

CHAPTER 7

ENVIRONMENTAL CONTROL

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CHAPTER 7
ENVIRONMENTAL CONTROL

ARTICLE 1 WAS REPEALED BY ORD. #13196, 1/17/96.

ARTICLE 2 WAS REPEALED BY ORD. #7953, 2/21/84.

ARTICLE 3 WAS MOVED TO CHAPTER 17 BY ORD. #12409, 5/17/93.

ARTICLE 4. LANDFILL FEES

SEC. 7.330. USE OF CITY OPERATED LANDFILLS.

All persons who are residents or property owners in the City of Independence, Missouri, are authorized to enter upon any landfill operated by the City for the purpose of dumping trash or refuse generated on the property of said persons upon payment to the City of a fee, in accordance with the following schedule:

RESIDENT OR PROPERTY OWNER IN INDEPENDENCE - as shown by current Independence, Missouri, City sticker permanently attached to windshield, or receipt for such sticker with a valid driver's license indicating residence in Independence, or a current City real estate tax receipt indicating ownership of property in Independence:

- | | |
|---|--|
| 1. For each passenger automobile load or partial load,
a minimum charge of | \$1.00 |
| 2. For each station wagon load or partial load, a minimum
charge of | \$2.00 |
| 3. For each passenger automobile with single axle trailer,
a minimum charge of | \$3.00 |
| 4. For each pick-up truck load or partial load, a minimum
charge of | \$3.50 |
| 5. For each (a) Trailer with more than one axle;
or (b) Truck with dual wheels; or
(c) Truck and trailer, a charge of | \$5.50 per ton, plus \$2.00 fee
if vehicle, truck or trailer does not
mechanically eject its load. |

Said payments shall be made in such a manner as may be prescribed by the Director of Finance.

Non-residents and all hired and commercial vehicles whether or not licensed for the collection or hauling of trash, garbage, or refuse in the City of Independence, shall not be authorized to enter upon any landfill operated by the City.

SEC. 7.331-7.359 RESERVED

ARTICLE 5. STREAM BUFFER AND SETBACK REGULATIONS

SEC. 7.05.001. POLICY STATEMENT

A. The purpose of this Article is to protect the health and safety of the community through the preservation of riparian corridors, providing appropriate flood and storm water management systems. The Article is designed to address public safety concerns, such as property damage and loss of life resulting from flooding, and public health concerns, such as the pollution of water resources. This Article emphasizes that the adverse impacts of development on riparian corridors necessitates effective flood control and storm water management practices to protect the community from the loss of healthy ecological systems.

B. The intent of this Article is to establish minimum acceptable requirements for buffers to protect the streams, wetlands and steep slopes of the City; to improve the water quality of water-courses, reservoirs, lakes, and other significant water resources within the City; to reduce impacts to riparian and aquatic ecosystems; and to provide for the environmentally sound use of land resources. Setback restrictions on development provide for the protection of areas to be designated as stream buffers. Stream buffers provide numerous environmental protection and resource management benefits that can include the following:

1. Restoring and maintaining the chemical, physical, and biological integrity of water resources
2. Removing pollutants delivered from urban stormwater runoff
3. Reducing erosion and sediment entering the stream
4. Reducing future flood hazards
5. Stabilizing stream banks
6. Providing infiltration of stormwater runoff
7. Contributing the organic matter that is a source of food and energy for the aquatic ecosystem
8. Providing tree canopy to shade streams and promote desirable aquatic organisms
9. Providing riparian wildlife habitat
10. Creating community and neighborhood amenities by furnishing scenic value and recreational opportunity.

C. Stream buffers are an integral part of the City's Storm Water Management Program, as provided for in Chapter 7, Article 8 of this City Code.

SEC. 7.05.002. DEFINITIONS

The following words and phrases, when used in this Article, shall have the meaning set out herein:

BUFFER is vegetated area or zone, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system or other water resource.

BUFFER PLAN is a plan approved by the City pursuant to Section 7.05.004 of this Article.

CONSTRUCTION FENCING is four foot (4') high orange mesh, or other vibrant color approved by the City.

DEVELOPMENT means any human-made change to improved or unimproved real estate that requires an application or permit to be filed with the City, including but not limited to, buildings, fences and other structures; mining, dredging and drilling operations; grading, site clearance, paving, excavation and filling; storage of equipment and materials.

DIRECTOR is the Director of Water Pollution Control or any duly authorized representative.

MIDDLE ZONE means the variable width zone that lies between the streamside zone and the outer zone of the stream buffer.

OUTER ZONE means the zone that is adjacent to the outer boundary of the middle zone of the stream buffer.

RECREATIONAL USE is any recreational use which utilizes a pervious facility such as picnic areas, playgrounds, paths and trails. It does not include parking lots and paved facilities or other uses involving impervious surfaces, such as hard surface tennis and basketball courts.

STORM SEWER SYSTEM is the system of conveyance of storm water which includes structures such as pipes, culverts, paved channels, catch basins and storm drains.

STORM WATER MANAGEMENT PROGRAM is the program developed by the City to satisfy the requirements of 40 CFR Part 122.26(d) and 10 CSR 20-6, 200(4), as may be amended from time to time.

STREAM is a body of running water moving over the earth's surface that flows at least part of the year, such as a creek, rivulet or river. Storm sewer systems and roadside ditches are not considered streams. Streams regulated by this Article are shown on the Stream Map.

STREAM BANK is a line formed by the outer boundary of the stream as delineated by the bank-full or channel-forming flow caused by approximately the two-year rainfall event.

STREAM BUFFER is the area or zone established to protect a stream system.

STREAM CORRIDOR is a stream and the adjacent buffer that is set aside in conformance to this Article and which is substantially preserved in a natural state.

STREAM MAP is the map approved by the City pursuant to Section 7.05.003 of this Article.

STREAM ORDER is a classification system for streams based on stream hierarchy and the position within a watershed. The smaller the stream, the lower its numerical classification. Stream order is determined by a combination of factors, including the confluence of smaller streams, increased flow from contributing water sources and the size of the watershed that feeds the stream. First order streams are the smallest streams regulated by this Article; the term does not include roadside ditches. Streams orders are designated on the Stream Map adopted pursuant to this Article.

STREAM SETBACK means the specified distance from each side of a stream bank or water resource in which restrictions on development activities and land uses are imposed.

STREAMSIDE ZONE means the thirty-five foot (35') zone adjacent to the stream bank.

VIEW CORRIDOR is one or more areas, not to collectively exceed the lesser of (i) seventy five feet (75') or (ii) forty percent (40%) of the width of any platted lot or parcel which is within a stream buffer, which may be pruned by permit to a level of not less than three feet (3') above the ground to provide aesthetic views of streams for the owner of such lot or parcel.

WATER POLLUTION HAZARD means any land use or activity that causes a relatively high risk of potential water pollution.

WETLANDS are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SEC. 7.05.003. APPLICABILITY.

A. This Article shall apply to all land or new development within the stream corridor, as defined by this Article and applied to designated stream segments identified on the Independence Stream Order Map established December 1, 2005, and incorporated as a part of this section. No development shall occur on a parcel of land that is within or partially within the defined stream corridor, except in accordance with this Article; provided, however, that this Article shall not apply to land or to development which:

1. Is on land covered by an approved, unexpired preliminary plat or preliminary plan, where such approval was given prior to the effective date of this Article; or
2. Is covered by an unexpired building permit issued prior to the effective date of this Article, in accordance with City Code, and platting was not required prior to issuance of a building permit.
3. Is the subject of a Federal Clean Water Act Individual 404 Permit issued after timely notice of the a application for such permit is provided to the City. If a development obtains a Federal Clean Water Act Individual 404 Permit allowing a stream to be relocated or otherwise altered, this Article will apply to the new stream location.
4. Is being used for agricultural operations.

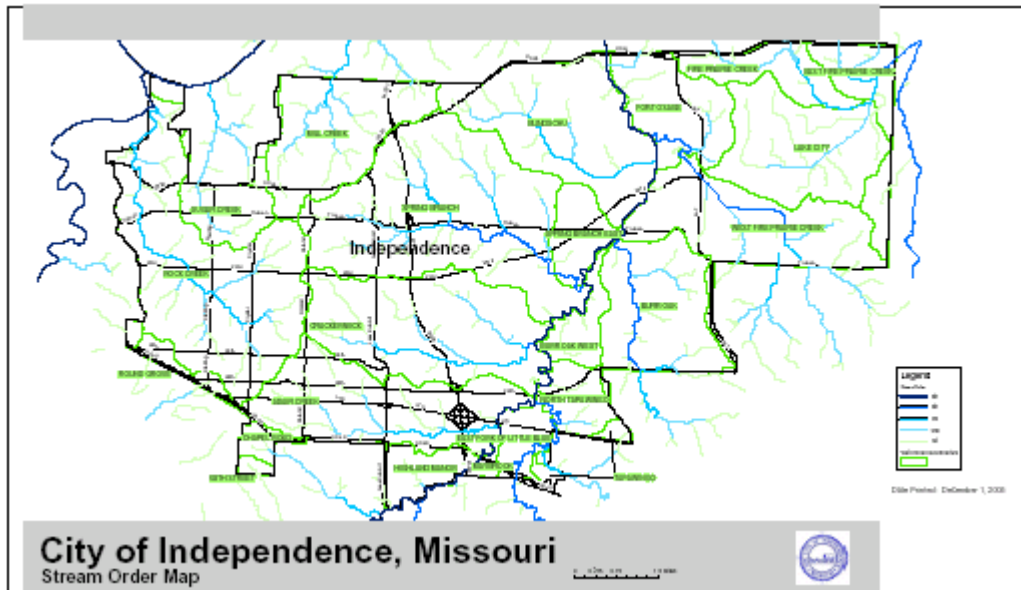
B. For the purpose of this Article, the Little Blue Trace Park shall be deemed to be the stream buffer for the Little Blue River and the East Fork of the Little Blue River.

C. No development shall be approved that proposes development on any parcel of land wholly or partially within the defined stream corridor unless the proposed development is in compliance with the applicable provisions of this Article.

D. Except as otherwise provided herein, the Director of the Water Pollution Control Department shall administer, implement and enforce the provisions of this Article. Any powers granted to or duties imposed upon said Director may be delegated by said Director to other City personnel or authorized representatives.

E. The City is authorized to develop administrative policies and guidelines to implement this Article.

F. Stream buffers, as required by this Article, are a part of the City's Storm Water Management Program.



SEC. 7.05.004. PLAN REQUIREMENTS

A. A buffer plan approved by the City is required for all projects where development or redevelopment is to occur on property that includes or is adjacent to a stream, except as provided by Sec. 7.05.003. The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity so as to enable the City an opportunity to make a reasonably informed decision regarding the proposed activity.

B. An application for approval of a buffer plan shall be made in writing to the Director of Water Pollution Control and shall be accompanied by a permit application fee of One Hundred Dollars (\$100.00).

C. The delineation of the stream buffer and its component zones shall be shown on any building construction plans, preliminary plat and final plat, as may be required by City Code. The buffer plan shall be submitted in conjunction with the required grading and engineering plans for any development, and the boundaries of the stream buffer shall be clearly delineated on the final grading plan.

D. A buffer plan shall contain the following information:

1. A location or vicinity map showing the limits of the FEMA-delineated 100-year floodplain.
2. Field-delineated and/or surveyed streams, springs, bodies of water (include a minimum of 150 feet into adjacent properties).
3. Labels for the stream buffer zones and any structures or activities by the zone where they are to be located.
4. A delineation of areas with slope greater than fifteen percent (15%) with the percentage slope shown.

E. Boundary markers shall be installed prior to final approval of the required clearing and grading plan. Construction fencing shall be placed at the outer edge of the middle zone (as defined in Section 7.05.005.C) to delineate the buffer and shall be maintained throughout the construction of the project.

F. All final plats and survey developments prepared for recording shall clearly:

1. Show the extent of any stream buffer on the subject property, including the delineation of the streamside, middle and outer zone;
2. Provide a note to reference any stream buffer stating: “There shall be no clearing, grading, construction or disturbance of vegetation”;
3. Provide a note to reference any conservation easements governing all stream buffer areas stating: “Any stream buffer shown hereon is subject to conservation easements that restrict disturbance and use of these areas.”
4. The recorded conservation easements are to be referenced by book and page.

SEC. 7.05.005. DESIGN STANDARDS FOR STREAM BUFFERS

A. A buffer for a stream shall consist of a strip of land extending along both sides of a stream including slopes greater than fifteen percent (15%).

B. The required width for all stream buffers (i.e., the base width) shall be a minimum average of eighty-five feet (85') on each side of the stream beginning at the stream bank, with the requirement to expand the buffer depending on the size and type of the stream and the presence of slopes over fifteen percent (15%).

1. First order streams shall have a minimum average buffer width of eighty-five feet (85') on each side, with a streamside zone of thirty-five feet (35'), a middle zone of twenty-five feet (25') and an outer zone of twenty-five feet (25').
2. Second order streams shall have a minimum average buffer width of one hundred five feet (105') on each side, with a streamside zone of thirty-five feet (35'), a middle zone of forty-five feet (45') and an outer zone of twenty-five feet (25').
3. Third order streams shall have a minimum average buffer width of one hundred twenty-five feet (125') on each side, with a streamside zone of thirty-five feet (35'), a middle zone of sixty-five feet (65') and an outer zone of twenty-five feet (25').
4. Fourth order streams shall have a minimum average buffer width of one hundred fifty feet (150') on each side, with a streamside zone of thirty-five feet (35'), a middle zone of ninety feet (90') and an outer zone of twenty-five feet (25') .

C. The stream buffer shall be composed of three distinct zones on each side of the stream, with each zone having its own set of allowable uses and vegetative targets as specified in this Article. No permanent structures or impervious areas are permitted in the stream buffer, except as provided by Sec. 7.05.006B.

1. Streamside Zone

- a. Protects the physical and ecological integrity of the stream ecosystem with undisturbed vegetation.
- b. Begins at the stream bank of the active channel and extends thirty-five feet (35').
- c. Allowable uses within this zone are highly restricted to low impact recreational uses such as walking, fishing and bird watching;
- d. Stormwater monitoring activities, and utility and road crossings may be allowed when approved by the City.

2. Middle Zone

- a. Protects key components of the stream with mature vegetation adapted to the region and provides distance between upland development and the streamside zone.

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- b. Begins at the outer edge of the streamside zone and extends a minimum of twenty-five feet (25') or any additional buffer width as specified in Section 7.05.005.B.
- c. The middle zone width will be expanded to include lands with slope greater than fifteen percent (15%), where they occur.
- d. The middle zone width may be varied across the development to protect specific areas while providing continuity of the buffer, so long as the overall average width of the zone is maintained as required, with the review and approval of the City.
- e. Allowable uses within the middle zone are restricted to light recreation on pervious paths and trails and easements for sanitary sewers and stormwater best management practices, as approved by the City.

3. Outer Zone

- a. Prevents encroachment into the stream buffer and filters runoff from residential and commercial development.
- b. Begins at the outward edge of the middle zone and provides a minimum width of twenty-five feet (25') between the middle zone and the nearest permanent structure.
- c. Prohibits permanent structures and impervious cover, except as relates to fencing.
- d. The outer zone may overlap/include side or rear yard setbacks, as may be required by this City Code.

D. If stream buffers are disturbed or destroyed during development activities, they shall be restored to original or native conditions.

E. Nothing in this section shall prohibit the placement of structures for the control and monitoring of water quality and water quantity within a stream buffer, as required by the City.

SEC. 7.05.006. BUFFER MANAGEMENT AND MAINTENANCE

A. The stream buffer, including wetlands and floodplains but only to the extent they are within the buffer, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are prohibited within streamside and middle zones of the stream buffer, except with approval by the City:

1. Clearing of existing vegetation
2. Soil disturbance by grading, stripping, or other practices
3. Filling or dumping
4. Drainage by ditching, underdrains, or other systems
5. Use, storage, or application of pesticides, except for spot spraying of noxious weeds or non-native species consistent with recommendations of the City.
6. Housing, grazing, or other maintenance of livestock
7. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the City.

B. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review and approval of the City:

1. Crossings for roads, bridges and utilities:

- a. The right-of-way should be the minimum width needed to allow for maintenance access and installation.

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- b. The angle of the crossing shall be as close as perpendicular to the stream or buffer as is practicable to minimize clearing requirements.
- c. The minimum number of road crossings should be used within each subdivision, and no more than one crossing is allowed for every one thousand feet (1,000') of buffer.

2. Stream restoration projects, facilities, mitigation and activities approved by the City are permitted within the stream buffer, in accordance with the City's Riparian Corridor Management Plan.

3. Water quality monitoring and stream gauging are permitted within the stream buffer.

4. Individual trees within the stream buffer in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream, may be removed with approval of the City.

5. View Corridors shall be allowed through the stream buffer by permit if they comply with standards established by regulations or ordinances.

C. Timber cutting techniques may be undertaken within the stream buffer under the advice and guidance of the City if necessary to preserve the buffer from extensive pest infestation, disease infestation, or threat from fire.

D. Vegetation Control: The stream buffer will be subject to nuisance controls, however the streamside zone and middle zone are exempt from City Code provisions that require mowing.

SEC.7.05.007. OWNERSHIP AND RESPONSIBILITY FOR STREAM BUFFERS

A. The stream buffer areas must be established and recorded by the developer or property owner. Particular zones may be established and protected by different methods. One or more of the following methods shall be used to provide for the preservation of the buffer area in perpetuity:

1. A drainage or conservation easement; or
2. Inclusion in a development common area; or
3. Dedication to the City of Independence with the City's acceptance.
4. Inclusion in private ownership with restrictions.

B. Developments and projects must be designed so that all established stream buffers are accessible to facilitate inspection, construction, maintenance and other activities related to the stream and City infrastructure in the buffer area. Nothing contained in this paragraph shall establish an independent right of ownership.

SEC.7.05.008. VIOLATIONS

A. The City shall have the authority to issue orders to any person to immediately cease and desist violations of any provision of this Article, of any approved Buffer Plan or of any consent orders entered into with the City under this Section and to immediately correct said violations.

B. When any person is violating, or has violated, any provision of this Article, or of an approved Buffer Plan, the City may issue to that person a notice of violation.

1. A notice of violation shall be in writing, shall describe the nature of the violation, including a reference to the provision within this Article that has been violated, and shall set a reasonable time for correction of the violation.

