 days after submittal of the application.

B. Construction Approval: Before starting construction of any pretreatment facility or any other facility not included under Subsection A of this Section for the control of wastewater or storm

water discharges or for spill control or containment, the user shall first obtain written approval from the Director. The Director shall either approve or reject a pretreatment or other facility design within 90 days after its submittal.

Section Four - Construction Inspections.

The Director shall have the right to inspect the work at any stage of construction of any facility required pursuant to Section One of this Article, or any connection to the District's system. The owner or contractor shall notify the Director before any underground portions are covered, and when the work is ready for final inspection. Inspections shall be made within two (2) working days following receipt of such notice by the Director unless the owner or contractor agrees to a later time for the inspection.

Section Five - Management Plans Required.

A. Management plans for the control of accidental discharges or slug discharges shall be provided when required by State or Federal regulations or when, in the judgment of the Director, such plans are necessary for the control of slug discharges or for the control of pollutants that could be discharged to the District's system during an accidental discharge on the user's premise. When required such plans shall include, as a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for notifying the District of any accidental discharges or slug discharges pursuant to Article VIII, Section Eight of this Ordinance.

4. Procedures to prevent accidental discharges or slug discharges.

5. Procedures for containing spills that occur.

6. Measures for controlling toxic organic pollutants.

7. Procedures and equipment for emergency response.

8. Follow up practices to limit damage to the District's system and the environment.

When a user has developed a similar plan under RCRA, CERCLA, or other statutes and such plan provides adequate protection for the District's system and the environment, the Director may accept that plan as fulfilling the requirements of this subsection.

B. Solvent management plans shall be provided when required by the Director or by any State or Federal regulation.

C. Storm water management plans shall be provided when required by the Director or by any State or Federal regulation.

D. Any other management plans shall be provided when required by the Director for the control of discharges or for the control or containment of any raw materials, products, wastes or any other substances which are potential pollutants if discharged into the District's system or into a watercourse.

Section Six - Compliance Schedules.

When required pursuant to the provisions of Article VI, Section One or Section Three of this Ordinance, or when in the judgement of the Director, a schedule is required to ensure compliance with any provision of this Ordinance, a user shall develop a compliance schedule which contains increments of progress toward meeting applicable treatment or pretreatment standards, or storm water

discharge requirements or any provisions of this Ordinance. The increments shall be in the form of dates for commencement and completion of major events leading to the construction and operation of treatment or pretreatment facilities or process changes. No increment shall exceed nine months. The schedule shall provide for the shortest period of time practicable for completion of necessary facilities or process changes. When the schedule is for compliance with newly promulgated categorical pretreatment standards, the final date for compliance may not be later than the compliance date contained in the standard.

Section Seven - Pollution Control Operations.

All facilities for the treatment, pretreatment, or control of wastewater, cooling water or storm water or for spill containment shall be maintained continuously in satisfactory and effective operation by the user at the user's expense and shall be subject to inspection as deemed necessary by the Director. The user shall maintain operating records and shall submit all reports as stipulated in Article VIII, and Article X, of this Ordinance. Sludges, floatables and all other residuals removed during treatment or pretreatment operations or from grease, oil and grit traps or from spill containment facilities or from accidental discharge remediation activities, shall be disposed of in accordance with applicable local, State and Federal regulations.

Section Eight - Provisions for Monitoring.

A. When required by the Director, the user shall provide a suitable manhole or other appurtenance in each building sewer and in each regulated process discharge or at other suitable locations determined

determined necessary by the Director, to facilitate observation, sampling, and measurement of all wastewater discharged from regulated processes and all wastewater, cooling water or storm water discharged from the user's premise into the District's system. Such sampling points shall be located so as to ensure the ability to collect samples which are representative of the user's daily operations. All sampling points shall be designed and constructed in a manner approved by the Director and shall be provided and maintained by the user at the user's expense and shall be safe and accessible at all times.