2. A person receiving a notice of violation shall submit to the City an explanation of the violation and a plan for the correction thereof within ten (10) days after receipt of the notice, unless otherwise
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specified in the notice. The plan shall include specific actions which will be taken to remedy the violation. Submission of this plan shall not relieve said person of liability for any violations occurring before or after receipt of the notice of violation, nor other violations not addressed in the notice.

3. The City may enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with the any person. The agreement may include specific action to be taken by said person to correct the noncompliance within a specified time period.

C. The City may petition the Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Buffer Plan, order, or other requirements imposed by this Article.

D. Any person who violates any provision of this Article, or any order issued by the City hereunder, shall be subject to the following:

1. Stop work orders, or denial of applications for, or suspension or revocation of any license or permit issued by the City of Independence.
2. Prosecution in Municipal Court with fines of up to Five Hundred Dollars (\$500.00). Each day that a violation continues shall be deemed a separate offence.
3. Recovery of the costs to restore and repair buffer areas.
4. Civil action for injunctive relief and recovery of costs, including legal fees.

SEC. 7.05.009. APPEALS.

A. If a buffer plan is denied, the applicant shall first request reconsideration by the Director. Failure to request reconsideration within thirty (30) days shall be deemed a waiver of the appeal process. Such request shall be in writing and shall state with specificity why the buffer plan has been incorrectly denied. In reconsideration, the Director shall determine whether the code was incorrectly interpreted in evaluating the buffer plan and shall also have the authority to grant variances to the code if:

1. The development has had buffer(s) applied in conformance with previously issued requirements.
2. The development has slopes or special geological conditions, such as bluffs or rock outcroppings, or existing structures, or the development will provide mitigation, in which case the middle and outer zone widths may be reduced at some points so long as the average width of the buffer throughout the development meets the minimum requirement and the stream side zone is not reduced.

B. Appeals to the Board of Adjustment may be made by any person aggrieved or affected by any decision of the Director of Water Pollution Control. Such appeal shall be made within a reasonable time as provided by the rules of the Board by filing with the Director of Water Pollution Control a notice of appeal specifying the grounds thereof. The Director of Water Pollution Control to whom the appeal is submitted shall forthwith transmit to the Board all the papers constituting the record of the action appealed. An appeal stays all proceedings in furtherance of the action appealed from unless the Director of Water Pollution Control, from whom the appeal is taken, certifies to the Board of Adjustment that after the notice of appeal shall have been filed, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment or a court of jurisdiction on application and notice to the Director of Water Pollution Control and due cause is shown.

C. The Board of Adjustment shall fix a time for the hearing of the appeal within thirty days following its receipt, give public notice thereof by publication one time in a newspaper of local circulation in Independence not less than five (5) and not more than fifteen (15) days prior to the date of said hearing, 12/30/05 (16215) 7 – 2h §7.05.009
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and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

D. The Board of Adjustment as created by the Charter of the City of Independence shall take action only in reference to a specific development when it has determined that a Buffer Plan has been incorrectly denied, or when it has determined that this Article has been incorrectly interpreted, or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific development. Upon determination of incorrect action by the Director of Water Pollution Control or of undue or unnecessary hardship, the Board may issue a variance signed by the chairman. A copy of the variance shall be sent to the Director of Water Pollution Control, who shall approve the Buffer Plan, including the terms of the variance. In no case shall the Board of Adjustment issue a variance reducing the required width of the stream buffer to less than an average of eighty-five feet (85') or seventy-five percent (75%) of the total required buffer on each side of the stream beginning at the stream bank. The stream side zone shall not be reduced in width. The Board of Adjustment must make findings based on evidence presented to it in each specific case that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in this Article; and
2. The plight of the owner is due to unique circumstances.

E. For purposes of implementing the above rules, the Board shall, in making its determination as to whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:

1. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. The conditions on which the petition for a variance is based would not be applicable, generally, to other developments;
3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; and
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

F. The Board of Adjustment may impose such conditions and restrictions upon the development benefited by a variance as may be necessary to comply with the standards set out in this section, to reduce or minimize the injurious effect of such variance upon other property in the neighborhood, and to better carry out the general intent of this Article.

SEC. 7.05.010. CONFLICT WITH OTHER REGULATIONS

Where the standards and management requirements of this Article are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply. Nothing contained in this Article shall be taken to either increase, decrease or alter the

methods of calculating density under Chapter 14 of this City Code.

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ARTICLE 6. SEWER USE REGULATIONS

SEC. 7.06.000. GENERAL PROVISIONS.

A. This Article sets forth the uniform requirements for users of the storm water and wastewater collection systems and Publicly Owned Treatment Works (POTW) for the City of Independence and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et. seq.), Missouri Clean Water Law, the General Pretreatment Regulations (40 CFR Part 403; 10 CSR 20-6.100) and the Storm Water Regulations (40 CFR Parts 122, 123 and 124; 10 CSR 20-6.200), as may be amended from time to time. The objectives of this Article are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.
2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
3. To ensure that the quality of the POTW's sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
6. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;
7. To enable the City to comply with NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws and regulations to which the POTW is subject;
8. To reduce the discharge of pollutants from the municipal separate storm sewer systems to the maximum extent practicable;
9. To prohibit polluted non-storm water discharges into the storm sewers; and,
10. To protect human health and the water environment.

B. This Article shall apply to all users of the POTW and the storm water and wastewater collection systems. This Article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the equitable distribution of costs resulting from the programs established herein.

C. Except as otherwise provided herein, the Director of the Water Pollution Control Department shall administer, implement and enforce the provisions of this Article. Any powers granted to or duties imposed upon said Director may be delegated by said Director to other City personnel or other authorized representatives.

SEC. 7.06.001. DEFINITIONS.

In this Article and the next Article (Sanitary Sewer Rates), unless the context requires otherwise:

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

APPROVAL AUTHORITY means the State of Missouri.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER MEANS:

1. If the industrial user is a corporation:
 - a. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. If the industrial user is a partnership, a general partner;
3. If the industrial user is a sole proprietorship, a proprietor;
4. If the industrial user is a Federal, State or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described in 1-4 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the facility, and the written authorization is submitted to the Director.

BEST MANAGEMENT PRACTICES or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 7.06.005, paragraph "A.1". BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD (denoting Biochemical Oxygen Demand) means a measure of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a specified time and at a specific temperature. It is not related to the oxygen requirements in chemical combustion, being determined entirely by the availability of the material as a biochemical food and by the amount of oxygen utilized by the microorganisms during oxidation.

BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two feet (2') outside the inner face of the building wall.

BUILDING OFFICIAL means the person charged with the administration and enforcement of the adopted Plumbing Code.

BUILDING SEWER means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

BYPASS means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Nondomestic Users and which appear in 40 CFR Chapter I, Subchapter N, as may be amended from time to time.

CITY shall mean City of Independence, Missouri.

COD (denoting Chemical Oxygen Demand) means a quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) material in wastewater using inorganic dichromate or permanganate salts as oxidants in a two-hour test.

COMBINED SEWER means a sewer designed to receive both wastewater and storm or surface water.

COMPOSITE SAMPLE means a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY means the POTW if the POTW's submission for its pretreatment program has been approved by the Approval Authority; or Control Authority means the Approval Authority if the POTW's submission for its pretreatment program has not been approved.

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

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

DEPARTMENT means the Water Pollution Control Department of the City of Independence.

DIRECTOR means the Director of the Water Pollution Control Department of the City or any duly authorized representative.

DISCHARGE means the discharge of a pollutant.

DOMESTIC WASTES means wastes which are comparable to those discharged by the average residential user. The strength of domestic wastewater shall have a COD less than or equal to 400 mg/l or a BOD less than or equal to 225 mg/l and contain less than or equal to 250 mg/l suspended solids.

EASEMENT means a legal right for the specific use of land owned by others.

EPA (denoting Environmental Protection Agency) means the United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

EXISTING SOURCE means any building, structure, facility or installation from which there is or may be a discharge of pollutants which does not meet the definition of new source.

FOOD PREPARATION CONCERN means any hotel, institution, restaurant, hospital, catering establishment or similar place where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

GARBAGE means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

HOLDING TANK WASTE means any domestic or nondomestic waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks that are not connected by piping, either directly or by indirect sewer discharge, to the POTW.

INDIRECT SEWER DISCHARGE means any wastewater discharged to a sewer located in another jurisdiction which is tributary to a public sewer owned by the City of Independence.

INDUSTRIAL USER means any nondomestic source of discharge or indirect sewer discharge into the City's wastewater system which is regulated under Section 307 (b), (c), or (d) of the Clean Water Act, or any source listed in division A, B, D, E, or I of the Standard Industrial Classification Manual (1987), as may be amended or revised, or any solid waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or hazardous waste handling or disposal facilities, and facilities which store or treat aqueous wastes as generated by facilities not located on site and which dispose of these wastes by discharging them into the City's wastewater system.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE means a discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge or ash processes, use or disposal; and 2) therefore is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge or ash use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge

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LOCAL LIMITS mean limits placed on pollutants which would interfere with the operation of the POTW treatment plant; interfere with sludge processes, use or disposal; cause a violation of the POTW's NPDES permit; or degrade the water quality of the receiving body of water. Local Limits, which may be developed from time to time pursuant to 40 CFR 403.5(c), as may be amended from time to time, establish the maximum allowable headworks loading of pollutants on the POTW treatment plant and are separate and distinct from Specific Pollutant Limitations set forth in Section 7.06.007 of this Article.

MEDICAL WASTE means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of 2 or 3 above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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

NONDOMESTIC USER means any person who contributes, causes or permits the contribution of nondomestic wastes into the City's POTW, either directly or by indirect sewer discharge.

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NONDOMESTIC WASTES means the wastes from industrial processes (including wastes from any sources identified as industrial users as defined in this Section), trade or business (including food preparation concerns and businesses operated from a residence), as distinct from domestic or sanitary wastes.

NPDES (denoting National Pollutant Discharge Elimination System) means the denoted system or the permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

OIL AND GREASE means oil, fat, grease or other substance measured by standard laboratory method.

OXYGEN DEMAND means the quantity of oxygen utilized in the oxidation of substances in a specified time, at a specified temperature, and under specified conditions.

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

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

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT means any filter backwash, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and nondomestic, domestic, municipal, and agricultural waste discharged into water.

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

POTW (denoting Publicly Owned Treatment Works) means the treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the State or a municipality, including any devices and systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the POTW wastewater treatment plant. The term also means the municipal entity having jurisdiction over the discharges to and from such a treatment works.

PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or

otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR 403.6 (d), as may be amended from time to time.

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PRETREATMENT REQUIREMENT means any substantive or procedural requirement contained in the City's approved pretreatment program imposed on a nondomestic user, other than a pretreatment standard.

PRETREATMENT STANDARDS means prohibited discharge standards which appear in Section 7.06.005 of this Article, categorical pretreatment standards, pollutant discharge limits promulgated by the Missouri Clean Water Commission in accordance with Section 644.026(16) RSMo, which apply to industrial users, Specific Pollutant Limitations which appear in Section 7.06.007 of this Article, and Local Limits.

PROPERLY SHREDDDED GARBAGE means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER means a sewer that is owned by the City of Independence.

SANITARY SEWER means a sewer designed to convey liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions to a wastewater treatment plant. A sanitary sewer may also carry minor quantities of ground, storm and surface waters.

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

SEWAGE, sometimes referred to as wastewater, means the liquid and water-carried domestic or nondomestic wastes from residences, commercial buildings, industrial facilities, institutions and other sources, together with any groundwater, surface water, and stormwater that may be present.

SEWER shall mean pipe or conduit that carries wastewater or drainage water.

SIGNIFICANT INDUSTRIAL USER (SIU) means a) an industrial user subject to categorical pretreatment standards; or b) any other industrial user that i) discharges an average of 25,000 gallons per day or more of process waste water into the POTW, or ii) contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or iii) is designated as significant by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. A user which meets the criteria of subsection b) may, nevertheless, be designated as a non-SIU upon a finding, in accordance with 40 CFR 403.3(v)(3) and 403.8(f)(6), that the user has no reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement. The Director may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met: a) the industrial user, prior to the Director's finding, has consistently complied with all applicable categorical pretreatment standards and requirements; b) the industrial user annually submits the certification statement

required in Section 7.06.015, paragraph "O", together with any additional information necessary to support the certification statement; and c) the industrial user never discharges any untreated concentrated wastewater.

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SLUG means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

SPECIFIC POLLUTANT LIMITATIONS means pollutant discharge limitations set forth in Section 7.06.007 of this Article. Specific Pollutant Limitations are separate and distinct from Local Limits which may be developed from time to time pursuant to 40 CFR 403.5(c), as may be amended from time to time. Specific Pollutant Limitations are discharge limits established to protect the POTW treatment plant; the sewers, pipes and conveyances which convey wastewater to a POTW treatment plant; and POTW worker health and safety. Specific Pollutant Limitations may be as stringent as, or more stringent than, Local Limits which may be developed from time to time.

STANDARD LABORATORY METHODS mean methods of analysis and testing as outlined in 40 CFR Part 136, as may be amended from time to time.

STATE means the State of Missouri.

STORM DRAIN (sometimes termed "storm sewer") means a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

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

SUSPENDED SOLIDS means the total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, as may be amended from time to time; also referred to as nonfilterable residue.

TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS mean those violations in which thirty-three percent (33%) or more of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous maximum allowable discharge limits, multiplied by the applicable TRC. (TRC = 1.4 for BOD, suspended solids, fats, oil and grease, and 1.2 for all other pollutants except pH).

UNACCEPTABLE CREDIT RISK means any account that has received two shut off notices within the previous 12-month period, or any account for which an unsatisfactory credit or payment rating has been reported to the City by an outside credit reporting agency.

UNPOLLUTED WATER is water which does not contain any pollutants.

USER means any person who contributes, causes or permits the contribution of wastewater into the City's POTW, either directly or by indirect sewer discharge.

WASTEWATER, sometimes referred to as sewage, means the liquid and water-carried domestic or nondomestic wastes from residences, commercial buildings, industrial facilities, institutions, and other sources, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER TREATMENT PLANT, OR TREATMENT PLANT, means that portion of the POTW designed to provide treatment of wastewater.

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WATERS OF THE STATE means all rivers, streams, lakes and other bodies of surface and subsurface water 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 (2) or more persons jointly or as tenants in common. These waters also include waters of the United States lying within or adjacent to the State.

B. The following abbreviations shall have the designated meaning:

BOD	=	Biochemical Oxygen Demand
BMP	=	Best Management Practice
BMR	=	Baseline Monitoring Report
CIU	=	Categorical Industrial User
CFR	=	Code of Federal Regulations
COD	=	Chemical Oxygen Demand
CSR	=	Code of State Regulations
EPA	=	U.S. Environmental Protection Agency
gpd	=	Gallons per day
l	=	Liter
MDNR	=	Missouri Department of Natural Resources
mg	=	Milligrams
mg/l	=	Milligrams per liter
NPDES	=	National Pollutant Discharge Elimination System
O&M	=	Operation and Maintenance
POTW	=	Publicly Owned Treatment Works
RCRA	=	Resource Conservation and Recovery Act
RSMo	=	Revised Statutes of Missouri
SIC	=	Standard Industrial Classifications
SIU	=	Significant Industrial User
SWDA	=	Solid Waste Disposal Act
TRC	=	Technical Review Criteria
TSS	=	Total Suspended Solids
USC	=	United States Code
WPC	=	Water Pollution Control Department

SEC. 7.06.002. WASTE DISPOSAL CONTROL.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner any human or animal excrement, garbage, or objectionable waste.

B. It shall be unlawful to discharge to any storm sewer or waters of the State within the City or in any area under the jurisdiction of said City, any wastewater or other polluted waters which cause or would cause pollution upon entering waters of the State.

C. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, is hereby

required at the owner's(s') expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article and Chapter 17, Article 11, where said public sewers are available. "Availability" shall be determined by the Public Works Director in accordance with Chapter 17, Article 11, Section 17.11.002.

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SEC. 7.06.003. PRIVATE WASTEWATER DISPOSAL.

A. Where a public sanitary sewer is not available as defined under the provisions of Chapter 17, Article 11, Section 17.11.002, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Chapter 17, Article 11, Section 17.11.004 and this Section.

B. At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system in accordance with Chapter 17, Article 11, Section 17.11.002, the City will collect sanitary sewer service charges from the owner or occupant of said property as set forth in Article 7, Section 7.07.001.

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

D. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City Directors of Public Health, Public Works or Water Pollution Control.

E. The owner of a private sanitary sewer system connected to the publicly owned treatment works (POTW) shall certify and report, in writing, annually to the Water Pollution Control (WPC) Department, that the private sanitary sewer system is being maintained. The City shall have the right to inspect and confirm the maintenance of the private system. Any private sanitary sewer system that is not in reasonably good condition shall require upgrading to a proper condition at no expense to the City. The owner shall provide a compliance schedule for system upgrade to WPC for approval.

The owner of a private sanitary sewer system that is not connected to the POTW, but intends to connect to the POTW, shall first provide an engineering inspection report from a registered Missouri Professional Engineer describing the condition of the private sanitary sewer system. If the owner of the private system so chooses, the WPC Department may make the inspection and file the report for a full cost recovery charge, to be quoted in writing by the WPC Director at the time of request. In any case, the owner of the private sanitary sewer system shall upgrade any deficiencies noted in said report or provide a compliance schedule to WPC for the system upgrade prior to any connection to the POTW. WPC must approve of the compliance schedule, in writing, before any connection to the POTW is made.

SEC. 7.06.004. BUILDING SEWERS AND CONNECTIONS.

A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof unless so authorized in a manner deemed appropriate by the Water Pollution Control Director. The Director of Public Works issues building sewer connection permits in accordance with Chapter 17, Article 11, Section 17.11.003, specifying the location and legal description of the point for which access is granted for connection under the permit. Any uncovering of, tampering with, or entry into the public sewer or appurtenances thereof, except as specifically authorized by permit or by the Water Pollution Control Director may be subject to enforcement action as set forth in Section 7.06.013 of this Article.

B. No person(s) shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or

building drain, which in turn, is connected directly or indirectly to a public sanitary sewer. The aforesaid notwithstanding, the Water Pollution Control Director may authorize by issuance of a wastewater discharge permit or by other means deemed appropriate, connection of sources of polluted surface drainage or polluted groundwater to a building sewer or building drain or other connection to the public sanitary sewer. Such connections authorized by the Water Pollution Control Director shall not be construed to be in violation of paragraph "H" of Section 17.11.003, Article 11, Chapter 17 of the City Code.