B. Whenever the Director determines that a public safety hazard may exist due to the nature of a user's discharge, the Director shall require the user to install and maintain at the user's expense suitable monitoring devices to detect the presence of hazardous conditions.

Section Nine - Safeguards Against Accidental/Slug Discharges. Each user shall provide safeguards against accidental discharges to the District's system of prohibited substances or of regulated substances in excess of limitations and of slug discharges. Facilities to prevent accidental discharges and slug discharges shall be provided and maintained at the user's expense. The user shall report all accidental discharges and slug discharges to the Director in accordance with the provisions of Article VIII, Section Eight of this Ordinance. Costs incurred by the District during mitigation of accidental or slug discharge events and for the repair of damages caused by such events, may be charged to the responsible person as provided in Article IX, Section Six.

Section Ten - Employee Emergency Advisory.

Emergency notification procedures shall be permanently posted by the user on bulletin boards or in other prominent places advising employees whom to call in the event of an upset, accidental discharge or slug discharge. At a minimum, notification shall be made to the District's emergency response number. Other agencies shall be notified as per applicable laws and regulations. Users shall make certain that all employees who may be in a position to cause or observe such incidents are advised of the emergency notification procedures.

Section Eleven - Local Approvals.

Users who are required to construct or operate facilities under the provisions of this Ordinance may be subject to local health and building codes. It is the user's responsibility to ensure that all such requirements are met.

ARTICLE VIII - USER REPORTS AND MONITORING

Section One - User Questionnaire.

When required by the Director any user as identified below shall submit applicable User Questionnaires to the Director on forms provided by the Director.

(1) Any user who discharges wastewater to the District's wastewater system, or storm water system or to a watercourse, and who consumes at least fifty thousand (50,000) cubic feet of water in a six month period.

(2) Any user who discharges or may discharge toxic substances.

(3) Any user subject to Federal Categorical Pretreatment

Standards.

(4) Any user required to pretreat wastewater in accordance with Article VI.

(5) Any user who discharges radioactive materials.

(6) Any user who discharges storm water associated with industrial activity as defined in 40 CFR 122.26(b) or any user who the Director determines is or may be contributing a substantial pollutant loading to the District's storm water system.

(7) Any other user not previously listed when the Director determines that such information is required to ensure the District's compliance with any State or Federal regulation or with the provisions of this Ordinance.

Any user who has previously submitted a User Questionnaire may be required to submit a new questionnaire at any time the Director determines such information is necessary to ensure the District's compliance with any State or Federal regulations or with any provisions of this Ordinance. Unless so requested by the Director, a user who submitted a questionnaire prior to enactment of this Ordinance, is not required to submit a new questionnaire.

Section Two - Baseline Monitoring Report.

Any existing industrial user subject to a newly promulgated categorical pretreatment standard or a new source or any source that becomes subject to the standard after the promulgation of an applicable categorical standard, shall submit a report to the Director which contains the information required by 40 CFR 403.12(b).

403.12(b). Existing users shall submit the report within 180 days of promulgation of the standard. New sources and sources that become subject to the standard after promulgation shall submit the report at least 90 days before initiating discharge. The report shall indicate whether or not applicable pretreatment standards are being met on a consistent basis; and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements. If additional pretreatment and/or operation and maintenance will be required to meet the standards, a schedule shall be developed by the user, with the approval of the Director, to indicate when the user will provide such additional pretreatment. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standards.

Section Three - 90 Day CPS Compliance Report.

When required by the Director, within 90 days following the date for final compliance with applicable categorical pretreatment standards (CPS) or following commencement of introduction of wastewater from a new source into the District, any industrial user subject to the standards shall submit a report to the Director which contains the information required by 40 CFR 403.12(d).

Section Four - Self-Monitoring Reports.