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C. The property owner shall be responsible for the installation of building sewer (lateral) from the building to the sewer main.

The property owner shall be responsible for the repair or replacement of portions of the building sewer (lateral) from the building to the property line. The City shall be responsible for repairs or replacement of portions of a building sewer (lateral) which has structurally failed or has developed an obstruction that requires excavation within the public easement and/or street right-of-way.

When a building sewer (lateral) failure occurs in areas around the property line and the right-of-way or easement, the Director may elect to participate in the repair cost or take partial or full responsibility for the repair, as deemed necessary to protect the sanitary sewer system or to comply with environmental regulations.

The Director may establish any policies necessary to implement a building sewer (lateral) repair program in order to maintain the integrity of the sanitary sewer system, comply with applicable environmental regulations, or control or eliminate the inflow and infiltration of storm and groundwater to the sanitary sewer system.

SEC. 7.06.005. CERTAIN DISCHARGES PROHIBITED.

A. No person shall contribute or cause to be contributed, directly or through indirect sewer discharge, to the public sewer:

1. Any pollutants(s) which cause pass through or interference. This general prohibition and the specific prohibitions in paragraphs "A.2" "A.19" below apply to each user introducing pollutants into the POTW whether or not the user is subject to other categorical pretreatment standards or any Federal, State, or local pretreatment requirements.
2. Any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage, surface water, artesian well water, condensate, deionized water, or discharge from interior and exterior foundation drains, unless authorized in a manner deemed appropriate by the Director.
3. Any liquid, solid or gas which either alone or by interaction with other substances may cause fire or explosion or be injurious in any way to the POTW or the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 150°F (66°C) using the test methods specified in 40 CFR 261.21, as may be amended from time to time, except as specifically authorized by the Director in a wastewater discharge permit. The Director may issue permits to discharge wastestreams with a closed-cup flashpoint between 140°F and 150°F, but in no case shall discharge of wastestreams with a closed-cup flashpoint of less than 140°F (60°C) be permitted.
4. Solids or viscous substances in amounts which may cause obstruction to the flow in a sewer or other interference with the proper operation of the wastewater facilities, but in no case solids greater than one-half inches (0.5") in any dimension, such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage,

whole animal blood, grease, animal guts or tissues, paunch manure, hide, hair and fleshings, entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, waste paper, asphalt residues from refining or processing of fuel or lubrication oil, mud, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Any wastewater having a pH lower than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

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6. Any wastewater which will cause the POTW to violate its NPDES permit, State hazardous waste regulations; the receiving water's quality standards, or any other requirement of other agencies having jurisdiction over the POTW.

7. Any wastewater with excessive discoloration not removed in the treatment process such as, but not limited to: dye wastes and vegetable tanning solutions.

8. Any noxious or malodorous liquid, solid or gas which either singly or by interaction with other wastes is sufficient to create a public nuisance or hazard to life, prevents entry into the sewers for maintenance and repair, or which interferes with the collection or treatment processes.

9. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulation affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or State criteria applicable to the sludge management method being used.

10. Any wastewater having a temperature greater than 150°F or a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case, wastewater which causes the temperature at the introduction into the treatment plant to exceed 40°C (104°F).

11. Any wastewater containing any pollutant, including oxygen demanding pollutants (COD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW; or any wastewater treatment, sludge, or ash process; or which will constitute a hazard to humans or animals.

12. Any wastewater containing any radioactive wastes or isotopes, except as authorized in a manner deemed appropriate by the Director in compliance with applicable State or Federal regulations.

13. Any wastewater which causes a hazard to human life or creates a public nuisance.

14. Any concentrated plating wastes or metallic pickling wastes whether neutralized or not.

15. Any wastewater with unusual concentrations of inert suspended solids or of dissolved solids, such as, but not limited to: Fullers earth, lime slurries, lime residues, sodium chloride or sodium sulfate.

16. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

17. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

18. Any trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 7.06.017.

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19. Any medical wastes, except as specifically authorized in a wastewater discharge permit in accordance with Section 7.06.014 or otherwise authorized in a manner deemed appropriate by the Director.

B. Wastes prohibited by this Section shall not be processed or stored in such a manner that it could reasonably be anticipated that they would be discharged to the POTW.

C. The Director may waive, on a case-by-case basis, any of the limitations set forth in paragraph "A" of this Section which are more stringent than Federal or State requirements.

SEC. 07.06.006. FEDERAL AND STATE STANDARDS.

A. The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, as may be amended from time to time, and any State pretreatment standards promulgated by the Missouri Clean Water Commission in accordance with 644.026(16), RSMo, which apply to industrial users are hereby incorporated. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Article, is applicable to the user's discharge.

B. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article.

C. The City reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary.

D. Industrial users shall comply with applicable pretreatment standards and requirements as set forth in 40 CFR Part 403 and in 10 CSR 20-6.100, as may be amended from time to time.

E. The Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

F. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) as incorporated by reference in 10 CSR 20-6.100, as may be amended from time to time.

G. Where wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, Director may impose fixed alternative discharge limits using the combined wastestream formula as set forth in 40 CFR 403.6(e) as incorporated by reference in 10 CSR 20-6.100, as may be amended from time to time.

H. An industrial user may obtain a variance from a categorical pretreatment standard if the industrial user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 as incorporated by reference in 10 CSR 20-6.100, as may be amended from time to time, that factors relating to its

discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

I. An industrial user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15 as incorporated by reference in 10 CSR 20-6.100, as may be amended from time to time.

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SEC. 7.06.007. SPECIFIC POLLUTANT LIMITATIONS.

A. Except as otherwise provided by a compliance schedule, permit, or other written authorization from the Director, no person shall contribute or cause to be contributed, directly or indirectly, to the POTW, any discharge containing pollutants in excess of instantaneous maximum allowable discharge limits including, but not limited to, the following:

0.10 mg/l of total Arsenic	0.24 mg/l of total Silver
7.7 mg/l of total Barium	5.0 mg/l of total Zinc
0.26 mg/l of total Beryllium	0.10 mg/l of total Cyanide
0.20 mg/l of total Cadmium	5.0 mg/l of Phenols
0.20 mg/l of hexavalent Chromium	50 mg/l of Ammonia
2.0 mg/l of total Chromium	5.0 mg/l of Sulfides
1.0 mg/l of total Copper	300 mg/l of total Halides
25 mg/l of total Iron	5.0 mg/l of free Chlorine
0.10 mg/l of total Lead	25 mg/l of total Recoverable Petroleum Hydrocarbons
0.0016 mg/l of total Mercury	100 mg/l of oil and grease
1.0 mg/l of total Nickel	0.0048 mg/l of total Selenium

Concentrations apply at the point where the wastewater is discharged to the POTW unless otherwise specified by permit. At the Director's discretion, mass limitations may be imposed in addition to or in place of the concentration based limitations above.

B. The Director may develop specific limits on a case-by-case basis for any temporary discharge of wastewaters resulting from the cleanup or closure of a hazardous waste site under the authority of the Missouri Hazardous Waste Management Law, the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or the Toxic Substances Control Act (TSCA), or for other temporary discharges.

C. The City reserves the right to establish in wastewater discharge permits, or in other documents authorizing discharge, more stringent standards or requirements on discharges to the POTW if deemed necessary.

D. Any non-domestic user that cannot meet the Specific Pollutant Limitations listed in Section 7.06.007, paragraph "A", or other requirements of this Article, may submit to the Water Pollution Control Director a written request for a waiver of Specific Pollutant Limitations or of other requirements. For significant industrial users or other nondomestic users subject to wastewater discharge permit requirements pursuant to Section 7.06.014, the Director may grant a waiver of Specific Pollutant Limitations or of other requirements via a wastewater discharge permit or modification to an existing wastewater discharge permit. For nondomestic users not subject to wastewater discharge permit requirements, the Director may grant a waiver of Specific Pollutant Limitations or of other requirements of this Article via a Special Use Authorization. The Director will evaluate the information provided by the nondomestic user and will consider all relevant factors, including but not limited to the following: Volume of wastewater, requested pollutant concentration(s), destination of wastewater, and current pollutant capacity. The Director may require the nondomestic user to furnish additional information. The Director may deny any application for a waiver. The filing of a request for a waiver of Specific Pollutant Limitations or of other requirements does not stay or otherwise change the nondomestic user's legal obligations pending issuance or denial of the waiver. Issuance of a waiver via a wastewater discharge permit or permit modification pursuant to Section 7.06.014 or via a Special Use Authorization shall not be construed as a waiver of the POTW's Local Limits, but as a change in the allowable concentration of discharge to the POTW for a particular user via a special agreement. Concentration of discharge to the POTW allowable by wastewater discharge permit or Special Use Authorization is limited to mass loadings which will not cause interference or pass through. The Director will take into consideration the Local Limits of neighboring jurisdictions when issuing a Special Use Authorization to a nondomestic user to discharge to a sewer tributary to another jurisdiction. The following conditions will apply to all waivers granted via wastewater discharge permits, permit modifications, or Special Use Authorizations:

1. The duration of the waiver will be specified and shall in no event exceed five (5) years, and application for renewal must be made at least sixty (60) days before expiration.
2. Any violation of permit or Special Use Authorization conditions may result in immediate revocation of the waiver or in other enforcement action pursuant to Section 7.06.013.
3. The permit or Special Use Authorization is not transferable without approval from the Director.
4. Waiver of applicable Federal categorical pretreatment standards is prohibited.

E. Except where expressly authorized to do so by an applicable Federal Categorical Pretreatment Standard or by any other pollutant-specific limitation developed by the State or City, no nondomestic user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Federal Categorical Pretreatment Standard or with any other pollutant-specific limitation developed by the State or City.

F. The Director may develop Best Management Practices (BMPs) by ordinance or in wastewater discharge permits to implement Local Limits and the prohibitions listed in Section 7.06.005, paragraph "A", and/or the Specific Pollutant Limitations in this Section. Such BMPs shall be considered pretreatment standards for the purposes of this Article.

SEC. 7.06.008. ACCIDENTAL AND OTHER SLUG DISCHARGES.

A. Each nondomestic user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. The Director may require any nondomestic user to submit detailed plans to the Director for review showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials. These plans shall be modified to meet the Director's comments within the time frame established by the Director. If required, facilities shall be constructed according to plans approved by the Director. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense.

B. The Director will evaluate, at least every two years, whether each significant industrial user needs a slug control plan to control any discharges of a non-routine, episodic nature, including non-customary batch discharges as well as accidental discharges. The Director may require nondomestic users which are not significant industrial users to implement an approved slug control plan. The slug control plan, if required, shall be submitted to the Director for review. The slug control plan shall be modified to meet the Director's comments within the time frame established by the Director. Alternatively, the Director may develop such a plan for any nondomestic user. The nondomestic user shall comply with the slug control plan upon its approval.

If required, the slug control plan shall include, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges; and
2. Description of stored chemicals; and
3. Procedures for immediately notifying the POTW of any accidental or other slug discharge, including any discharge which would violate any of the prohibited discharges in Section 7.06.005 of this Article, with procedures for follow-up written notification within five (5) days; and
4. If necessary, procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

The Director may also require the slug control plan to include any of the following:

1. Description of the location of stored chemicals, which may include a site plan; and
2. Spill prevention through proper initial selection and construction of equipment; equipment operation, maintenance, and inspection procedures; personnel training and supervision; and security measures to prevent vandalism; and
3. Spill containment through provision of secondary containment devices or diversionary structures; and

4. Spill clean-up manpower and materials; and
5. Measures for containing spills of raw materials, products and intermediate product and wastes; and
6. Any other measures deemed necessary by the Director to adequately control slug discharges.

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C. In the case of a discharge that could cause problems to the POTW, including an accidental or other slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration, volume, and corrective actions.

D. Within five (5) days following an accidental or other slug discharge the user shall submit to the Water Pollution Control Director, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

E. All nondomestic users shall permanently post on a bulletin board or other prominent place, a notice advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

F. Each significant industrial user is required to notify the Water Pollution Control Director immediately of any changes at its facility affecting potential for a slug discharge.

SEC. 7.06.009. EXTRA STRENGTH WASTES.

A. Any wastewater having (a) a COD greater than four hundred (400) mg/l, or (b) a BOD greater than two hundred twenty-five (225) mg/l, or (c) more than two hundred fifty (250) mg/l of suspended solids, or (d) an average daily flow greater than twenty-five thousand (25,000) gallons per day, shall be subject to the review of the Water Pollution Control Director. Where necessary in the opinion of the Water Pollution Control Director, the nondomestic user shall provide, at his/her expense, such pretreatment as may be necessary to reduce the oxygen demand, reduce the suspended solids, or control the quantities and rates of discharge of such wastewater.

B. Any wastewater accepted by the City having a COD greater than 400 mg/l, or a BOD greater than 225 mg/l, or more than 250 mg/l suspended solids, shall be subject to a surcharge to cover the extra costs of treatment as established in Section 7.07.011.

C. Nothing contained in this Article shall be construed as preventing the Director from accepting an industrial waste, holding tank waste or other waste of unusual strength or character for treatment, provided such waste does not violate applicable Federal categorical pretreatment standards.

SEC. 7.06.010. PRETREATMENT OF NONDOMESTIC WASTE.

A. Nondomestic users shall provide necessary wastewater pretreatment as required to comply with this Article and achieve compliance with all applicable Federal, State, and local pretreatment standards and requirements within the time limitations as specified by the applicable Federal, State, or local regulations. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated, and maintained continuously in satisfactory and effective operation by the user at his/her expense. Detailed plans showing the pretreatment facilities and operating procedures shall be approved by the Water Pollution Control Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this Article. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes, in accordance with Section 7.06.015, paragraph "G". The Director may require a nondomestic user to conduct a compatibility study prior to the introduction of a new waste to the POTW to determine whether such waste is acceptable to the POTW.

B. The City shall annually publish in the City's largest newspaper, a list of the significant industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or requirements. If deemed appropriate by the Director, the City may also publish any other nondomestic users identified to be in significant violation. For purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after the user receives written notification of noncompliance; which is a part of a pattern of noncompliance over a 12 month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority. The term significant noncompliance shall mean:

1. Chronic violations of wastewater discharge limits or requirements, defined herein as those in which sixty-six percent (66%) or more of the measurements taken for the same pollutant parameter during a six-month period exceed (by any amount) a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter by any amount; or,
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC. The TRC for fats, oils and grease; BOD; and total suspended solids = 1.4. For all other pollutants except pH, the TRC = 1.2; or,
3. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health or welfare of City personnel or the general public; or,
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of emergency authority to halt or prevent such a discharge; or,

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

6. Failure to provide thirty (30) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or,

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7. Failure to accurately report noncompliance; or,

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

C. The Water Pollution Control Director may impose mass limitations on nondomestic users where the imposition of mass limitations are appropriate. In such cases, the reports required by this Article shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.

D. Every significant industrial user, shall complete a Wastewater Characteristics Survey periodically when requested by the Water Pollution Control Director. The form will be supplied by the City and shall be completed and returned by the user. The Director may also require any nondomestic user which is not a significant industrial user to periodically complete a Wastewater Characteristics Survey. Failure to complete the required Survey is a violation of this Article and may be considered reasonable grounds for terminating service to the significant industrial user or other nondomestic user. When required by the

Director, new nondomestic users shall complete a Wastewater Characteristics Survey as part of the application for an occupational license. The form will be supplied by the City and must be returned before an occupational license can be issued. The user will be required to supply any and all information deemed by the Water Pollution Control Department to be necessary to evaluate compliance with the Federal Categorical Pretreatment Standards or this Article including, but not limited to: Name; address, location; Standard Industrial Classification (SIC) code, wastewater characteristics and constituents, time and duration of contribution, site plans with details to show all building sewers and connections, modifications necessary to meet Pretreatment Standards, types and amounts of raw materials, number of employees and hours of operation.

E. Grease, oil and sand interceptors shall be provided when, in the opinion of the Water Pollution Control Director, they are necessary for proper handling of liquid wastes containing oil and grease in excessive amounts as specified in Section 7.06.005, paragraph "A.4", and Section 7.06.007, paragraph "A", or any flammable waste, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Water Pollution Control Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

In the maintaining of these interceptors, the user shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records in accordance with Section 7.06.015, paragraphs "L" and "N", of the dates, and means of disposal which are subject to review by the Water Pollution Control Director. Any removal and hauling of the collected materials not performed by the user's personnel must be performed by appropriately licensed waste disposal firms.

F. Whenever deemed necessary, the Director may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastes from industrial wastestreams,

and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this Article.

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G. Whenever deemed necessary, the Director may require each person discharging into the POTW greater than 25,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, to install and maintain, on the discharger's property and at his expense, a suitable storage and flow control facility approved by the Director to ensure equalization of flow. The Director may require the facility to be equipped with alarms and a rate of discharge controller, the regulation of which may be directed by the Director. A wastewater discharge permit may be issued solely for flow equalization.

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

SEC. 7.06.011. MONITORING OF NONDOMESTIC WASTES.

A. When required by the Water Pollution Control Director, any nondomestic user shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the user at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times. The City reserves the right to design and construct a suitable structure and charge to the user the appropriate costs. All devices used by the nondomestic user to measure wastewater flow and quality shall be calibrated periodically as needed to ensure their accuracy.

No statement in this Article restricts the connection of garbage grinders in homes to the sanitary sewer.

B. The Water Pollution Control Director may require a nondomestic user of sewer services to provide information needed to determine compliance with this Article. These requirements may include, but are not limited to the following:

1. Wastewater discharge peak rate and volume over a specified time period.
2. Laboratory analysis of wastewater.
3. Information on raw materials, processed, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

C. Any measurements, samplings, tests and analysis required by this Article shall be performed at the nondomestic user's own expense. The results must be certified by a qualified professional. Any results submitted by a user which are not certified may be deemed inconclusive for purposes of demonstrating user compliance with the applicable standards.

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D. All measurements, tests and analyses, including sampling techniques, of the characteristics of wastewaters to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as may be amended from time to time, or 10 CSR 20-7.015(9), as may be amended from time to time, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 or 10 CSR 20-7.015(9) does not contain sampling or analytical techniques for the pollutant in question, or where Part 136 or 10 CSR 20-7.015(9) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the Director in accordance with applicable Federal, State, or local regulations.

E. Samples for oil and grease, temperature, pH, cyanide, phenol, sulfide, and volatile organic compounds must be obtained using grab collection techniques. Unless otherwise provided by the Director, composite collection techniques must be used for all other wastewater samples.