A. When required by the Director or by State or Federal regulations, any user who discharges any wastewater or storm water to the District's system shall submit to the Director self-monitoring reports identifying the nature and concentration or mass of prohibited or regulated substances in discharges from regulated

processes or from the user's premises. The results shall be reported as concentration if the pollutant limits are given in concentration terms and shall be reported as mass if the pollutant limits are given as mass. The report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Other information may be required based upon applicable State and Federal regulations. The reporting period shall be determined by the Director based upon the quantity or characteristics of the discharge or the requirements of the State or Federal regulations. All sampling and analyses performed to satisfy this monitoring requirement shall be performed in accordance with the provisions of Article X, Section Two of this Ordinance.

B. If a user performs monitoring using the methods specified in Article X, Section Two, for BOD_5, COD, TSS or flow or for any pollutants for which limitations or prohibitions are included in this Ordinance or in the user’s permit or in any applicable State or Federal regulation more often than required by the Director, including when such monitoring has not been required by the Director, the results of all such monitoring and flow measurements shall be reported to the Director. Unless a different reporting period is specified in a permit or other written directive, such reports shall be submitted within twenty-eight (28) days after the end of each calendar quarter in which such monitoring occurs.

C. When monitoring is performed for any toxic organic, the analytical method employed may reveal the presence of organics other than the toxic organic of initial interest. The results of all organics identified during the analyses shall be reported. Any

organic, which is listed in an applicable Total Toxic Organics standard and which is above the .01 mg/l threshold, shall be included in the Total Toxic Organics summation.

D. Any monitoring results, which must be reported under the provisions of this Ordinance, shall be reported to the degree of accuracy attainable with the equipment and analytical techniques employed. Rounding of results shall be done only to the extent consistent with the equipment and technique. If an analytical result is reported as "not detected," the numerical value of the detection limit shall also be reported.

E. When monitoring is performed for any parameter for which the final result is the arithmetic sum of the results of analyses of individual components (such as for Total Toxic Organics or Total Metals): (1) The results of the individual components shall be reported along with the summation; and (2) If any individual component result is reported "not detected" the detection limit value shall be reported and shall be included in the summation and the sum reported as a "less than" value. For Total Toxic Organics, only those detection limit values which are above the .01 mg/l threshold are to be included in the summation.

F. If any sampling performed by a user using the methods specified in Article X, Section Two indicates a violation of an applicable limitation the user shall notify the Director within one business day of becoming aware of the violation. The user shall resample the discharge and shall submit the results of the resampling to the Director within thirty (30) days of becoming aware of the violation.

G. If any sampling performed by a user using the methods specified

in Article X, Section Two produces an analytical result that is reported as "not detected," where the detection limit is greater than the applicable limitation, the user shall notify the Director and resample in the same manner as in paragraph F of this Section. Resampling must be completed within the same reporting period as the original sampling in order for the user to fulfill its self-monitoring requirements.

Section Five - Production Reports.

A. All users subject to production based discharge limitations shall submit to the Director periodic reports on production rates. The first report shall be submitted within 90 days following the date for final compliance with applicable categorical pretreatment standards or following commencement of discharge from a new source into the District. Thereafter, the reports shall be submitted at the times specified by the Director. Users for which equivalent mass or concentration limits have been established by the Director in accordance with Article V, Section Two, subsection A, shall report a reasonable measure of the user's long term average daily production rate. For the initial report, the long term average daily production rate should be based upon a minimum of one recent year's historical data, if available, or upon well documented projections if such data are not available. Subsequent reports shall contain actual average daily production rates during the reporting period. All other users subject to production based discharge limitations shall report the actual daily production rates during the reporting period.

B. Any user for which the Director has converted production based discharge limitations to equivalent mass or concentration limits

shall notify the Director within two (2) business days after the user has a reasonable basis to know that the average daily production rate will significantly change within the next calendar month.

Section Six - Reports of New/Increased Discharge.