F. All wastewater samples must be representative of the nondomestic user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a nondomestic user to keep its monitoring facility in good working order shall not be grounds for the nondomestic user to claim that sample results are unrepresentative of its discharge.

G. If a nondomestic user subject to reporting requirements monitors any pollutant more frequently than required by POTW using the procedures prescribed in paragraph "E" of this Section, the results of this monitoring shall be included in the report.

H. Except as otherwise provided by the Director, compliance with local pretreatment standards and requirements shall be determined by sampling representative of the point where wastewater is discharged to the POTW. Compliance with Federal categorical pretreatment standards shall be determined by sampling representative of the discharge from the regulated process, unless otherwise provided in the applicable categorical standard.

I. Monitoring shall be conducted by significant industrial users in accordance with Section 7.06.015, paragraph "D", at least twice a year, except as specified in Section 7.06.015, paragraphs "D.2" - "D.4". The Director may require more frequent monitoring.

J. No statement contained in the Article shall be construed as preventing the Water Pollution Control Director or his/her duly authorized representative from performing any measurement, test or analysis or collecting any sample.

K. The Director may use a grab sample(s) to determine noncompliance with pretreatment standards or other discharge limits.

SEC. 7.06.012. POWERS AND AUTHORITY OF INSPECTORS.

A. The Water Pollution Control Director, or any authorized representative, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, records examination and copying, observation, measurements, sampling, and testing pertinent to discharge to the community system, and for repair and maintenance of any portion of the POTW facilities situated on said properties in accordance with the provisions of this Article.

B. Information and data on a user, obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections, shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as confidential information according to the criteria set forth in 40 CFR 2.208 and 2.302, as may be amended from time to time.

When requested by the person furnishing a report, the portions of a report which might disclose confidential information shall not be made available for inspection by the public. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall be made available upon request to any agency meeting the requirements of Section 308 of the Act, including officers, employees or authorized representatives of the United States concerned with carrying out the Act, bound by the confidentiality rules in 40 CFR Part 2, as may be amended from time to time.

C. While performing the necessary work on private properties referred to in Section 7.06.012, paragraph "A", the Water Pollution Control Director or duly authorized representatives shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Director or authorized representatives, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company by City employees and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7.06.011, paragraph "A".

D. Unreasonable delays in allowing the Director access to the premises or other interference with the activities of the Director shall be a violation of this Article. Access to user property and/or records may not be refused on the basis that the Director refuses to sign any waiver, access agreement, or similar document.

E. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this Article or that there is a need to inspect as part of a routine inspection program of the City to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Counselor, the Municipal Court Judge of the City shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property

described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency effecting public health and safety, inspections shall be made without the issuance of a warrant.

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SEC. 7.06.013. ENFORCEMENT OF THE SEWER USE REGULATIONS.

A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the POTW facilities, unless otherwise authorized by the Director. The Director may authorize entry, uncovering, disconnection, blockage, removal, replacement, or destruction of any part of the POTW when, in his/her opinion, it is in the best interests of the City. Any person(s) violating this provision may be subject to immediate arrest under charge of disorderly conduct and/or may be subject to other enforcement action as set forth in this Section. Nothing in this paragraph shall preclude the City from pursuing action in civil court to recover its damages incurred or to obtain a court order enjoining further damage.

B. When any person has violated or is violating this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement:

1. The Director may serve upon said person a written notice of violation. Wherever the term "notice" is used throughout this section it shall mean service by personal delivery, by certified mail (return receipt requested), or by posting on the property of the person being notified. Failure to accept certified mail within ten (10) days constitutes acceptance. Said person shall submit to the Director an explanation of the violation and a plan for the satisfactory correction and prevention thereof within ten (10) days of the receipt of the notice, unless otherwise specified by the Director. The plan shall include specific actions which will be taken to remedy the violation. Submission of this plan in no way relieves said person of liability for any violations occurring before or after receipt of the notice of violation.

2. The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. The agreement may include specific action to be taken by said person to correct the noncompliance within a specified time period. The agreement will have the same force and effect as an administrative order issued pursuant to Section 7.06.013, paragraphs "B.4" and "B.5" below.

3. The Director may order any person who causes or contributes to such violation(s) to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on said person specifying the time and place for the hearing, the enforcement action being proposed, the reasons for such action, and a direction that the person show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of said person. Whether or not said person appears as ordered, immediate enforcement action may be pursued following the hearing date.

4. The Director may issue an order to the person responsible for the discharge directing that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated within a specified time frame. This compliance order may also contain other requirements to address noncompliance, including, but not limited to, additional self-monitoring and management practices

designed to minimize the amount of pollutants discharged to the sanitary or storm sewer. A compliance order does not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Violation of any terms of a compliance order issued hereunder shall constitute a violation of this Article subject to the enforcement remedies authorized herein.

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5. The Director may issue an order to the person directing him/her to cease and desist all such violations and directing him/her to:

a. Immediately comply with all requirements.

b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

6. The Director may immediately suspend the wastewater treatment service and/or a Sewer Connection Permit after informal communication to the user when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or cause the POTW to violate any condition of its NPDES Permit or other operation permits as may be issued by the Federal or State government.

a. Any person informed of a suspension of the wastewater treatment service and/or the Sewer Connection Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection and/or termination of water service, to prevent or minimize damage to the POTW system or endangerment to any individuals.

b. The Director shall reinstate the wastewater treatment service upon: 1) demonstration to the satisfaction of the Director that the period of endangerment has passed; 2) a detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence; and 3) reapplication for a sewer connection permit and payment of the required fee, as specified in Section 7.06.004, paragraph "B", unless the termination proceedings set forth in Section 7.06.013, paragraph "B.7", are initiated against the user. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

7. Wastewater discharge permits may be revoked or denied for cause as described elsewhere in this Article. In addition, any user found to be in violation of this Article, any wastewater discharge permit, or order issued hereunder, may be subject to termination of sewer service. Such user will be notified of the proposed termination of its service and be offered an opportunity to show cause under Section 7.06.013, paragraph "B.3", of this Article why the proposed action should not be taken.

8. The Director may petition the Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Article on activities of said person. Such other action as appropriate for legal and/or equitable relief may also be sought by the City.

9. Water service to the user may be severed upon the authorization of the WPC Director. The WPC Director shall notify the Water Department that the premises is no longer entitled to service. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

10. The occupational license held by a business may be revoked upon the authorization of the WPC Director. The WPC Director shall notify the Finance Department that the business is no longer entitled to hold an occupational license. Such license shall only be reissued after the business has satisfactorily demonstrated its ability to comply.

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11. Each remedy set out in this paragraph "B" is independent and not exclusive. Use of one remedy by the Director does not preclude use of any other remedy set out in this paragraph, or this Section 7.06.013, or this Article. Selection of remedies to be pursued, whether one or several, shall be at the discretion of the Director.

C. In addition to the remedies set out in paragraph "B" above, the Director may levy an administrative fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day against any industrial or other nondomestic user that is found to have violated or continues to violate any provision of this Article, its wastewater discharge permit, any orders issued hereunder, or any other pretreatment standard or requirement. The Director may levy an administrative fine not to exceed Five Hundred Dollars (\$500.00) per violation per day against any person other than an industrial user or nondomestic user upon finding that said person has violated Section 7.06.004, paragraph "A", or Section 7.06.013, paragraph "A", of this Article.

1. Assessments or fines may be added to the user's next scheduled sewer service charge, and the Director shall have such other collection remedies as are available for other service charges, as set forth in Article 7. The Director may enter into an agreement with an industrial or other nondomestic user allowing the implementation of a pollution prevention program approved by the Director in lieu of payment of an administrative fine.

2. Unpaid charges, fines, and penalties shall, after twenty-five (25) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. Failure to pay administrative fines shall be deemed a violation of this Article and subject to other enforcement action under this Section. In addition, collection of said fines may be pursued in Jackson County Circuit Court. Further, the Director may request that a lien be assessed against the property of the person found to have violated this Article, or any orders or permits issued hereunder, for unpaid charges, fines, and penalties in the same manner as set out in this Code for liens for special assessments.

3. Any person desiring to dispute such fines must file a written request for the Director to reconsider the fine within ten (10) days of being notified of the fine. Such request must contain a statement outlining the necessary facts and conditions supporting the request for reconsideration. An initial finding of fact shall be made after investigation and review of the information submitted by the person disputing the fine.

4. If said person is not satisfied with the initial finding, he/she may request in writing within ten (10) days a hearing before the Director. The Director will make findings of fact and issue the City's final decision. The Director may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

5. Levying of an administrative fine shall not be a prerequisite for taking any other action against a person found to have violated this Article or any permit or order issued hereunder.

D. Any person violating any of the provisions of this Article, Federal or State Pretreatment Requirements or any order of the City shall become liable to the City for any expense, including sampling and monitoring expenses, loss or damage occasioned by the POTW, reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations, and permits issued hereunder.

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E. Any industrial user that willfully or negligently introduces any substance into the City's POTW, either directly or by indirect sewer discharge, which causes personal injury or property damage shall, upon conviction, be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) and/or be subject to imprisonment for not more than six (6) months. Any person other than an industrial user that willfully or negligently introduces any substance into the City's POTW, either directly or by indirect sewer discharge, which causes personal injury or property damage shall, upon conviction, be subject to a penalty not to exceed Five Hundred Dollars (\$500.00) and/or be subject to imprisonment for not more than six (6) months. This penalty shall be in addition to any other cause of action for personal injury or property damage under State law.

F. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than six (6) months or both. In the event of a second or subsequent conviction, the person shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000.00) per violation per day or imprisonment for not more than six (6) months or both. Any penalty imposed under this paragraph shall not preclude any appropriate civil remedy, including administrative fines.

G. In lieu of prosecution of violators in municipal court for violations of this Article, the Director may petition the county prosecutor to institute criminal prosecution against the violator, as a misdemeanor.

H. The Director may decline to reissue a wastewater discharge permit to any user who has failed to comply with the provisions of this Article, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

I. The Director may refer an enforcement matter regarding an industrial or other nondomestic user to the Approval Authority for either joint enforcement action or action by the Approval Authority alone.

J. As an enforcement response the Director may require a user to perform increased monitoring if the user violates a pollutant effluent limit. Such enforcement action may be undertaken through modification of the user's wastewater discharge permit; through a permit condition which automatically imposes such increased monitoring; or through other types of enforcement actions, including but not limited to, administrative orders.

K. The Director may enter into agreements with neighboring jurisdictions in which industrial or other nondomestic users are or may be located to provide for the implementation and enforcement of pretreatment program requirements against said users. The Director may, in accordance with an

interjurisdictional agreement, refer an enforcement matter regarding an industrial or other nondomestic user located within the City, but discharging wastewater to a sewer tributary to a neighboring jurisdiction's POTW, to said jurisdiction for enforcement action.

L. The Director may arrange for remediation action to be taken when, in the opinion of the Director, a substance introduced into the City's POTW presents a threat to public health or the environment. The Director may assess the person responsible for the introduction of such a substance for the cost of the remediation. The Director may also assess any person found to have violated Section 7.06.004, paragraph "A", or Section 7.06.013, paragraph "A", to recover any damages incurred as a result of said violation. Bills for the costs associated with such remediation or damages may be added to the user's next scheduled sewer service charge, and the Director shall have such other collection remedies as are available for service charges as set forth in Article 7.

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SEC. 7.06.014. WASTEWATER DISCHARGE PERMITS

A. Except as provided herein, it shall be unlawful for any significant industrial user to discharge industrial wastewater into the POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and may subject the wastewater discharge permittee to the sanctions set out in Section 7.06.013. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

The Director may require other nondomestic users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Article. New significant industrial users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge.

B. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Section and who wishes to continue such discharges in the future, shall, within thirty (30) days after being notified of its classification as significant, apply to the Director for a wastewater discharge permit in accordance with this Section, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of being notified of its classification as significant, except in accordance with a wastewater discharge permit issued by the Director or as otherwise authorized by the Director.

Any other nondomestic user which discharges nondomestic wastes into the POTW prior to the effective date of the Section and who wishes to continue such discharges in the future, shall, within thirty (30) days after being notified that a wastewater discharge permit is required to continue such discharge, apply to the Director for said permit in accordance with this Section, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of being notified of the requirement to obtain said permit, except as authorized by a wastewater discharge permit issued by the Director or as otherwise authorized by the Director.

C. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin.

D. The City may enter into agreements with neighboring jurisdictions to provide for the issuance of wastewater discharge permits to nondomestic users. The Director, in accordance with an interjurisdictional agreement, may defer the responsibility for issuance of a wastewater discharge permit to a nondomestic user located within the City to a neighboring jurisdiction, when such user utilizes the City's sanitary sewer system to discharge to said neighboring jurisdiction's POTW. The Director will take

into consideration the Local Limits of a neighboring jurisdiction when issuing a wastewater discharge permit to a nondomestic user to discharge to a sewer tributary to said jurisdiction.

E. All nondomestic users required to obtain a wastewater discharge permit shall submit an application to the Director. The Director may provide a form to be used as a permit application. In order to be considered for a wastewater discharge permit, all industrial users subject to categorical pretreatment standards must also submit a Baseline Monitoring Report as described in Section 7.06.015, paragraph "A". The Director may request the following information to be included in the permit application:

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1. Description of activities, facilities and plant processes on the premises, including the industrial user's Material Safety Data Sheets or a list of raw materials and chemicals used or stored at the facility.
2. Number of employees and hours of operation.
3. Each product produced by type, amount, process or processes, and rate of production.
4. Type and amount of raw materials processed (average and maximum per day.)
5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge.
6. Time and duration of the discharge.
7. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 7.06.015, paragraph "D.2".
8. Any request to be covered by a general permit based on paragraph "J" of this Section.
9. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

F. All wastewater discharge permit applications and industrial user reports submitted by significant industrial users must contain the certification statement in Section 7.06.015, paragraph "P.1", and be signed by an authorized representative of the industrial user:

G. Incomplete or inaccurate applications may not be processed and may be returned to the applicant for revision. After the application is completed, the Director may request additional information to clarify, modify, or supplement previously supplemented material. Requests for such additional information will not render the application incomplete. If the applicant fails or refuses to correct deficiencies in the application, the permit may be denied. The Director may deny any application for a wastewater discharge permit.

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

I. Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW or otherwise deemed necessary to implement a pretreatment program.

1. A user shall comply with all requirements contained in its wastewater discharge permit, including, but not limited to, the following:

- a. The wastewater discharge permit is not transferable without approval from the Director.
- b. The user shall comply with all applicable Federal, State and local discharge limitations, including Best Management Practices.

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c. The user shall comply with all applicable self monitoring, sampling, reporting, notification, and record keeping requirements, including monitoring of parameters as specified in the permit at the specified sampling location(s) and sampling frequency, and collecting the specified sample type based on Federal, State and local laws and regulations.

d. The user may be subject to applicable civil, criminal, and administrative penalties for violation of discharge standards and requirements, and any applicable compliance schedule contained in the permit. Such schedule may not extend the time for compliance beyond that allowed by applicable Federal, State, or local law or regulations.

Compliance with the permit does not relieve the permittee of its obligation to comply with all applicable Federal and State pretreatment standards, including those which become effective during the term of the permit, or of its obligation to comply with any other requirements of Federal, State, or local laws, rules or regulations.

2. Wastewater discharge permits may contain, but need not be limited to, the following:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
- b. Effluent limits, including Best Management Practices, based on applicable pretreatment standards.
- c. Requirements for the installation of pretreatment technology or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
- d. Requirements for development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharge.
- e. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- f. The unit charge or schedule of user charges for the management of the wastewater discharged to the POTW.

- g. Requirements for installation and maintenance of inspection, monitoring and sampling facilities and equipment.
- h. Requirements for periodic submittal of all incoming and outgoing hazardous waste manifests.
- i. Requirements for payment of an annual permit charge.
- j. Compliance schedules, provided that such schedules do not extend State, or local law or regulations.
- k. Requirements for increased monitoring as deemed necessary or as part of an enforcement response undertaken by the City in response to a user violation.
- l. Requirements to calculate alternative categorical limits using the combined wastestream formula in a manner consistent with applicable Federal and State provisions.

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- m. A waiver of Specific Pollutant Limitations listed in Section 7.06.007, paragraph "A", or of other requirements of this Article, granted in accordance with Section 7.06.007, paragraph "D".
- n. A waiver of monitoring requirements granted in accordance with Section 7.06.015, paragraphs "D.2" - "D.3".
- o. Other conditions as deemed appropriate by the Director to ensure compliance with this Article and State and Federal laws, rules, and regulations.

J. At the discretion of the Director, the Director may use general permits to control significant industrial user discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must: involve the same or substantially similar types of operations; discharge the same types of wastes; require the same effluent limitations; require the same or similar monitoring; and in the opinion of the Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

1. To be covered by the general permit, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 7.06.015, paragraph "D.2" for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with Section 7.06.015, paragraph "D.2".
2. The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific significant industrial user meets the criteria in this Section, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
3. The Director may not control a significant industrial user through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for significant industrial users whose limits are based on the combined wastestream formula (Section 7.06.006, paragraph "G") or net/gross calculations (Section 7.06.006, paragraph "I").

K. Any person, including the permit applicant, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of issuance of the permit. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal and acceptance of the conditions of the permit. In its petition, the appealing party must indicate the wastewater discharge provisions objected to, the reasons for those objections, and any alternative conditions it seeks to place in the wastewater discharge permit. Challenges to modified permits are limited only to the changed provisions. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

The permittee is precluded from challenging the validity or appropriateness of a permit condition in an enforcement action if the permittee had an opportunity to object to or otherwise challenge the permit condition in the permitting context. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.

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Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing an application for review in accordance with the Administrative Procedure Act, Chapter 536, Revised Statutes of Missouri.

L. The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
2. To address significant alterations or additions to the nondomestic user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13, as may be amended from time to time.
8. To correct typographical or other errors in the wastewater discharge permit.
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
10. At the request of the permittee, including but not limited to, a request for a waiver of Specific Pollutant Limitations listed in Section 7.06.007, paragraph "A", or of other requirements of this Article, in accordance with Section 7.06.007, paragraph "D".
11. To add requirements to control slug discharges, if determined by the Director to be necessary.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition. The Director may deny any request for permit modification.

M. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the Permittee makes a written request to the Director and the Director approves the wastewater discharge permit transfer. The request for transfer submitted to the Director must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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Failure to Provide advance notice of a transfer renders the wastewater discharge permit void as a matter of law as of the date of facility transfer.