Any user planning a significant new or increased discharge, shall notify the Director at least ten (10) business days prior to the date of the planned increase or addition. The Director may exercise the authority granted in Article VI, Section One to impose conditions on the proposed increase or addition.

Section Seven - Compliance Schedule Progress Reports.

Any user for which a compliance schedule has been established within a permit, administrative order or other document pursuant to the provisions of this Ordinance, shall submit, to the Director, any reports required within the compliance schedule.

A. Action Item reports, if required, shall be submitted to the Director by the compliance dates specified in the schedule and shall contain all of the information required.

B. A report of progress shall be submitted to the Director not later than ten (10) business days following each Action Item compliance date in the schedule and the final date for compliance or at such frequency as the Director has determined necessary. Each progress report shall state the status of compliance with the action item requirement and shall explain the reasons for any delays, actions being taken to return to schedule and the expected date the missed action item will be completed.

Section Eight - Notification of Problem Discharge.

A. Unanticipated Discharge: In the event of any problem discharge into the District's system, the user shall immediately notify the Director by telephone of the incident and shall provide such information as the Director may require at that time in order to assess the impact of the incident on the District's system or on water quality. Within five (5) business days following any such incident, the user shall submit to the Director a detailed written report which contains a description of the incident and its cause, location within the user's facility, exact dates and times of the period of problem discharge and, if not yet corrected, the anticipated time the incident is expected to continue, and steps taken or planned to correct the current incident and to reduce, eliminate and prevent occurrences of future such incidents. Such notification shall not relieve the user of any expense, loss, damages, or other liability which may be incurred as a result of damage to the District's system, fish kills, or any other damage sustained by any person or property; nor shall such notification relieve the user of any fines, criminal or civil penalties, or other liability which may be imposed by this Ordinance or other applicable law except that an upset, as defined in this Ordinance, shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements in 40 CFR 403.16(c) are met.

B. Anticipated Discharge: If a user anticipates a need for a pretreatment facility or treatment facility bypass which may cause pretreatment or treatment standards or requirements to be violated, the user shall notify the Director prior to commencing the bypass. An

An anticipated bypass will be allowed only when the conditions specified in Article V, Section Three, subsection D are met.

Section Nine - Hazardous Waste Discharge Report.

Any user who discharges to the District's wastewater system any substance which, if otherwise disposed, is a listed or characteristic waste in 40 CFR 261, shall submit to the Director a report pursuant to the provisions in 40 CFR 403.12(p). Pollutants already being reported to the Director pursuant to the provisions of Section Four of this Article do not have to be included in this report. Users who are initially exempt from this reporting requirement because they do not discharge applicable quantities of hazardous wastes are subject to the reporting requirements of Section Six of this Article if they subsequently initiate discharge of such wastes.

Section Ten - Non-District Operated Facilities Reports.

Any person who operates a wastewater system or wastewater treatment facility or who discharges any wastewater, cooling water, storm water or unpolluted water into any watercourse within the District shall furnish such reports as may be required by the Director for ascertaining compliance with this Ordinance.

Section Eleven - Storm Water Reports.

When required by the Director, any user who discharges storm water to the District's storm water system shall submit a report to the Director which includes the following information:

(1) Name and address of the facility and name and telephone number of a contact person.

(2) Location of the discharge on the user's property.

(3) Description, including SIC, which best reflects the principal products or services provided by the facility.

(4) Any existing NPDES number for the discharge.

(5) Any of the information specified in 40 CFR 122.26(c) which the Director determines is necessary.

(6) Any other information the Director determines is necessary to evaluate compliance with this Ordinance and with NPDES storm water regulations.

Any user who plans a new discharge of storm water associated with industrial activity, as defined in 40 CFR 122.26(b)(14)(i) through (14)(ix) and (14)(xi) shall submit such report at least 180 days before initiating the discharge .

All other users who discharge storm water shall submit such reports at the times specified by the Director.

Section Twelve - Other Reports.

Users shall submit any other reports required by the Director to ensure compliance with the provisions of this Ordinance and with applicable State and Federal regulations.

ARTICLE IX - ENFORCEMENT

Section One - Notification of Violation.

Whenever any user is found to have violated or to be violating any provision of this Ordinance or a discharge permit or order issued pursuant to this Ordinance, the Director shall provide the user with a notification of the nature of the violation and direct that actions

actions be taken to remedy the noncompliance. Within thirty (30) days after receipt of the notice, unless a shorter time is specified in the notice, a plan for the satisfactory correction thereof shall be submitted by the user to the Director.

A. Verbal Notice: For a violation which involves the discharge or imminent threat of discharge of pollutants by a user and which presents or appears to present an immediate danger to the health or welfare of humans, the Director may notify the user by telephone or visit to take immediate action to discontinue or reduce the discharge to safe levels or, in the case of an imminent threat, to take appropriate actions to eliminate the threat within a reasonable amount of time as established by the Director. Such verbal notice shall be followed within five days by a written notice.

B. Written Notice: For any violation other than one requiring immediate action, the Director may notify the user by letter or by order as provided in Section two of this Article of the nature of the violation and require the user to take action to remedy the noncompliance.

Section Two - Administrative Orders.

The Director is authorized to issue the following administrative orders at any time he deems such action appropriate to secure timely and effective compliance with this Ordinance or a discharge permit or order issued pursuant to this Ordinance, whether or not any previous notifications of violation have been provided to the user. The user shall comply with the requirements specified in the order and shall complete such actions and shall submit such reports as are required

required within the order.

A. Cease and Desist Order: The Director may issue an order to cease and desist a violation or an action or inaction which threatens a violation and to direct the user to comply forthwith or to take such appropriate remedial or preventive action as may be needed to properly address the violation or threatened violation, including halting operations and terminating the discharge.

B. Compliance Order: The Director may issue an order requiring a user to provide within a specified period of time, such treatment, pretreatment or discharge control facilities or related appurtenances as are necessary to correct a violation or to prevent a threatened violation. A compliance order may also direct that a user provide improved operation and maintenance of existing discharge facilities, conduct additional self-monitoring or submit appropriate reports or management plans.

C. Show Cause Order: The Director may issue an order to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for a meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. Whether or not a duly notified user appears as noticed, additional enforcement action may be initiated.

D. Consent Order: The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user. Such orders shall include specific actions to be taken by the user and specific time frames to correct a violation or to remove the threat of a violation.

Section Three - Emergency Action.

When a user has failed to take action within the time established in a notice or order to eliminate an imminent threat to humans or to the environment or to the effective operation of District facilities, the Director may take such action as deemed necessary, including work by District personnel to eliminate the threat or to mitigate the impact on the District's system or the environment. The Director shall attempt to notify the user of the intended action, but if unable to do so within a reasonable period of time, shall proceed with the action.

Section Four - Legal Action and Penalties.

As an alternative to, or in addition to, the procedures set forth in Sections One through Three of this Article, the Director may initiate through counsel litigation for appropriate legal and/or equitable relief in the City or County Courts having jurisdiction.

A. Injunctive Relief: Injunctive relief may be sought to restrain a violation or threatened violation of any of the provisions of this Ordinance.

B. Consent Decree: When deemed appropriate, the District may enter into a consent decree with any person accused of a violation of this Ordinance, prior to a full hearing on the issues.

C. Penalties:

1. Any person who pleads or is found guilty of a violation of this Ordinance shall be fined not more than One Thousand Dollars ($1000.00) or be imprisoned for a period of not more than one year, or both such fine or imprisonment, for each violation. Each day in which any such violation shall continue shall be deemed a separate

offense.

2. Consent orders may contain provisions for penalties for past violation and/or for violations which may occur after the date of the consent order.

Section Five - Liability Due to Violations.