N. Wastewater discharge Permits may be revoked or denied for the following reasons:

1. Failure to notify the Director of significant changes to the wastewater Prior to the changed discharge.
2. Failure to provide notification to the Director of changed condition pursuant to Section 7.06.015.
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow the Director timely access to the facility premises and records.
7. Failure to meet discharge limitations.
8. Failure to pay fines.
9. Failure to pay sewer charges.
10. Failure to meet compliance schedules.
11. Failure to complete the wastewater survey as required under Section 7.06.010, paragraph "D", or the wastewater discharge permit application.
12. Failure to provide advance notice of the transfer of a permitted facility.
13. Violation of any pretreatment standard or requirement, any terms of the wastewater discharge permit, or this Article.

Wastewater discharge permits may be revoked by the Director upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the effective date of a newly issued wastewater discharge permit.

O. The Director may refuse to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Article, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

P. The permittee shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 7.06.014, paragraph "E", a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit, except as otherwise provided by the Director.

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Q. Discharge after the expiration date of the nondomestic user's wastewater discharge permit is prohibited pending a decision on a reissued permit, except:

1. If the nondomestic user filed a timely application which is complete, and,
2. The Director, through no fault of the applicant, does not issue a new permit with an effective date on or before the expiration date of the existing permit.

R. The Director may waive any permit requirements for nondomestic users which are not significant industrial users and may waive any other provisions of this Section not required under Federal or State laws or regulations.

SEC. 7.06.015. REPORTING REQUIREMENTS.

Industrial and other nondomestic users are subject to reporting requirements as set out in this Section and elsewhere in this Article.

A. Within either one hundred eighty (180) days following the effective date of a categorical pretreatment standard, as may be amended from time to time, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), as may be amended from time to time, whichever is later, any existing user subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW, shall submit to the Director a baseline monitoring report containing the following information.

1. The name and address of the facility including the names of the operator and owner and the name and title of the authorized representative preparing the report.
2. A list of any environmental control or wastewater discharge permits or authorizations held by or for the facility.
3. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes. The Director may require that the location be shown of storage areas for raw materials and for hazardous wastes as defined in 40 CFR Part 261 and 10 CSR 25, as may be amended from time to time.

4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated processes and other sources as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e), as may be amended from time to time.

5. Identification of the categorical pretreatment standards applicable to each regulated process.

6. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the pretreatment standard or by the Director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. Samples shall be representative of daily operations and shall be collected and analyzed in accordance with the procedures set forth in Section 7.06.011 and in 40 CFR 403.12(g)(3) and (g)(4), as may be amended from time to time. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Director or the applicable standard to determine compliance with the standard.

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The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. The Director may allow the submission of a baseline report which utilizes only historical data as long as the data provides information sufficient to determine the need for industrial pretreatment measures.

7. A statement indicating whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional engineer.

8. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the industrial user shall report the shortest schedule for providing such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

a. Where the industrial user's categorical pretreatment standard has been modified by a removal allowance pursuant to 40 CFR 403.7, as may be amended from time to time, the combined wastestream formula (Section 7.06.006, paragraph "G"), and/or a fundamentally different factors variance (Section 7.06.006, paragraph "H") at the time the industrial user submits the report required by paragraph "A" of this Section, the information required by paragraphs "A.7" and "A.8" of this Section shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance pursuant to 40 CFR 403.7, as may be amended from time to time, the combined wastestream formula (Section 7.06.006, paragraph "G"), and/or a fundamentally different factors variance (Section 7.06.006, paragraph "H") after the industrial user submits the report required by paragraph "A" of this Section, any necessary amendments to the information requested by paragraphs "A.7" and "A.8" of this Section shall be submitted by the industrial user to the Director within sixty (60) days after the modified limit is approved.

9. All baseline monitoring reports must be signed and certified in accordance with paragraph "P.1" of this Section.

At least 90 days prior to the commencement of discharge, new sources and sources that become significant industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the Director a report which contains the information listed in paragraphs "A.1" - "A.6" of this Section. A new source shall also report the method of pretreatment it intends to use to meet applicable categorical standards. New sources shall give estimates of the information requested in paragraphs "A.4" and "A.6" of this Section.

B. The following conditions shall apply to the schedule required by Section 7.06.015, paragraph "A" above. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

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C. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 7.06.015, paragraphs "A.4" - "A.7". For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), as may be amended from time to time, this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All samples collected for the 90 day compliance report shall be collected and analyzed in accordance with Section 7.06.011 and with 40 CFR 403.12(g)(3) and (g)(4), as may be amended from time to time. All compliance reports must be signed and certified in accordance with paragraph "P.1" of this Section.

D. All significant industrial users subject to categorical standards are required to submit periodic compliance reports as specified herein.

1. Except as specified in paragraphs "D.2"- "D.4" of this section, all significant industrial users subject to categorical standards shall, at a frequency determined by the Director but in no case less than twice per year (in July and January), submit a report indicating the nature and measured concentration (or mass, where required) in the discharge of all pollutants which are limited by such categorical standards and of any other pollutants which the Director requires to be monitored. The report shall also provide the measured or estimated average and maximum daily flows for the reporting period of regulated process streams and other streams as necessary to allow use of the combined wastestream formula. The reports shall be based on sampling performed in the period covered by the report, and all wastewater samples must be collected and analyzed in accordance with the procedures set forth in Section 7.06.011 and with 40 CFR 403.12(g)(3) and (g)(4), as may be amended from time to time. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Director or the applicable standard to determine compliance with the standard. All periodic compliance reports must be signed and certified in accordance with paragraph "P.1" of this Section.

For industrial users subject to categorical pretreatment standards expressed as equivalent mass or concentration limits, the report required by this paragraph shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by this paragraph shall include the industrial user's actual average production rate for the reporting period.

2. The Director may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

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

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b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

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

d. The request for a monitoring waiver must be signed by an authorized representative as defined in Section 7.06.001 and include the certification statement in paragraph "P.1" of this Section.

e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

f. Any grant of the monitoring waiver by the Director will be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver will be maintained by the Director for three (3) years after expiration of the waiver.

g. Upon approval of the monitoring waiver and revision of the user's permit by the Director, the industrial user must certify on each report with the statement in paragraph "P.3" of this Section that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of paragraph "D.1" of this Section or other more frequent monitoring requirements imposed by the Director, and notify the Director.

i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

3. The Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Approval Authority, where the industrial user's total categorical wastewater flow does not exceed any of the following:

- a. One thousand (1,000) gallons per day as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
- b. One and nine-tenths (1.9) pounds per day of BOD; and
- c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved Local Limits were developed.

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Reduced reporting is not available to industrial users that have in the last two (2) years been in significant noncompliance, as defined in Section 7.06.010, paragraph "B", of this Article. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

4. An industrial user determined to be a non-significant categorical industrial user by the Director pursuant to Section 7.06.001 must annually submit the signed certification statement in paragraph "P.2" of this Section. This certification must accompany any alternative report required by the Director.

E. The Director may perform the sampling and analysis required to be contained in the reports required in paragraphs "A", "C", and "D" of this Section in lieu of the industrial user. Where the Director performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under paragraphs "A.7" and "C" of this Section. In addition, where the Director collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

F. The Director may require nondomestic users with discharges that are not subject to categorical pretreatment standards at a frequency determined by the Director to submit a report indicating the nature and concentration (or mass, where required) of pollutants in the discharge which the Director requires to be monitored and the measured or estimated daily flows for the reporting period. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Director to determine the compliance status of the industrial user. These reports shall be based on sampling performed in the period covered by the report, and performed in accordance with the procedures set forth in Section 7.06.011. This sampling and analysis may be performed by the Director in lieu of the noncategorical nondomestic user. Where the Director collects all the information required for the report, the noncategorical nondomestic user will not be required to submit the report.

G. Each industrial user shall notify the Director of any planned substantial changes to the industrial user's operations or systems which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application. The Director may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to this notice. No industrial user shall implement the planned change condition until and unless the Director has responded to the industrial user's notice. For purposes of this requirement, flow increases of more than ten percent (10%) or the discharge of any previously unreported pollutant shall be deemed substantial changes.

The Director may waive part of the thirty (30)-day prior notice required under this paragraph for reasons including, but not limited to, contractual arrangements and unforeseen operational conditions. In order to be considered for a waiver, the industrial user must submit a request for waiver with its notification of planned changes.

H. In the case of any accidental or other slug discharge, or any other discharge which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 7.06.005 of this Article), it is the responsibility of the nondomestic user to immediately telephone and notify the Director of the incident in accordance with the procedures set forth in Section 7.06.008 of this Article.

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I. As provided for in 40 CFR 403.3 (v)(3) and 403.8(f)(6), as may be amended from time to time, any noncategorical SIU may petition the Director to make a determination that such industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement and that such industrial user should not be considered a significant industrial user. All nondomestic users which are not significant industrial users shall provide appropriate reports when so required by the Director.

J. If sampling performed by an industrial user indicates a violation, the industrial user must notify the Director within twenty four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The Director may waive the requirement to resample if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

K. Under the Federal pretreatment regulations, industrial users discharging hazardous waste as of August 23, 1990, were required by the Federal pretreatment regulations to notify the WPC Director, the EPA Region VII Waste Management Division Director, and the Director of the Missouri Department of Natural Resources Hazardous Waste Program in writing within 180 days of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Any industrial user who commences the discharge of hazardous waste after the effective date of the Federal regulation is required to provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, as may be amended from time to time, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only

once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 7.06.015, paragraph "G" above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Section 7.06.015, paragraphs "A" and "C"- "F", above.

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

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Region VII Waste Management Division Director, and the Director of the Missouri Department of Natural Resources Hazardous Waste Program of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

This subsection "K" shall not be construed to relieve the industrial user of any requirements for an accidental discharge control plan or slug discharge control plan as set forth in Section 7.06.008 of this Article, or from any reporting requirements for discharges which may cause potential problems for the POTW, as set forth in Sections 7.06.008 and 7.06.015, paragraph "H".

L. Nondomestic users shall maintain a record of the date and time, volume and methods of removal and disposal and location of disposal site(s) for solids, sludges, grease, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters. Records of receipt by the disposal facility of all such wastes removed from the site shall be maintained to provide a "cradle to grave" tracking system for removed wastes.

M. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

N. Nondomestic users shall make available for inspection and copying all records and information required by the Director, including documentation associated with Best Management Practices. Nondomestic users shall maintain material safety data sheets, incoming hazardous waste manifests, outgoing hazardous waste manifests, records of sludge and other residual waste disposal, sampling records, analytical reports, production records, purchase records, reports submitted to regulatory agencies and other related records for a period of at least three (3) years. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; and,
2. The dates analysis were performed; and,

3. Who performed the analysis; and,
4. The analytical techniques/methods used; and,
5. The results of such analysis.

The three year record retention period shall be automatically extended for the duration of any litigation concerning compliance with this Article, or where a nondomestic user has been specifically notified of a longer retention period by the Director.

O. Industrial users shall submit all other reports required by Federal pretreatment regulations, including, but not limited to, reports identified in 40 CFR 403.12, as may be amended from time to time. The Director may on a case-by-case basis waive any reporting requirements contained in this Section which are not required under Federal or State laws or regulations.

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P. Certification of permit applications, industrial user reports and initial monitoring waiver statements must be signed by an authorized representative as defined in Section 7.06.001.

1. The following certification statement is required to be signed and submitted by nondomestic users submitting permit applications in accordance with Section 7.06.014, industrial users submitting baseline monitoring reports under paragraph “A” of this Section, users submitting reports on compliance with the categorical pretreatment standard deadlines under paragraph “C” of this Section, users submitting periodic compliance reports required by paragraph “D.1” of this Section, and users submitting an initial request to forego sampling of a pollutant on the basis of paragraphs “D.2” - “D.3” of this Section:

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.

2. A facility determined to be a non-significant categorical industrial user by the Director pursuant to Section 7.06.001 must annually submit the following signed certification statement:

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

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in Section 7.06.001;

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

This compliance certification is based on the following information.

_____”

3. Significant industrial users that have an approved monitoring waiver based on paragraphs “D.2” - “D.3” of this Section must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 7.06.015, paragraph “D.1”.

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SEC. 7.06.016. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

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

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the industrial user demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset; and,
2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and,
3. The industrial user has submitted the following information to the Director within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - a. A description of the indirect discharge and cause of noncompliance; and,
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and,
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment is reduced, lost, or fails.

B. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions below. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

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An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

Bypass is prohibited, and the Director may take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
3. The industrial user submitted notices as required under this paragraph "B".

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

C. An industrial user shall have an affirmative defense to an enforcement action brought against it alleging a violation of the general prohibition established in Section 7.06.005, paragraph "A.1", and the specific prohibitions in Section 7.06.005, paragraphs "A.4", "A.10", "A.11", "A.16", and "A.17", where the industrial user can prove that it did not know or have reason to know that its discharge, alone or in

conjunction with a discharge or discharges from other sources, would cause pass through or interference; and that either:

1. A permit limit or Specific Pollutant Limitation designed to prevent pass through and/or interference, as the case may be, was developed by the Director for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such permit limit or Specific Pollutant Limitation directly prior to and during the pass through or interference; or
2. If no permit limit or Specific Pollutant Limitation has been developed for the pollutant(s) that caused the pass through or interference, the industrial user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

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§7.06.017

SEC. 7.06.017. HAULED WASTEWATER.

A. The Department may provide treatment and disposal services for hauled wastes, including septic tank sludge, contents of cesspools and privy vaults, hazardous wastes, and other wastes. The Director shall have the authority to determine whether the waste is compatible with treatment plant operations and whether its discharge to the POTW will be accepted or denied. The Director may require the waste generator requesting treatment of its waste to undertake a compatibility study to determine whether its waste may be acceptable to the POTW.

B. The Director shall have the authority to determine the location, method, and allowable times for discharge of hauled waste to the POTW. Any discharge of trucked or hauled pollutants other than at designated discharge points is a violation of Section 7.06.005, paragraph "A.18", of this Article.

C. The Director may require haulers and/or generators of hauled wastes to obtain wastewater discharge permits in accordance with Section 7.06.014 of this Article.

D. Waste haulers using the treatment and disposal services of the Department shall be in compliance with all applicable bonding and licensing requirements imposed by the City of Independence and the State of Missouri and shall comply with the determinations made by the Director under paragraph "A" above. Hazardous waste generators and haulers transporting hazardous wastes to the POTW for treatment shall comply with all applicable requirements of 40 CFR Parts 260-270 and 10 CSR 25, as may be amended from time to time.

E. The Director may prohibit the disposal of hauled waste and shall have the authority to suspend or terminate treatment and disposal services to a waste hauler for cause and for durations determined by the Director.

F. No load of hauled industrial waste may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the waste hauler to provide a waste analysis of any load prior to discharge.

G. The Director may require waste generators and waste haulers to provide a wastetracking form for every load. This form may include, but is not limited to, the following information: The name and address of the waste hauler; permit number, truck identification; names and addresses of sources of waste; volume and characteristics of the waste; type of industry; known or suspected waste constituents; and whether any wastes are RCKA hazardous wastes.

H. The Director may establish charges necessary to recover the costs of treating and disposing of hauled waste and administering the hauled waste program.

I. The Director may establish additional requirements regarding hauled waste disposal in other documents pertaining to the City's approved pretreatment program, as may be amended from time to time. Nothing contained in this Article shall be construed as preventing the Director from accepting hauled waste of unusual strength or character for treatment, provided such waste does not violate applicable Federal categorical pretreatment standards. Hauled wastewater is subject to Local Limits, but not to the Specific Pollutant Limitations set forth in Section 7.06.007. The Director may grant to a generator of hauled waste, or person arranging for disposal of hauled waste, a waiver of Local Limits or of other requirements of this Article via a special agreement, provided that treatment of the hauled waste will not cause interference or pass through.

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SEC. 7.06.018. MISCELLANEOUS PROVISIONS.

A. The City may adopt reasonable charges for reimbursement of costs for setting up and operating the City's pretreatment program which may include:

1. Charges for wastewater discharge permit applications including the cost of processing such applications; and,
2. An annual permit charge; and,
3. Charges for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a nondomestic user's discharge, and reviewing monitoring reports submitted by nondomestic users; and,
4. Charges for reviewing and responding to accidental discharge procedures and construction; and,
5. Charges for filing appeals; and,
6. Charges for treatment of hauled wastes; and,
7. Other charges as the City may deem necessary to carry out the requirements contained herein. These charges relate solely to the matters covered by this Article and are separate from all other charges, fines, and penalties chargeable by the City.

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

C. In the event of a conflict between this Article and any other existing provisions of law or ordinance or rules or regulations previously adopted pursuant to law, where this Article imposes a greater restriction than the requirements imposed by such existing provisions of law, ordinance, rules or regulations, the provisions of this Article shall control. This Article does not preempt Federal or State law, but rather, may impose requirements more stringent than those otherwise required as a minimum pursuant to Federal or State laws or regulations.

D. Notwithstanding any other pretreatment provision to the contrary, nothing in this Article or elsewhere in the City's pretreatment program shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. 1251 et seq., the Missouri Clean Water Law, Sections 644.006 et seq. RSMo, and applicable regulations (40 CFR Part 403, 10 CSR 20-6.100), as may be amended from time to time, for the City to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the City maintains its discretionary authority to undertake pretreatment activities beyond the minimum required.

E. Nondomestic users subject to pretreatment standards or requirements are hereby notified that they may also be subject to requirements under Subtitles C and D of RCRA and under the Missouri Hazardous Waste Management Law.

SEC. 7.06.019 - 7.06.999 RESERVED.

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ARTICLE 7. SANITARY SEWER RATES

SEC. 7.07.001. COLLECTION OF SANITARY SEWER SERVICE CHARGES.

A. The City of Independence, Missouri, shall collect sanitary sewer service charges for the use of and the services provided by the wastewater treatment system. Such charges will be collected from the owners or occupants of each lot, parcel of real estate, or building which:

1. is connected to the wastewater treatment system; or
2. discharges wastewater of any type either directly or indirectly into said wastewater treatment system; or
3. is not connected, but has water service connected and current consumption as well as said wastewater treatment services available to such property. Under this provision, any owner or occupant of a property which has services available will be charged the rate as defined in Section 7.07.003. It is the responsibility of the customer to notify the City that a property is not connected to the public water system.