A. Any person who violates any provisions of this Ordinance shall be liable to the District for any expense, loss, or damage incurred by the District due to such violation and for any penalties assessed against the District by reason of such violation.

B. Actions taken by a user in response to notifications, orders or enforcement activities initiated by the District pursuant to Sections One through Three of this Article in no way relieve the user of liability for any violations occurring before or after the District's action.

Section Six - Recovery of Costs.

The Director may bill a user for the costs incurred by the District for any work undertaken pursuant to the provisions of Article IV, Section Two; Article VII, Section Nine; Article IX, Section Three and Article X, Section Nine of this Ordinance. Failure to pay any such assessed costs within thirty (30) days after demand has been made shall constitute a violation of this Ordinance, enforceable under the provisions of this Article, or notice may be filed in the Office of the Recorder of Deeds of the City or County having jurisdiction, as the case may be, whereupon such bill shall become a lien against the property involved.

Section Seven - False Statements.

Any person who knowingly makes any false statements, representation

or certification in any application, questionnaire, record, report, plan, drawing or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall, upon conviction, be subject to the penalties stipulated in Section Four of this Article.

Section Eight - Publication of Violators.

Following the close of each fiscal year, a list of the users who have experienced significant noncompliance of the pretreatment limitations or requirements of this Ordinance during that year shall be published by the Director in the largest daily newspaper published in the District's service area. The notification shall also summarize any enforcement action taken against the user during the same period.

ARTICLE X - GENERAL PROVISIONS

Section One - Records Retention.

All persons subject to this Ordinance shall retain and preserve, for not less than five (5) years, all records, books, documents, memoranda, reports, sample analysis results, correspondence and any and all summaries thereof relating to the monitoring, sampling and chemical analyses of their discharge made by or on their behalf. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities brought by the District shall be retained and preserved by such persons until all enforcement activities have been concluded and all periods of limitation with respect to appeals have expired.

Section Two - Sampling and Analytical Procedures.

A. All sampling and analyses performed to satisfy the monitoring and reporting requirements of this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto unless other techniques are prescribed for specific parameters or specific circumstances.

B. Sampling of discharges subject to categorical standards and sampling of discharges to the District's wastewater system shall be conducted in such a manner as to ensure that the results of individual samples (whether grab or composite) are representative of daily operations and that the results of all samples during the reporting period are representative of the conditions during the reporting period. When the Director has required that composite sampling be performed and when the user can demonstrate, to the Director’s satisfaction, that the user’s discharge is uniform in pollutant discharge rate and/or concentration, over the required period of sampling, the Director may authorize collection of grab samples to demonstrate compliance with the applicable limitations. When use of a grab sample is authorized for any pollutant subject to the limitations contained in Article VI, Section Two, Paragraph C of this Ordinance, such sample shall be considered equivalent to a composite sample and shall be subject to the applicable Daily Average limitation just as if the sample had been a composite sample.

C. Sampling of discharges to a separate storm sewer shall be conducted in accordance with 40 CFR 122.21(g)(7)(i) and (ii) and any applicable State regulation or as specified in any NPDES permit or

District permit issued for such discharges or as specified by the Director.

D. When a user employs, at the point of discharge from the user's property to the District's wastewater system or at another monitoring point designated by the Director, continuous monitoring techniques for temperature, pH or LEL and maintains records of the temperature, pH or LEL continuously monitored, the user shall meet the temperature, pH and LEL prohibitions and limitations specified in Article V of this Ordinance and in any applicable categorical standard, except that unintentional and temporary excursions above the temperature, LEL and upper pH values and below the lower pH values are allowed so long as:

(1) The total time during which temperature values are above the prohibition or limitation levels does not exceed Eight (8) hours in any calendar month;

(2) The total time during which pH values are outside the prohibition or limitation levels does not exceed Eight (8) hours in any calendar month;

(3) The total time during which LEL readings are above the prohibition level of 10%, but no greater than 40%, does not exceed eight (8) hours in any calendar month;

(4) No individual excursion exceeds sixty (60) minutes in length;

(5) No individual LEL reading exceeds 40%; and

(6) No excursion results in or contributes to violations of the prohibitions in Article V, Section One, Subsections A.1, A.8 or A.14 or otherwise endangers life, limb or property or causes a

causes a public nuisance.