"Available" as used in this section is defined to mean public sanitary sewer services are provided by the City of Independence, Missouri. The Public Works Director will determine "availability" in accordance with Chapter 17, Article 11, Section 17.11.002, considering all relevant factors, including but not limited to the following: The elevation of the property, the composition of the subterrain, the effect such connection will have on the surrounding system, and the public health and welfare.

B. Sanitary sewer charges are hereby established at a rate sufficient to recover the costs of operation and maintenance, including the replacement, of the wastewater treatment system of the City. Also, they may be used to pay principal and interest on sanitary sewer bonds; for the fulfillment of agreements authorized by the City Council of Independence and finally for any improvements an extension to the system. To provide for such replacement of wastewater treatment equipment, the actuarial determined depreciation amount will be set aside annually in the Sanitary Sewer Fund. This amount is based on a projection of the anticipated long-term replacement needs of the City's Wastewater Collection and Treatment System. The projection will be reviewed and updated (as necessary) as part of the annual review of the entire User Charge System. The amount that will be set aside annually shall represent a uniform annual deposit necessary to meet identified replacement needs as they occur.

C. All revenue from the base and volume charges shall be deposited in the Sanitary Sewer Fund. The Sanitary Sewer Fund accounts shall be segregated from all other City Funds.

SEC. 7.07.002. STATUTORY REQUIREMENTS.

The City Council of the City of Independence, Missouri, hereby finds and determines that the rates, fees and charges for the use and services of the wastewater treatment systems are hereinafter specified are necessary and adequate at this time to meet the requirements of Section 250.010 to 250.250, inclusive, of the Revised Statutes of Missouri.

SEC. 7.07.003. SANITARY SEWER RATES.

A. A schedule of sanitary sewer rates duly adopted by ordinance upon the recommendation of the Water Pollution Control Director shall govern the charges to be made by the City for sanitary sewer service rendered by the City Water Pollution Control Department.

B. A schedule of sanitary sewer rates, as amended from time to time by the City Council, shall be kept on file in the office of the City Clerk and shall be available for public inspection during all regular business hours.

SEC. 7.07.004. PROVISIONS FOR SANITARY SEWER SERVICE CHARGE ADJUSTMENTS.

If a substantial part of the wastewater discharge of a commercial or industrial user is not discharged into the public sanitary sewer; or if in a particular case, special circumstances make the application of sewer rates and charges inequitable when applied, then, the City Council of the City shall have the right to modify the foregoing rates, and may enter into contracts which shall provide for equitable charges for wastewater treatment services.

Justification for adjustments to water consumption shall be studied and reported in the form of an engineering report, and submitted to the Water Pollution Control Director. The cost of engineering surveys or reports, or special metering devices used to determine any adjustments shall be borne by the user. All agreements for adjustments of water consumption previously approved by the City Council and all future agreements shall be reviewed annually by the Director.

SEC. 7.07.005. BILLING PROCEDURES.

A. The billing procedures for residential and non-resident accounts are as follows:

1. In April of each year the Water Pollution Control Director shall obtain billing consumption data on all Independence residential customers winter period meter readings and each customer's reading for the twelve months preceding the winter period reading. These readings shall be used to compute residential sanitary sewer service charges as provided for in Section 7.07.003.
2. For billing purposes, winter period water consumption shall mean the customer's average monthly winter water consumption using meter readings ending exclusively in December January, February or March. For the same purposes the previous twelve month average shall mean the customer's average monthly metered water consumption for the twelve month period preceding the winter period. Where water consumption is determined on a bimonthly basis, consumption for the two bimonthly winter periods ending in either December, January, February, or March will be utilized for determining an average winter monthly consumption. For these purposes a month will be 30.4375 days and a quarter will be 91.3125 days. Where the consumption period exceeds 150 days the consumption will be considered as estimated for purposes of determining the volume charge.
3. In situations where new residential sewer customers have no consumption history, 6 ccf of water consumption shall be used for calculating the customer's monthly sanitary sewer bill.

4. The monthly water consumption factor for determining volume charges shall be as follows:
 - a. Winter period consumption (actual or estimated) and previous 12-month average are available. Compare winter consumption with yearly average:
 - (1) winter period is lower--use winter period
 - (2) yearly average is lower--use yearly average.
 - b. Winter period consumption (actual or estimated) available, previous 12-month average not available. Use winter period.
 - c. Winter period consumption is zero, with previous 12-month available:
 - (1) previous 12 months less than city wide average--use previous 12 months
 - (2) city wide average less than previous 12 months--use city wide average.
5. If the winter period water meter reading is estimated such accounts are eligible for possible adjustment once the next cycle's reading is available. The adjustment: shall be based on actual consumption using the beginning winter cycle reading and the next cycle's ending reading divided by total consumption days multiplied by 30.4375.

Any adjustment request shall be accepted for up to five months after a billing change. Such request shall be made in writing to the Water Pollution Control Department with proof of the actual water consumption which appears on the customer's bill.
6. Non-resident customers' water billing information shall be gathered on a timely basis to determine customer activity. In the same manner, the Water Pollution Control Department shall gather winter period and previous twelve month average water consumption figures for the purpose of billing customers as provided in Section 7.07.003.
7. Once the calculations in the above paragraphs (1-6) have been made, the Water Pollution Control Department shall review customer billing information for accuracy and make any necessary changes. The residential and nonresident sewer billing file will be ready for the first utility billing cycle in July, unless a schedule is otherwise provided by the City Council.
8. In the case of revert-to-owner status, whereby the owner of a residential rental property is charged for utility services while the property is unoccupied, the owner's sanitary sewer service charge shall be based on the actual monthly water consumption.

SEC. 7.07.006. TERMS OF PAYMENT.

A. All bills for the use and service of the wastewater treatment system shall be due and payable at such place as the City Council of the City may from time to time specify. The Director of Water Pollution Control shall be responsible for rendering such bills and shall, when reasonably possible, provide a combination utility billing which shall include the charges for the services of the wastewater treatment system, water utility and such other services as may be provided from time to time. The Director of Water Pollution Control shall establish a due date for utility billings.

B. It shall be the duty of the Water Utility Director, with proper notification from the Director of Water Pollution Control, or other authorized representative, to discontinue water service of all persons for failure to pay any amounts properly due for sanitary sewer service charge delinquencies, deposits, additional deposits or other charges, appropriately billed.

SEC. 7.07.007. NO WASTEWATER TREATMENT SERVICE FREE OF CHARGE.

Wastewater treatment service shall not be furnished free of charge to any customer or user, thereof.

SEC. 7.07.008. CUSTOMERS' RIGHT TO A HEARING.

A. Customers must apply in writing for an alteration, modification or elimination of the rate being charged, or for a refund. Such notice must contain a statement outlining the necessary facts and conditions which would allow the customer a change in the rate charged or a refund. Such written notice is to be sent to the Director of Water Pollution Control who will designate the opportunity to be heard.

B. If the customer is not satisfied with the initial finding, he/she may request in writing within 10 days a hearing before the Director of Water Pollution Control. The Director will make findings of fact and issue the City's final decision. If the customer's request is granted, the adjustment shall be retroactive to the date when the charges first occurred. All refunds will be first applied as a credit against any balance due with any remainder being refunded by City check.

SEC. 7.07.009. RECONNECTION OF SEWER SERVICE.

A. No person shall reconnect a sewer service, without written permission from the Director of Water Pollution Control, when such service has been disconnected for non-payment of a sewer service bill.

B. Any person found to be violating this section provision shall be guilty of a misdemeanor, and on conviction thereof shall be imposed a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00).

SEC. 7.07.010. SURCHARGE FOR WASTEWATER OF EXCESSIVE STRENGTH.

A. Nondomestic users are subject to a surcharge of wastewaters of excessive strength if the user's wastewater contains pollutants concentrations greater than 400 mg/1 COD or greater than 250 mg/1 suspended solids. When, in the opinion of the Director of Water Pollution Control, the strength of a nondomestic discharge is best characterized by a BOD concentration, the Director may substitute BOD for COD for the purpose of surcharge. The BOD surcharge will be based on strengths greater than 225 mg/1. The nondomestic wastewater strength shall be determined by the pollutant concentrations as established by the Standard Wastewater Identification Table. This table shall be approved by the City Council and filed with the City Clerk.

B. The surcharge shall be computed by using the summation of the following formulas for COD (or BOD) and suspended solids.

1. a. $S_{(COD)} = 0.0000625 \times V_a \times R_{(COD)} \times (COD-400 \text{ mg/})$

b. $S_{(BOD)} = 0.0000625 \times V_a \times R_{(BOD)} \times (BOD-225 \text{ mg/1}).$

2. $S_{(TSS)} = .0000625 \times V_a \times R_{(TSS)} \times (TSS-250 \text{ mg/1})$

3. $S_{(Total)} = S_{(COD)} \text{ or } S_{(BOD)} + S_{(TSS)}$

4. The symbols and letters used in the previous formulas shall mean:

a. COD = Chemical oxygen demand in mg/1 as defined in Section 7.06.001.

b. BOD = Biochemical oxygen demand in mg/1 as defined in Section 7.06..001.

c. $S_{(COD)}$ = Amount of surcharge based on COD.

d. $S_{(BOD)}$ = Amount of surcharge based on 5-day BOD.

e. $S_{(TSS)}$ = Amount of surcharge based on suspended solids.

f. $S_{(Total)}$ Total surcharge.

g. TSS = Suspended solids in mg/1 as defined in Section 7.06.001.

h. V_a = Monthly volume of wastewater in cubic feet.

i. 0.0000625 = Factor for converting milligrams per liter to pounds per cubic feet.

j. $R_{(COD)}$ = Rate per pound of COD based on schedule of sanitary sewer rates.

k. $R_{(BOD)}$ = Rate per pound of BOD based on schedule of sanitary sewer rates.

l. $R_{(TSS)}$ = Rate per pound of TSS based on schedule of sanitary sewer rates.

C. Justification for adjustments to surcharge shall be studied and reported in the form of an analytical report generated by a laboratory acceptable to the City and submitted to the Director of Water Pollution Control. Sampling and analysis shall be conducted in accordance with the provisions in Section 7.06.011. The cost of sampling and analysis and special sampling devices used to determine adjustments shall be borne by the user. All surcharge adjustments shall be reviewed annually by the Director.

D. If the wastewater from an establishment is subject to surcharge, components of the discharge shall be reviewed by the Director of Water Pollution Control in accordance with Section 7.06.009. The owner of any nondomestic establishment may, if so desired, treat the wastes from such establishment so as to reduce either the excess suspended solids or COD, or both to normal levels before discharging such wastes into the public sanitary sewer for a reduction or elimination of the surcharge.

E. No statement shall be construed as preventing the City from sampling and analyzing any user's wastewater and surcharge more or less than the listed or adjusted value.

SEC. 7.07.011. PAYMENT OF SURCHARGE.

A. Any surcharge resulting from wastewaters of excessive strength as defined in Section 7.07.010, paragraph "A", shall be shown on the sanitary sewer bill as a separate item. The amount of the surcharge shall be payable at the same time as the sewer service charge.

B. Surcharge revenue collected shall be deposited with the Director of Finance in the Sanitary Sewer Fund, and shall be used to pay the cost of operation and maintenance of the wastewater treatment system.

C. Where, in the judgment of the Water Pollution Control Director, special conditions affecting a commercial or industrial establishment exist to the extent that the surcharge levied will result in inequitable or unfair charges for either the City or the establishment, the Director shall have the authority to render an adjustment for an equitable charge.

SEC. 7.07.012. OTHER SERVICES.

A. The Water Pollution Control Director shall have the authority to offer waste treatment services provided the said wastes and treatment resulting thereof maintains compliance with permits and regulations applicable to the Publicly Owned Treatment Works.

B. Other services offered by the Publicly Owned Treatment Works may include, but are not limited to, the following:

1. Holding tank waste disposal
2. Laboratory services
3. Sampling and analysis of wastewaters
4. Pretreatment and disposal of wastes

C. The Water Pollution Control Director shall be authorized to execute for and on behalf of the City of Independence purchase orders or contracts for the services referenced in Section B, above, without the prior approval of the City Council provided, however, that any such agreement extending beyond a period of one year must have prior approval of the City Council. Nothing contained herein, shall preclude the applicability of any other rule or regulation which may otherwise apply to said services. The revenue collected shall be deposited with the Director of Finance in the Sanitary Sewer Fund and shall be used to pay the cost of the operation and maintenance of the wastewater treatment system.

SEC. 7.07.013. OTHER PROVISIONS.

A. The City Manager will annually review in conjunction with the budget preparation process the Fund's user charge system and report his findings to the City Council. When appropriate the City Council shall make adjustments to insure users bear their proportionate cost of service.

B. Application for sanitary sewer service or continued use of the publicly owned treatment works by customers outside the City limits not governed by an intermunicipal agreement, or for the disposal of other wastes shall constitute a contract between the customer and the City under which the City provides service and the customer is bound by the rules and regulations governing the use of the City's wastewater treatment system and by the user charge system herein established.

C. Each user will be notified annually, with a regular bill, of the rates, and that portion of the user charge which is attributable to wastewater treatment services.

SEC. 7.07.014 - 7.07.999 RESERVED.

ARTICLE 8. MUNICIPAL SEPARATE STORM SEWER SYSTEM REGULATIONS

SEC. 7.08.001. DEFINITIONS.

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

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER means:

1. If the industrial user is a corporation:
 - a. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. If the industrial user is a partnership, a general partner;
3. If the industrial user is a sole proprietorship, a proprietor;
4. If the industrial user is a Federal, State or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described in 1-4 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the facility, and the written authorization is submitted to the Director.

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system or to waters of the State. BMPs may also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

BOD (denoting Biochemical Oxygen Demand) means a measure of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a specified time and at a specific temperature. It is not related to the oxygen requirements in chemical combustion, being determined entirely by the availability of the material as a biochemical food and by the amount of oxygen utilized by the microorganisms during oxidation.

COD (denoting Chemical Oxygen Demand) means a quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) material in wastewater using inorganic dichromate or permanganate salts as oxidants in a two-hour test.

CONSTRUCTION MATERIAL means any article, material, or supply brought to a construction site for incorporation in the building or work.

DIRECTOR, or WPC DIRECTOR means the Director of Water Pollution Control Department of the City or his duly authorized representative.

DISCHARGE means the discharge of a pollutant

DOMESTIC WASTES means wastes which are comparable to those discharged by the average residential user. The strength of domestic wastewater shall have a COD less than or equal to 400 mg/l or a BOD less than or equal to 225 mg/l and contain less than or equal to 250 mg/l suspended solids.

EPA (denoting Environmental Protection Agency) means the United States Environmental Protection Agency, or where appropriate, the term may also be used as designation for the Administrator or other duly authorized official of said agency.

EROSION means the wearing away of land surface by the action of wind, water, gravity, or a combination thereof.

EROSION CONTROL MEASURES means measures to control or prevent erosion of earth materials and to prevent pollution and siltation in adjacent waterways and storm sewers, including but not limited to, berms, slope drains, silt fences, straw bales, sediment basins, ditch checks, and other devices or measures.

ILLICIT DISCHARGE means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except discharges pursuant to a State operating permit (other than the State operating permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

INDIRECT STORM SEWER DISCHARGE means any discharge to a storm sewer located in another jurisdiction which is tributary to the municipal separate storm sewer system.

INDUSTRIAL USER as used in this Article means any nondomestic source of discharge or indirect storm sewer discharge into the municipal separate storm system which is regulated under Section 307 (b), (c), or (d) of the Clean Water Act, or any source listed in division A, B, D, E, or I of the Standard Industrial Classification Manual (1987), as may be amended or revised, or any solid waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or hazardous waste handling or disposal facilities, and facilities which store or treat aqueous wastes as generated by facilities not located on site and which dispose of those wastes by discharging them into the City's wastewater system.

LAND DISTURBANCE, OR EARTHWORKS, means any activity that changes the physical condition of the land surface, including but not limited to grading, grubbing, clearing, excavation, filling, removal of vegetation, and storage of materials.

LANDFILL means location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built and/or operated prior to the passage of the Missouri Solid Waste Management Law as well as those built and/or operated since.

MUNICIPAL SEPARATE STORM SEWER means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water, creeks, streams and tributaries which:

1. Does not include any waters of the State as defined in this Section; and

2. Is contained within the municipal corporate limits or is owned and operated by the City; and,
3. Is not a part or portion of a combined sewer system; and
4. Is not a part of a POTW.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4 means the City's system of municipal separate storm sewers as defined in this Section.

NONDOMESTIC SOURCE means any person who discharges or causes or allows the discharge, either directly or indirectly, into the City's POTW, into the municipal separate storm sewer system or into waters of the State of nondomestic wastes.

NONDOMESTIC WASTES means the wastes from industrial processes (including wastes from any sources identified as industrial users as defined in this Section), wholesale or retail trade or business (including food preparations concerns and businesses operated from a residence), as distinct from domestic or sanitary wastes. Nondomestic wastes may also include storm water associated with industrial activity as defined in this Article and/or storm water associated with land disturbance activities subject to erosion control permitting requirements under City Code.

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

POLLUTANT means any filter backwash; dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment or materials; rock; gravel; soil; sediment; sand; dirt; dust; construction materials and wastes, including natural rock and soil overburden; animal waste; vegetation; yard waste; significant materials as defined in this Section; nondomestic, domestic, municipal, and agricultural wastes; and any other solid, liquid, or gaseous substance, material, or waste that is discharged into water or that has the potential to enter into any waters conveyed by a municipal separate storm sewer or into waters of the State.

POLLUTION in this Article means contamination or other alterations of the physical, chemical or biological properties of any waters conveyed by a municipal separate storm sewer or of any waters of the State, including change in temperature, taste, color, turbidity or odor of the waters, or discharge of any liquid, gaseous, solid, radioactive or other substance into any waters conveyed by a municipal separate storm sewer or into any waters of the State which will or is reasonably certain to create a nuisance or render the waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life.

POTW (denoting Publicly Owned Treatment Works) means the treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the State or a municipality, including any devices and systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the POTW wastewater treatment plant. The term also means the municipal entity having jurisdiction over the discharges to and from such a treatment works.

PUBLIC STORM SEWER means a municipal separate storm sewer as defined in this Section which is owned by the City.

RECYCLING FACILITY means a location where metals, paper, tires, glass, organic materials, used oils, spent solvents or other materials are collected for reuse, reprocessing or resale.

SEDIMENT means inorganic and organic material, including, but not limited to soil, sand, and minerals, that has been deposited in water, is suspended in water, is being transported or has been removed from its site of origin and deposited in a new location by wind, water, or gravity as a result of erosion.

SEWER shall mean pipe or conduit that carries wastewater or drainage water.

SIGNIFICANT CONTRIBUTOR OF POLLUTANTS means a person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the State contained in 10 CSR 20-7.031, as may be amended from time to time, to be violated.

SIGNIFICANT MATERIALS includes, but is not limited to: Raw materials; fuels; materials such as solvents, detergents, lubricants, antifreeze and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); fertilizers, pesticides and waste products such as ashes, slag, sludge and used oil that have the potential to be released with storm water discharges.

SILVICULTURAL ACTIVITIES means activities associated with the management of forest land for timber.

SOIL means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

STATE means the State of Missouri.

STORM DRAIN (sometimes termed "storm sewer") means a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

STORM WATER means storm water runoff, snowmelt runoff and surface runoff and drainage.

STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw material storage areas, including but not limited to: Storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility; material handling sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

STORM WATER MANAGEMENT PROGRAM or SWMP means the program developed by the City to satisfy the requirements of 40 CFR Part 122.26(d) and 10 CSR 20-6,200(4), as may be amended from time to time.

SUSPENDED SOLIDS, also referred to as nonfilterable residue, means the total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, as may be amended from time to time.

UNPOLLUTED WATER is water which does not contain any pollutants.

USER means any person who contributes, causes or permits the contribution of wastewater into the City's POTW, either directly or by indirect sewage discharge.

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

WASTEWATER TREATMENT PLANT, OR TREATMENT PLANT, means that portion of the POTW designed to provide treatment of wastewater.

WATERS OF THE STATE means, in this Article, all waters listed as L1, L2 and L3 in Tables G and P, Pl and C in Table H of 10 CSR 20-7.031, as may be amended from time to time.

The following abbreviations shall have the designated meaning:

BOD - Biochemical Oxygen Demand
BMPs - Best Management Practices
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
CSR - Code of State Regulations
EPA - U.S. Environmental Protection Agency
mg/l - Milligrams per liter
MS4 - Municipal Separate Storm Sewer System
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
RSMo - Revised Statutes of Missouri
SIC - Standard Industrial Classifications
SWMP - Storm Water Management Program
USC - United States Code
WPC - Water Pollution Control Department

SEC. 7.08.002. INDUSTRIAL USERS OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

A. The Director may require industrial users to conduct self-inspections, self-monitoring of storm water discharges, and/or reporting to the Water Pollution Control Department in a manner deemed appropriate by the Director.

B. When the Director requires an industrial user to provide quantitative data for a pollutant under paragraph "A" of this Section, all storm water discharge samples shall be collected in accordance with 40 CFR 122.21(g)(7), as may be amended from time to time, and pollutant analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as may be amended from time to time. If 40 CFR Part 136 does not contain analytical techniques for the pollutant in question, analysis must be performed in accordance with procedures approved by the Director.

C. The Director may require industrial users discharging to the municipal separate storm sewer system under State operating permits to provide the Director with copies of permit applications, reports, and other records concerning industrial user discharges in a manner and within a time frame deemed appropriate by the Director.

D. Industrial users shall maintain a record of the date and time, volume and methods of removal and disposal and location of disposal site(s) for solids, sludges, grease, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters. Records of receipt by the disposal facility of all such wastes removed from the site shall be maintained to provide a comprehensive tracking system from generation to disposal for removed wastes.

E. Industrial users shall make available for inspection and copying all records and information required by the Director. Industrial users shall maintain material safety data sheets, incoming hazardous waste manifests, outgoing hazardous waste manifests, records of sludge and other residual waste disposal, sampling records, analytical reports, production records, purchase records, reports submitted to regulatory agencies and other related records for a period of at least three (3) years. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; and
2. The dates analysis were performed; and
3. Who performed the analysis; and
4. The analytical techniques/methods used; and
5. The results of such analysis.

The three year record retention period shall be automatically extended for the duration of any litigation concerning compliance with this Article, or where an industrial user has been specifically notified of a longer retention period by the Director.

F. The Director may require industrial users to submit and implement pollution prevention and spill control plans as set forth in Section 7.08.004 of this Article.

G. The Director may require industrial users to implement BMPs where deemed necessary by the Director to achieve the objectives of the City's storm water management program.

H. The Director may require industrial users to obtain permits, or the Director may issue orders or other control mechanisms controlling the contribution of pollutants from and quality of industrial discharges, including indirect storm sewer discharges, to the municipal separate storm sewer system.

I. The Director may establish monitoring requirements, pollutant limitations and other restrictions on industrial user discharges to the municipal separate storm sewer system. Such monitoring requirements, pollutant limitations or other restrictions may be as stringent as or more stringent than requirements set forth in a State operating permit issued to the industrial user for such discharge, if deemed necessary by the Director to achieve the objectives of the City's storm water management program.

J. The City may enter into agreements with other jurisdictions to require industrial user sampling, obtain information, and to control the quality of indirect storm sewer discharges to the City's municipal separate storm sewer system from industrial users located outside the City.

K. The Director may, on a case-by-case basis in a manner deemed appropriate by the Director, designate any nondomestic source not otherwise deemed to be an industrial user to be subject to the requirements of this Section, if the Director finds such nondomestic source to be storing significant materials, to be a source of storm water discharge associated with industrial activity or to be a source of non-storm water discharge to the municipal separate storm sewer system.

SEC. 7.08.003. ILLICIT DISCHARGES.

A. It shall be unlawful for any person to cause or allow any illicit discharge as defined in this Article, either directly or by indirect storm sewer discharge, to enter into municipal separate storm sewer system, except as provided for in this Section.

B. Certain de minimus non-storm water discharges are not prohibited by the City from discharging to the municipal separate storm sewer system unless specifically identified by the Director as needing to be controlled or prohibited. The following may be considered to be de minimus non-storm water discharges provided that such discharges do not contribute pollutants (such as but not limited to chlorine, detergents, filter backwash, and solids) to waters of the State or to streams or creeks that are tributary to waters of the State: Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water and springs; water from crawl space pumps, footing drains, lawn watering, and individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water and runoff from fire fighting.

C. The Director may, in a manner deemed appropriate, prohibit, condition, restrict or control the quality and/or quantity of the discharge to the municipal separate storm sewer system of any individual discharge or class of discharges listed in paragraph "B" above in order to achieve the objectives of the City's storm water management program, except that runoff from the fire fighting may only be prohibited on a case-by-case basis if the Director determines it to be a significant contributor of pollutants to waters of the State.

D. The Director may, in a manner deemed appropriate, require notification to be made to WPC prior to discharge from water line flushing, swimming pool discharge, street wash water, or other non-stormwater discharges in order to determine whether such discharges may be sources of pollutants to waters of the State or to streams or creeks that are tributary to waters of the State.

SEC. 7.08.004. SPILLS, DUMPING, AND DISPOSAL OF MATERIALS OTHER THAN STORM WATER.

A. It shall be unlawful for any person to cause pollution of any waters conveyed by a municipal separate storm sewer or to cause pollution of any waters of the State or to place or cause or permit to be placed any pollutant in a location where it is reasonably certain to cause pollution of any waters conveyed by a municipal separate storm sewer or pollution of any waters of the State.

This prohibition includes but is not limited to pollution or the threat of pollution by runoff of soil, sediment, rock, gravel, sand, construction materials or other pollutants associated with:

1. Land disturbance or earthwork activities;
2. All other construction activities;
3. Agricultural and silvicultural activities; and
4. Mining activities, including new, currently operating, and abandoned surface and underground mines.

B. Any person dumping or disposing of any material or substance other than storm water into a municipal separate storm sewer or into waters of the State (except discharges pursuant to a State operating permit) may be required by the Director to remove such material and dispose of it properly in accordance with all applicable local, State and Federal laws and regulations at the expense of the person responsible for the dumping or disposal. When, in the opinion of the Director, a pollutant has caused, or has been placed in a location where it is reasonably certain to cause, pollution of waters conveyed by the municipal separate storm sewer system or of waters of the State, the Director may arrange for remediation action to be taken and recover the costs from the person responsible for the pollutant as set forth in Section 7.08.006, paragraph "J". Such remediation action may include, but is not limited to the protection of the municipal separate storm sewer system from runoff of soil, sediment, rock, gravel, sand, construction materials and other pollutants.

C. Each nondomestic source shall provide protection from accidental discharge, either directly or by indirect storm sewer discharge, of significant materials as defined in this Article into the municipal separate storm sewer system. Facilities to prevent accidental discharges shall be provided and maintained at the cost and expense of the nondomestic source.

D. The Water Pollution Control Director may require detailed pollution prevention plans from industrial users, businesses, commercial entities, residential and other developments and other property owners, including facilities and operating procedures to provide protection from spills and accidental discharges and/or including erosion control measures to be used during land disturbance or earthwork activities and other construction activities. The pollution prevention and spill control plans, if required, shall be submitted to the Director for review. The pollution prevention and spill control plans shall be modified to meet the Director's comments within the time frame established by the Director. The plans shall be approved by the Director prior to construction of any proposed facilities. The source shall comply with the pollution prevention and spill control plans, upon their approval.

Pollution prevention, erosion control and spill control plans may include, but are not limited to, the following:

1. Description and location of stored chemicals, raw materials and other significant materials; and
2. Prevention of exposure of significant materials to precipitation; and
3. On-site storm water treatment; and

4. Spill prevention through proper initial selection and construction of equipment; equipment operation, maintenance, and inspection procedures; personnel training and supervision; and security measures to prevent vandalism; and

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5. Spill containment through provision of secondary containment devices or diversionary structures; and

6. Procedures for immediately notifying the Water Pollution Control Department of any spill or accidental discharge of significant materials, with procedures for follow-up written notification within five (5) days; and

7. Procedures to prevent adverse impact from any spill. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, measures for containing materials, and/or measures and equipment for emergency response.

8. Conformance to the Erosion Control Requirements of the City, as set forth in Chapter 20, Article 16, of the City Code.

Review and approval of such plans and operating procedures shall not relieve the source from the responsibility to modify its facility as necessary to meet the requirements of this Article.

E. In the case of a spill or discharge of significant materials that could enter the municipal separate storm sewer system or waters of the State, it is the responsibility of the nondomestic source to immediately telephone and notify Water Pollution Control of the incident. The notification shall include location of discharge, type of material, concentration, volume, and corrective actions.

F. Within five (5) days following a spill or discharge of significant materials to the municipal separate storm sewer system, the nondomestic source shall submit to the Water Pollution Control Director a detailed written report describing the cause of the discharge and the measures to be taken by the nondomestic source to prevent similar future occurrences. Such notification shall not relieve the nondomestic source of any expense, loss, damage, or other liability which may be incurred as a result of damage to the municipal separate storm sewer or to waters of the State, fish kills, or any other damage to person or property; nor shall such notification relieve the nondomestic source of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

G. All nondomestic sources using, storing or disposing of significant materials shall permanently post on a bulletin board or other prominent place a notice advising employees whom to call in the event of a spill or discharge of such materials to a municipal separate storm sewer or to waters of the State. Employers shall insure that all employees who may cause or suffer such a spill or discharge to occur are advised of the emergency notification procedures.

SEC. 7.08.005. POWERS AND AUTHORITY OF INSPECTORS.

A. The Water Pollution Control Director or any authorized representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, records examination and copying, observation, measurements, sampling, and testing pertinent to discharge or potential to discharge, and for repair and maintenance to the municipal separate storm sewer system in accordance with the provisions of this Article.

B. Information and data on a nondomestic source obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the nondomestic source specifically requests and is

able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as confidential information according to the criteria set forth in 40 CFR 2.208 and 2.302, as may be amended from time to time.

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When requested by the person furnishing a report, the portions of a report which might disclose confidential information shall not be made available for inspection by the public. Storm water constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential shall be made available upon request to any agency meeting the requirements of Section 308 of the Act, including officers, employees or authorized representatives of the United States concerned with carrying out the Act, bound by the confidentiality rules in 40 CFR Part 2, as may be amended from time to time.

C. While performing the necessary work on private properties referred to in Section 7.08.005, paragraph "A", the Water Pollution Control Director, or duly authorized representatives, shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Director, or authorized representatives, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company by City employees and growing out of the inspection and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

D. Unreasonable delays in allowing the Director access to the premises or other interference with the activities of the Director shall be a violation of this Article. Access to property and/or records of a nondomestic source may not be refused on the basis that the Director refuses to sign any waiver, access agreement, or similar document.

E. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this Article or that there is a need to inspect as part of a routine inspection program of the City to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Counselor, the Municipal Court Judge of the City shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency effecting public health and safety, inspections shall be made without the issuance of a warrant.

SEC. 7.08.006. ENFORCEMENT OF THE MUNICIPAL SEPARATE STORM SEWER REGULATIONS.

A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the public storm sewer facilities, unless otherwise authorized by the Director. The Director may authorize entry, uncovering, disconnection, blockage, removal, replacement, or destruction of any part of the public storm sewer system when, in his/her opinion, it is in the best interests of the City. Any person(s) violating this provision may be subject to immediate arrest under charge of disorderly conduct and/or may be subject to prosecution in municipal court and to a fine of up to Five Hundred Dollars (\$500.00) and a jail term of up to six (6) months, or both. Nothing contained in this paragraph shall preclude the City from pursuing action in civil court to recover its damages incurred, to obtain a court order enjoining further damage, or to pursue remedies set forth in paragraphs "B" through "J" below.

B. When any person has violated or is violating this Article, a permit or order issued hereunder, or any other storm water control ordinance, regulation, permit, or order, including but not limited to Erosion Control Requirements contained in Chapter 20, Article 16, of the City Code:

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1. The Director may serve upon said person a written notice of violation. Wherever the term "notice" is used throughout this Section it shall mean service by personal delivery, by certified mail (return receipt requested), by first class mail, or by posting on the property of the person being notified. Failure to accept certified mail within ten (10) days constitutes acceptance. Said person shall submit to the Director an explanation of the violation and a plan for the satisfactory correction and prevention thereof within ten (10) days of the receipt of the notice, unless otherwise specified by the Director. The plan shall include specific actions which will be taken to remedy the violation. Submission of this plan in no way relieves said person of liability for any violations occurring before or after receipt of the notice of violation.

2. The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. The agreement may include specific action to be taken by said person to correct the noncompliance within a specified time period. The agreement will have the same force and effect as an administrative order issued pursuant to Section 7.08.006, paragraphs "B.4" and "B.5" below.

3. The Director may order any person who causes or contributes to such violation(s) to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on said person specifying the time and place for the hearing, the enforcement action being proposed, the reasons for such action, and a direction that the person show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of said person. Whether or not said person appears as ordered, immediate enforcement action may be pursued following the hearing date.

4. The Director may issue an order to the person responsible for noncompliance directing that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated within a specified time frame. This compliance order may also contain other requirements to address noncompliance, including, but not limited to, best management practices and/or erosion control measures designed to minimize the amount of pollutants discharged to the municipal separate storm sewer system. A compliance order does not release said person of liability for any violation, including any continuing violation. Violation of any terms of a compliance order issued hereunder shall constitute a violation of this Article subject to the enforcement remedies authorized herein.

5. The Director may issue an order to the person directing him/her to cease and desist all such violations and directing him/her to:

- a. Immediately comply with all requirements; and/or
- b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation.

6. The Director may petition the Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order or other requirement imposed by this Article on activities of said person. Such other action as appropriate for legal and/or equitable relief may also be sought by the City.

7. Upon a finding by the WPC Director that it is necessary to stop work on any clearing, grubbing, excavation or other land disturbance or construction activities in order to obtain compliance or to correct a violation, the WPC Director shall so notify the Public Works Director. Upon receipt of such notification, the Public Works Department shall take the necessary steps to issue a stop-work order to the appropriate person. Any work done on the site after notice of a stop-work order is prohibited except for work necessary to conduct the required corrective action. The stop-work order shall only be rescinded after the WPC Director has determined that ability to comply has been satisfactorily demonstrated and the WPC Director has so notified the Public Works Director.

8. The occupational license held by a business may be revoked for noncompliance with this Article. The WPC Director shall notify the Director of Finance and Administration that the business is no longer entitled to hold an occupational license. Upon receipt of such notification, the Finance Department shall take the necessary steps to revoke said license. Such license shall only be reissued after the WPC Director has determined that the business has satisfactorily demonstrated its ability to comply and the WPC Director has so notified the Director of Finance and Administration.

9. Building permits may be revoked for noncompliance with this Article. The WPC Director shall notify the Community Development Director that the permittee is no longer entitled to hold a building permit. Upon receipt of such notification, the Community Development Department shall take the necessary steps to revoke said permit. Such permit shall only be reissued after the WPC Director has determined that the person has satisfactorily demonstrated his/her ability to comply and the WPC Director has so notified the Community Development Department Director.

10. Each remedy set out in this paragraph "B" is independent and not exclusive. Use of one remedy by the Director does not preclude use of any other remedy set out in this paragraph, or this Section 7.08.006, or this Article. Selection of remedies to be pursued, whether one or several, shall be at the discretion of the Director.

C. In addition to the remedies set out in paragraph "B" above, the Director may levy an administrative fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day against any industrial user or other nondomestic source that is found to have violated or continues to violate any provision of this Article, any permit or orders issued hereunder, or any other storm water control ordinance, regulation, permit, or order, including but not limited to Erosion Control Requirements contained in Chapter 20, Article 16, of the City Code.

The Director may levy any administrative fine not to exceed Five Hundred Dollars (\$500.00) per violation per day against any person other than an industrial user or other nondomestic source upon finding that said person has violated any provision of this Article, any permit or orders issued hereunder, or any other storm water control ordinance, regulation, permit or order.

1. Assessments or fines may be added to a user's next scheduled utility service charge or separately invoiced, and the Director shall have such other collection remedies as are available. The Director may enter into an agreement with an industrial user, business or person allowing the implementation of a pollution prevention program approved by the Director in lieu of payment of an administrative fine.

2. Unpaid charges, fines, and penalties shall, after twenty-five (25) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. Failure to pay administrative fines shall be deemed a violation of this Article and subject to other enforcement action under this section. In addition, collection of said fines may be pursued in Jackson County Circuit Court. Further, the Director may request that a lien be assessed against the property of the person found to have violated this Article or any orders or permits issued hereunder, for unpaid charges, fines, and penalties in the same manner as set out in this Code for liens for special assessments.

3. Any person desiring to dispute such fines must file a written request for the Director to reconsider the fine within ten (10) days of being notified of the fine. Such request must contain a statement outlining the necessary facts and conditions supporting the request for reconsideration. An initial finding of fact shall be made after investigation and review of the information submitted by the person disputing the fine.