When the Director determines that a sixty minute excursion by any user will or may result in a violation as described in (4) above, the Director may establish a shorter allowable duration for that discharger.

Section Three - Certifications on Applications and Reports.

A. All reports, questionnaires or applications required to be submitted to the Director pursuant to the provisions of this Ordinance shall contain the following certification statement:

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

B. All reports, questionnaires and applications must be signed as follows:

(1) By a responsible corporate officer if the user is a corporation.

(2) By a general partner if the user is a partnership.

(3) By the proprietor if the user is a sole proprietorship.

(4) By a duly authorized representative of the individual

designated in 1, 2 or 3 if that individual submits a written authorization to the Director and the authorization specifies a person or position having responsibility for the overall operation of the facility from which the discharge originates, such as a plant manager, or overall responsibility for environmental matters at the company. A new authorization must be submitted to the Director anytime the person or position changes.

Section Four - Data Verification.

When the Director determines it is necessary to verify any data reported on any application or any User Questionnaire or any other reports submitted pursuant to the provisions of this Ordinance, the Director may sample wastewater or storm water discharges or potential sources of pollutant discharges from an applicant or a user. Samples may be collected by the District on a periodic or continuous basis as required to verify reported data. The analytical information obtained from such sampling, if substantially different from reported data, may be used in lieu of the information reported by the applicant or user. If deemed necessary, an extended, comprehensive sampling program may be conducted after notice to the user by the Director to obtain additional discharge or source data necessary for verification of reported data. The analytical results obtained from said program may also be used in lieu of reported values for each source or potential source of pollutant discharge. If a comprehensive sampling program is deemed necessary, all equipment installation, sampling, and analysis costs shall be borne by the user in accordance with applicable Ordinances. If the user elects to make the sampling or

elects to make the sampling or monitoring installations with the user's own personnel, each installation shall be of a type and configuration acceptable to the Director. The hours of operation of any gauging or sampling station shall be the time required, as approved by the Director, to obtain representative samples of the effluent discharged and to conduct necessary analytical examinations of the samples collected.

Section Five- Right of Entry.

In order to ensure compliance with the provisions of this Ordinance and applicable State and Federal regulations, District representatives may inspect a user's treatment, pretreatment or discharge control facilities, or any process or any area of the user's premise which may be a source of any discharge or a source of any pollutants contained in any discharge into the District's wastewater or storm water system or any watercourse; conduct sampling of such facilities, processes or areas; and examine or copy any user's records related to such discharges. Any duly authorized representative of the District upon presentation of proper credentials and after execution of appropriate confidentiality agreements shall be permitted access to appropriate areas of a user's premises without prior notice for these purposes. A representative of the user shall, if appropriate, accompany the District representative while the work is being performed and shall assure that all applicable safety rules are being observed by the District's representative.

Section Six - More Stringent State and Federal and Local

Regulations.

A. In any instance in which the State government or Federal government modifies an existing regulation or promulgates a new regulation which establishes treatment, pretreatment or discharge standards or requirements for new or existing users which are more stringent than those contained in this Ordinance, such State or Federal requirements shall, on the effective date of the new regulations, supersede the less stringent provisions of this Ordinance and shall be fully enforceable under this Ordinance as if fully set out herein.

B. In any instance in which a State, Federal or local government agency imposes restrictions or limitations on the use of or discharges to any facilities regulated by this Ordinance which are more stringent than the provisions of this Ordinance, such restrictions or limitations shall take precedence within the jurisdictional area of the State, Federal or local government agency.

Section Seven - Applicable Charges and Fees.