4. If said person is not satisfied with the initial finding, he/she may request in writing within ten (10) days a hearing before the Director. The Director will make findings of fact and issue the City's final decision. The Director may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

5. Levying of an administrative fine shall not be a prerequisite for taking any other action against a person found to have violated this Article or any permit or order issued hereunder.

D. Any person violating any of the provisions of this Article shall upon conviction thereof be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each violation and/or be subject to imprisonment for not more than six (6) months. Each day that a violation continues shall be deemed a separate and distinct offense.

E. Any person violating any of the provisions of this Article or any order or permit issued hereunder shall become liable to the City for any expense, including sampling and monitoring expenses, loss or damage occasioned by the City, reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.

F. Any industrial user that willfully or negligently introduces any substance into a municipal separate storm sewer, either directly or by indirect storm sewer discharge, which causes personal injury or property damage shall, upon conviction, be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) and/or be subject to imprisonment for not more than six (6) months. Any person other than an industrial user that willfully or negligently introduces any substance into a municipal separate storm sewer either directly or by indirect storm sewer discharge, which causes personal injury or property damage shall, upon conviction, be subject to a penalty not to exceed Five Hundred Dollars (\$500.00) and/or be subject to imprisonment for not more than six (6) months. This penalty shall be in addition to any other cause of action for personal injury or property damage under State law.

G. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than six (6) months

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or both. In the event of a second or subsequent conviction, the person shall be punished by a fine not to exceed Three Thousand Dollars (\$3,000.00) per violation per day or imprisonment for not more than six (6) months or both. Any penalty imposed under this paragraph shall not preclude any appropriate civil remedy, including administrative fines.

H. The Director may refer an enforcement matter to the State or EPA for either joint enforcement action or action by the State or EPA alone. The Director may petition the State to reopen a State operating permit, including a State operating permit for storm water discharge associated with construction or land disturbance activity, to impose further controls, to require changes in an industrial facility's pollution prevention plan, to require an individual State operating permit for a facility covered by a general permit, to require a State operating permit for a facility not covered by a storm water permit or to inspect and monitor a facility discharging to a municipal separate storm sewer for compliance with its State operating permit.

I. The Director may enter into agreements with neighboring jurisdictions or with other public entities which own or operate municipal separate storm sewer(s) located in or adjacent to the City of Independence or interconnected to the Independence municipal separate storm sewer system to provide for the implementation and enforcement of requirements contained in this Article or any other applicable storm water control ordinance or regulation. The Director may in accordance with an interjurisdictional agreement, refer an enforcement matter regarding a source of discharge to a storm sewer tributary to a neighboring jurisdiction's municipal separate storm sewer system to said jurisdiction for enforcement action.

J. The Director may arrange for remediation action to be taken when, in the opinion of the Director, a pollutant has caused, or has been placed in a location where it is reasonably certain to cause pollution of any waters conveyed by the municipal separate storm sewer system or of waters of the State. Remediation action may include but is not limited to the protection of the municipal separate storm sewer system from runoff of soil, sediment, rock, gravel sand, construction materials and other pollutants. The Director may assess the person responsible for the pollutant for the cost of the remediation and for reasonable costs of associated administration and overhead. Bills for the costs associated with such remediation may be added to the person's next scheduled utility service charge, and the Director shall have such other collection remedies as are available. Where a Performance Bond or Performance and Maintenance Bond is required to be provided under this Article or under other provisions of City Code, said Bond may be used to pay any and all costs incurred by the City associated with such remediation.

K. Before any building permit or other permit or license referred to in this Article shall be reissued, the WPC Director may require the applicant for such permit to deposit with the Director of Finance and Administration a Performance Bond in a sum not to exceed a value determined by the WPC Director to be necessary to achieve consistent compliance.

SEC. 7.08.007. MISCELLANEOUS PROVISIONS.

A. The City may adopt reasonable charges for reimbursement of costs of setting up and operating the City's storm water management program which may include:

1. User charges; and
2. Charges for storm water discharge permit applications, including the cost of processing such applications; and
3. An annual permit charge; and

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4. Charges for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing an industrial user's discharge, and reviewing reports submitted by industrial users; and
5. Charges for reviewing and responding to pollution prevention and spill control plans and procedures and construction; and
6. Charges for filing appeals; and
7. Other charges as the City may deem necessary to carry out the requirements of this Article and/or the City's storm water management program. These charges are separate from all other charges, fines, and penalties chargeable by the City.

Bills for such charges may be added to the person's next scheduled sewer service charge, and the Director shall have such other collection remedies as are available for service charges as set forth in Article 7, including but not limited to termination of water service.

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

C. In the event of a conflict between this Article and any other existing provisions of law or ordinance or rules or regulations previously adopted pursuant to law, where this Article imposes a greater restriction than the requirements imposed by such existing provisions of law' ordinance, rules or regulations, the provisions of this Article shall control. This Article does not preempt Federal or State law but, rather, may impose requirements more stringent than those otherwise required as a minimum pursuant to Federal or State laws or regulations.

D. Notwithstanding any other provision to the contrary, nothing in this Article or elsewhere in the City's storm water management program shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. 1251 et seq., the Missouri Clean Water Law, Sections 644.006 et seq., RSMo, and applicable regulations (40 CFR Parts 122, 123, and 124 and 10 CSR 20-6.200), as may be amended from time to time, for the City to undertake storm water management or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the City maintains its discretionary authority to undertake storm water management and enforcement activities beyond the minimum required.

SEC. 7.08.008 - 7.08.999 RESERVED.

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ARTICLE 9. PERIODIC REPORTS BY DIRECTOR OF PUBLIC WORKS.

SEC. 7.900. DIRECTOR OF PUBLIC WORKS TO REPORT TO COUNCIL.

The Director of Public Works shall annually or more frequently as required by Council, submit a written report to the City Council as to the present sewage load carried by the sewage facilities in each watershed either partially or wholly located within the corporate limits of the City of Independence, Missouri, and, in addition, a statement based upon generally accepted engineering standards currently approved by the Missouri Water Pollution Board as to the capacity of each such facility.

SEC. 7.905. DETERMINATION BY COUNCIL OF ADEQUACY OF FACILITIES.

If this report indicates that the sewage facilities in one or more watersheds are overloaded the City Council shall make a determination as to whether or not the existing sewage facilities are adequate for the collection, treatment, purification, and disposal in a sanitary manner of any increased volume of liquid and solid waste and sewage which would be caused by additional connections being made into said sewage facilities and whether such additional connections would create a situation detrimental and hazardous to the health, safety, and welfare of the inhabitants of the surrounding area. The Council may, as an aid in making this determination, require a report from the Director of Health and seek such other information and assistance as it deems appropriate.

SEC. 7.910. COUNCIL MAY DECLARE WATERSHED UNSAFE.

Should determination be that the existing facilities in one or more watersheds are inadequate and that additional connections would result in such a detriment and hazard to the inhabitants of the surrounding area the Council may, by ordinance, declare said watershed or watersheds to be unsafe for further development and that no further building permits be issued in the affected area for construction of any building or other structure which will result in additional sewage being emptied into said facilities.

SEC. 7.915. HEARING.

The Council shall set a time and place for a public hearing on said ordinance before its first reading which said hearing shall be advertised by three consecutive insertions in a newspaper of general circulation within the City at least seven days prior to said hearing.

SEC. 7.920. REVIEW OF UNSAFE WATERSHED.

Said ordinance shall state a specified length of time for which it shall be effective, unless otherwise repealed, not to exceed one year. At least one month prior to the expiration of the effective life of said ordinance the sewage facilities of the affected area shall be reviewed in the manner prescribed above and if the Council deems the situation unchanged the City Council may renew the declaration until such time as the City Council shall determine that the sewer facilities in the affected area are adequate and further development of said area would not create a situation detrimental and hazardous to the health, safety, and welfare of the community.

SEC. 7.921 - 7.999 RESERVED.

ARTICLE 10.

SOUND CONTROL REGULATIONS

SEC.7.10.001. DECLARATION OF PURPOSE.

It is found and declared that the making, creation, or maintenance of excessive, unnecessary, unnatural, or unusually loud sounds which are prolonged, unusual or unnatural in their time, place, and use are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Independence. Therefore, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, and the peace and quiet of the City of Independence and its inhabitants.

SEC.7.10.002. DEFINITIONS.

All terminology used in this Article, not specifically defined, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this Article, certain words and phrases used herein are defined as follows:

A-WEIGHTED SOUND LEVEL means sound pressure in decibels as measured on a sound level meter using the A-weighting scale. The level so read is designated dB(A) or dBA.

AMBIENT SOUND is the all-encompassing sound associated within a given environment, being usually a composite of sounds from many sources, near and far.

COMMERCIAL DISTRICT means those districts designated by listing in Section 14.01.030 of the Independence City Code.

DECIBEL (dB) means a unit of measuring the volume of a sound, equal to 20 times the logarithm to the base of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

EMERGENCY WORK is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

IMPULSIVE SOUND means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop-forge impacts, and the discharge of firearms.

MANUFACTURING DISTRICT means those districts designated by listing in Section 14.01.031 of the Independence City Code.

PERSON means any person, firm, association, partnership, joint venture, corporation, or any entity public or private in nature.

PERIODIC SOUND means sound that has a discernable pattern or cycle that repeats itself. Examples of sources of periodic sounds are electric motors, a door buzzer and a plucked guitar string.

PLAINLY AUDIBLE means any sound that can be differentiated from ambient sound.

PUBLIC PROPERTY means any street, alley, building, sidewalk, park, or other real property that is owned, leased or controlled by any local, County State or Federal political jurisdiction.

REAL PROPERTY BOUNDARY means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

RESIDENTIAL DISTRICT means those districts designated by listing in Section 14.01.029 of the Independence City Code.

SOUND means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of the medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

SOUND DISTURBANCE means the playing of any radio, stereo, television or other electronic or musical device; the sounding of any horn, siren or other similar device; or the operation of any electrical, pneumatic or other mechanical device that annoys, distracts, disturbs or otherwise offends a reasonable person of normal sensitivities.

SOUND LEVEL means the weighted sound pressure level, such as A, B, C as specified in American National Standards Institute Specifications for Sound Level Meters (ANSI S 1.4-1971, or the latest approved revision thereof) obtained by the use of a sound level meter when such meter is operated in accordance with the manufacturer's instructions. If the frequency weighting to be employed is not indicated by this Article, the A-weighting shall apply.

SOUND-LEVEL METER is an instrument that measures sound pressure levels.

SOUND PRESSURE means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

SOUND SENSITIVE ZONE means any area designated for the purpose of insuring exceptional quiet and reduced sound levels.

STREET means a public right-of-way identified on a recorded plats or by a separately recorded instrument, as a public street that affords principal means of vehicular access to abutting property.

SEC. 7.10.003. SOUND DISTURBANCES PROHIBITED

No person shall make, continue to make, or cause to be made, any sound disturbance on private property which, by being unusually or excessively loud, or unnecessary, annoys or disturbs a reasonable person of normal sensitivities.

SEC. 7.10.004. EXCESSIVE SOUNDS PROHIBITED ON PUBLIC PROPERTY

A. It shall be unlawful for any person to make, or cause to be made, on public property any sound disturbance or any excessive, unnecessary, or unusually loud sound or any sound that violates this Article. The following acts, and the causing thereof, are specifically declared to be in violation of this Article:

1. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, loudspeaker, public address system or similar device which produces, reproduces, or amplifies sound:

- a. In such a manner as to be plainly audible at a distance of twenty five feet (25') or more from such device.
- b. In such a manner as to be plainly audible on a common carrier to any person other than the operator of the device.

2 Yelling, shouting, hooting, whistling, or singing on the public streets that is plainly audible between the hours of 11:00 P.M. and 7:00 A.M.

3. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive sound therefrom.

4. The creation of any sound on any street adjacent to any school, institution of learning, church, court or hospital, which unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed in such streets indicating the presence of the institution and designating sound sensitive zones as approved by the Director of Public Works.

SEC.7.10.005. MAXIMUM SOUND LEVELS FROM MOTOR VEHICLES OPERATED ON CITY STREETS

It shall be unlawful to operate or cause to be operated a motorized vehicle on the City streets which creates a sound that exceeds the limits set out in Table I or Table II below:

TABLE I
MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS
(Measured at 50 Feet or 15 Meters)

	35 MPH or less	more than 35 MPH	Stationary
Trucks and Buses, 10,000 GVW or more	86 dBA	90dBA	88dBA
Trucks and buses under 10,000 GVW	80 dBA	84 dBA	82 dBA
Any Motorcycle	82 dBA	86 dBA	84 dBA
Any other motor vehicle or combination of motor vehicles	78 dBA	82 dBA	80 dBA

TABLE II
MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS
(Measured at 25 feet or 7.5 Meters)

	35 MPH or less	more than 35 MPH	Stationary
Trucks and Buses, 10,000 GVW or more	93 dBA	97 dBA	95 dBA
Trucks and buses under 10,000 GVW	86 dBA	90 dBA	88 dBA
Any Motorcycle	88 dBA	92 dBA	90 dBA
Any other motor vehicle or combination of motor vehicles	84 dBA	88 dBA	86 dBA

SEC. 7.10.006. SOUND LEVELS BY RECEIVING LAND USE

No person shall operate or cause to be operated on private property any source of continuous, periodic or impulsive sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table III when measured at or within the property boundary of the receiving land use.

TABLE III

Smooth, Continuous Sound	Receiving Land Use	Time	Sound source operates continuously	Sound source operates < 20% of any one- hour period	Sound source operates < 5% of any one- hour period	Sound source operates < 1% of any one- hour period
	Residential	8a.m. - 10p.m.	60 dBA	65 dBA	70 dBA	75 dBA
	Residential	10p.m - 8a.m.	50 dBA	55 dBA	60 dBA	65 dBA
	Commercial	all times	62 dBA	67 dBA	72 dBA	77 dBA
Impulsive or Periodic Sound	Residential	8a.m - 10p.m.	60 dBA	60 dBA	65 dBA	70 dBA
	Residential	10p.m- 8a.m.	50 dBA	50 dBA	55 dBA	60 dBA
	Commercial	all times	62d dBA	62 dBA	67 dBA	72 dBA

SEC. 7.10.007. SOUND LIMITS IN OTHER SITUATIONS.

A. Notwithstanding any other provision of this Article, certain activities, because of their nature, are subject to the following specific standards:

1. Loading and unloading of delivery trucks and opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall not be allowed outside a fully enclosed building between the hours of 10:00 p.m. and 6:00 a.m.
2. The erection (including excavation), demolition, alteration, or repair of any building shall not be allowed between sunset and sunrise, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official. Such permit may be granted for a period not to exceed three (3) days, and may be renewed for periods of three days or less while the emergency continues.
3. It shall be unlawful to sustain for more than thirty (30) seconds, in any enclosed place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, any sound in excess of 95 dBA.
4. It shall be unlawful for any person to operate or cause to be operated any type of aircraft over the City which produces noise levels exceeding 87 dBA at ground level.

SEC. 7.10.008. EXEMPTIONS FROM SOUND LEVEL RESTRICTIONS

A. The following uses and activities shall be exempt from sound level regulations contained elsewhere in this Article:

1. Properly functioning safety signals, warning devices, and emergency pressure relief valves;
2. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
3. Activities of a temporary duration for which a license or permit therefore has been granted by the City in accordance with Section 7.10.007.A.2;
4. Aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction used pursuant to and within duly adopted Federal air regulations;
5. Routine lawn care and maintenance in residential districts when gasoline-powered, lawn-care equipment such as lawn mowers, lawn and garden tractors, string-trimmers, and leaf blowers are operated between the hours of 8:00 am and 8:00 pm;
6. Snow-blowers in residential districts when used to remove accumulations of snow from hard-surfaced areas such as walks and drives;
7. Any activity conducted on property that is owned or controlled by a Local, County, State, or Federal government, when such activity has been authorized by such Local, County, State or Federal government.

SEC. 7.10.009. PERMIT FOR UNDUE HARDSHIP OR SPECIAL NEED

A. An application for a permit for relief from the sound levels designated in this Article, on the basis of undue hardship or special need, may be made to the City Manager or the City Manager's duly authorized representative. Any permit granted by the City Manager or the City Manager's representative shall contain all conditions on which said permit has been granted, including any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood and shall specify a reasonable time that the permit shall be effective. The City Manager, or the City Manager's representative, may grant the relief as applied for if it is found that:

1. The activity, operation, or source of the sound will be of temporary duration;
2. No other reasonable alternative is available to the applicant;
3. The applicant has furnished proof that notification was provided to the owners and/or occupants of all property within a reasonable distance from the source of the sound, and that the applicant has taken measures to alleviate any concerns of said owners and/or occupants.

SEC. 7.10.010. REGULATION OF EXISTING CONDITIONS

Any activity, operation, land use, or other source of sound that was existing at the time of the effective date of this Article and was in compliance with the provisions of the City Code prior to the adoption of this Article, may continue if discontinuance would constitute an unnecessary hardship, provided that in the event that such existing activity, operation, land use, or source of sound is discontinued, or otherwise stopped for a period of one (1) year or more, the same shall thereafter conform to the provisions of this Article. Provided, further, that said existing activity, operation, land use, or other source of sound shall not be enlarged, extended, reconstructed, or altered. When such activity, operation, use or source of sound is damaged by fire, explosion or other casualty, Act of God, or the public enemy, to the extent of more than fifty percent (50%) of its reasonable value, exclusive of foundations, it shall not be restored, rebuilt, or repaired unless it is made to conform to the provisions of this Article.

SEC. 7.10.011. PENALTY.

Any person violating any of the provisions of this Article shall upon conviction thereof be fined in an amount not exceeding Five Hundred Dollars (\$500), or be imprisoned in the City jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SEC. 7.10.012. MANNER OF ENFORCEMENT.

A. The Chief of Police, or the Chief's designate, shall be responsible for enforcement of Sections 7.10.003; 7.10.004; 7.10.005 and 7.10.007 of this Article.

B. The Director of Health, or the Director's designate, shall be responsible for enforcement of Section 7.10.006 of this Article.

C. When specific sound levels are specified by this Article, such sound levels shall be measured with a sound level meter in accordance with the directions provided by the manufacturer of the sound level meter.

SEC. 7.10.013. ADDITIONAL REMEDY - INJUNCTION.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of this Article which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SEC. 7.10.014 - 7.10.999 RESERVED.