A. All users shall pay the sewer use charges and capital improvement surcharges authorized by applicable District Ordinances. Nonresidential users who discharge wastewater containing BOD5, COD or TSS in excess of the concentrations of those substances in normal wastewater may be subject to extra strength surcharges as authorized by applicable District Ordinances.

B. Charges or fees to provide for the recovery of costs associated with implementation and enforcement of this Ordinance shall be as stated in the applicable District Ordinances. These fees shall be in

addition to the normal sewer use charges.

Charges and fees may include:

1. Fees for monitoring, inspections and surveillance;

2. Fees for laboratory analyses.

3. Fees for permit applications

4. Appeal fees;

5. Charges for emergency actions or repairs;

6. Other fees necessary to carry out the requirements stipulated herein.

Section Eight - Entry to District Facilities Prohibited

No person, other than an authorized employee of the District, shall enter any manhole, sewer, structure, appurtenance or any other component of the District's wastewater system or storm water system for any purpose unless they have first obtained written approval from the Director.

Section Nine - Damage to Property.

No person shall willfully damage, destroy, uncover, deface, alter, or tamper with any structure, appurtenance, sampling equipment, flow monitoring equipment, or equipment which is a part of the District's system.

Any person who willfully or negligently damages any structure, appurtenance, or equipment which is a part of the District's system shall be liable to the District for all loss and expense.

Section Ten - Conflicting Ordinances.

Ordinance 8472, adopted August 14, 1991 and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section Eleven - Liability Under Previous Ordinances.

Nothing contained in this Ordinance shall be construed as abating any action now pending under or by virtue of Ordinance 8472 herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the District under the provisions of Ordinance 8472.

Section Twelve - Severability.

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part.

Section Thirteen - Right to Confidentiality.

Information and data obtained from applications, questionnaires, permits, monitoring programs and inspections and any other required reports or documents shall be available for inspection by the public or any government agency without restriction, unless a user specifically states that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any information submitted to the Director may be claimed as confidential in accordance with applicable Federal regulations. Any claim of confidentiality must be made at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. When requested by the user furnishing the report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to regulation of the user's discharge; subject however to the

the confidentiality provisions of 40 CFR, Part 2 which are incorporated by this reference as applicable to the District to the same extent Part 2 is applicable to EPA, or any applicable Missouri law. In the event that a party to any judicial or administrative proceeding or any court or any administrative agency (except as specified above) demands or subpoenas or orders the production of any such confidential information, the District shall immediately notify the person who supplied such information so that person shall have the opportunity to secure judicial or administrative relief to preserve such confidentiality. Unless such person gets such relief, the District will comply with such demand, subpoena or order if it is legally required so to do. Wastewater constituents and characteristics will not be recognized as confidential information. Persons, other than authorized representatives of the United States Environmental Protection Agency or the Missouri Department of Natural Resources, requesting to review information and data must do so in writing and must pay all applicable costs associated with the preparation and copying of such information and data.

Section Fourteen - Right to Amend Ordinance.

The District reserves the right to amend this Ordinance in any manner and to establish more stringent limitations or requirements where deemed necessary to comply with the objectives set forth in Article I, Section Two of this Ordinance.

Section Fifteen - Appeals.

Any user who claims to be aggrieved by an act of, or failure to act by, the Director may appeal to the District's Executive Director or may take such other action as provided for within the MSD Plan. A

written petition of appeal may be filed with the Board within thirty (30) days of the Director's act or failure to act. At its next regularly scheduled meeting the Board shall set a time for hearing the appeal and shall give written notice to the parties, stating the time and place for the hearing. The hearing shall be set for a date not later than sixty (60) days from the date of the Board meeting. The Board shall decide the appeal within 30 days after the hearing and shall notify the parties in writing of its decision.

Section Sixteen – Effective Date.

This ordinance shall become effective on January 1, 2008.

The foregoing Ordinance was adopted December 13, 2007.